

Sixty-first  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO.**

Introduced by

Representative Berg

1 A BILL for an Act to amend and reenact section 65-04-02 of the North Dakota Century Code,  
2 relating to workforce safety and insurance reserves.

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

4 **SECTION 1. AMENDMENT.** Section 65-04-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **65-04-02. Reserves - Surplus.**

- 7 1. The organization shall maintain adequate financial reserves to ensure the solvency  
8 of the fund and the payment of future benefit obligations, based upon actuarially  
9 sound principles. The discount rate used in evaluating the financial reserves may  
10 not exceed six percent. The level of financial reserves plus available earned  
11 surplus must be at least one hundred twenty percent but may not exceed one  
12 hundred forty percent of the actuarially established discounted reserve. The  
13 independent annual financial audit of the organization must report the  
14 organization's financial reserves.
- 15 2. For the purposes of this section, "available earned surplus" means earned surplus  
16 funds derived from realized net profits, but does not include unrealized capital  
17 gains, reevaluation of assets, prepaid assets, and funds allocated or obligated to  
18 specific programs or projects.
- 19 3. An allocation of funds by the board to a program that has received approval by the  
20 Legislative Assembly must be considered a program obligation under this section.