

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Wald

1 A BILL for an Act to create and enact section 26.1-21-24 of the North Dakota Century Code,
2 and to amend and reenact section 26.1-21-07, subsection 3 of section 26.1-01-07.1, and
3 sections 26.1-21-09 and 26.1-21-10 of the North Dakota Century Code, relating to the
4 insurance regulatory trust fund and insurance provided to state agencies and political
5 subdivisions under the state bonding fund.

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

7 **SECTION 1. AMENDMENT.** Subsection 3 of section 26.1-01-07.1 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 3. Except as otherwise provided by law, at after the end of each fiscal year has been
10 closed and all expenses relating to the fiscal year have been accounted for, the
11 state treasurer office of management and budget shall transfer, after all fiscal year
12 expenses have been paid, at the request of the commissioner any cash fund
13 balance remaining in the insurance regulatory trust fund that exceeds one million
14 dollars to the general fund.

15 **SECTION 2. AMENDMENT.** Section 26.1-21-07 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **26.1-21-07. Coverage.** The amount of coverage afforded to each state agency or
18 political subdivision must be determined by the commissioner based upon the amount of money
19 or property handled and the opportunity for defalcation. The coverage may be greater than but
20 not less than the amount required by law or determined under law for a position. The coverage
21 for a state legislative or judicial branch agency, however, may be determined by the legislative
22 council or supreme court, respectively. Notwithstanding any other law, the commissioner may
23 issue bonds in such amounts as the commissioner shall deem necessary to carry out the
24 purposes of the fund and in determining the amount of coverage to be offered to commissioner

1 may consider the reserves necessary to pay the bonds and for all other necessary costs or
2 expenses to carry out the purposes of the fund.

3 **SECTION 3. AMENDMENT.** Section 26.1-21-09 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **26.1-21-09. Premiums - Amount to whom paid - Minimum.** The commissioner shall
6 determine the premium for a blanket bond. Each state agency and political subdivision shall
7 pay the premium in advance to the ~~state treasurer who shall keep~~ fund and the premiums
8 collected shall be kept in the fund. ~~The state treasurer shall issue receipts in triplicate. The~~
9 ~~treasurer shall file one of these receipts in the treasurer's office, shall mail one to the official~~
10 ~~making the payment, and shall mail one to the commissioner.~~ The minimum premium for each
11 bond must be two dollars and fifty cents per public employee per year. Payments must be
12 made for one year or for a longer term as prescribed by the commissioner. The premiums
13 referred to in this section must be waived until the reserve fund of the state bonding fund has
14 been depleted below the sum of two million dollars. The collection of premiums must be
15 resumed on the bonds, at the rates provided under this section, whenever the reserve fund is
16 depleted below the sum of two million dollars. The premiums must continue to be collected
17 until the reserve fund reaches a total of three million dollars, at which time all premiums must
18 again be waived until the reserve fund has been depleted below the sum of two million dollars.

19 **SECTION 4. AMENDMENT.** Section 26.1-21-10 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **26.1-21-10. Automatic insurance of state and political subdivisions.**

- 22 1. Each state agency and each political subdivision shall apply to be bonded in the
23 fund no less of than on a biennial basis or ~~if~~ when a change in coverage is
24 requested whichever occurs first. Unless an application is denied within sixty days
25 from the date it is received by the commissioner, the application will be deemed
26 approved and bond coverage in force. If a bond is in the discretion of the state
27 agency or political subdivision and a bond is not requested, the state agency or
28 political subdivision is exempt from this section.
- 29 2. The application must include a requested amount of bond coverage based on the
30 amount of money and property handled and the opportunity for defalcation and any
31 other condition imposed by law and list twenty-five percent of the money in control

1 of the public officials or employees for which the bond is requested for the
2 preceding year based on the total monthly balances. In addition, the application
3 must include any information requested by the commissioner to determine the
4 amount of money and property handled and the opportunity for defalcation,
5 including the procedure used to determine the amount of bond requested,
6 revenues for the last budget period by type, expenditures for the last budget period
7 by type, the number of people that handle money, any portion of the last audit, and
8 any financial procedures.

9 **SECTION 5.** Section 26.1-21-24 of the North Dakota Century Code is created and
10 enacted as follows:

11 **26.1-21-24. State agency or political subdivision may purchase bond in addition**
12 **to fund bond.** Nothing in this chapter prevents a state agency or political subdivision from
13 purchasing a bond issued by a duly authorized surety company in addition to the bond provided
14 by the fund. A state agency or political subdivision that purchases an additional bond must file
15 evidence of the bond with the commissioner.