

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2011

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the securities
2 department; and to amend and reenact subsection 5 of section 10-04-03 of the North Dakota
3 Century Code, relating to collection of fees, civil penalties, and other moneys collected under
4 the Securities Act.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from special funds derived from other income, to the
9 securities department for the purpose of defraying the expenses of the securities department,
10 for the biennium beginning July 1, 2019, and ending June 30, 2021, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
13 Salaries and wages	\$1,848,667	\$315,896	\$2,164,563
14 Operating expenses	506,047	23,514	529,561
15 Total all funds	\$2,354,714	\$339,410	\$2,694,124
16 Less estimated income	170,000	2,524,124	2,694,124
17 Total general fund	\$2,184,714	(\$2,184,714)	\$0
18 Full-time equivalent positions	9.00	1.00	10.00
19 <u>Salaries and wages</u>	<u>\$1,848,667</u>	<u>\$314,891</u>	<u>\$2,163,558</u>
20 <u>Operating expenses</u>	<u>506,047</u>	<u>87,514</u>	<u>593,561</u>
21 <u>Total all funds</u>	<u>\$2,354,714</u>	<u>\$402,405</u>	<u>\$2,757,119</u>
22 <u>Less estimated income</u>	<u>170,000</u>	<u>2,587,119</u>	<u>2,757,119</u>
23 <u>Total general fund</u>	<u>\$2,184,714</u>	<u>(\$2,184,714)</u>	<u>\$0</u>
24 <u>Full-time equivalent positions</u>	<u>9.00</u>	<u>1.00</u>	<u>10.00</u>

1 **SECTION 2. AMENDMENT.** Subsection 5 of section 10-04-03 of the North Dakota Century
2 Code is amended and reenacted as follows:

3 5. A special fund is established in the state treasury and designated as the securities
4 department special fund. All fees, civil penalties, or other moneys collected under this
5 chapter must be deposited in the ~~general fund of the state treasury~~securities
6 department special fund, except funds permitted to be deposited into the investor
7 education and technology fund under subsection 4 or civil penalties collected from
8 enforcement actions for the purpose of distribution to aggrieved investors, which may
9 be deposited in the investor restitution fund. Funds in the investor restitution fund are
10 appropriated to the securities commissioner on a continuing basis for distribution to
11 aggrieved investors.

12 a. The moneys deposited in the securities department special fund are reserved for
13 use by the securities department to defray the expenses of the department in the
14 discharge of administrative and regulatory powers and duties of the department
15 as prescribed by law. Deposits under this subdivision are subject to the
16 applicable laws relating to the appropriations of state funds and to the deposit
17 and expenditure of state moneys. The securities commissioner is responsible for
18 the proper expenditure of these moneys as provided by law.

19 b. The office of management and budget shall transfer any balance in the securities
20 department special fund in excess of the amounts necessary for department
21 expenditures pursuant to the department's biennial appropriation to the general
22 fund.