

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1121

Introduced by

Judiciary Committee

(At the request of the Insurance Commissioner)

1 A BILL for an Act to create and enact subsection 3 to section 26.1-03-11.1 of the North Dakota
2 Century Code, relating to the confidentiality of actuarial opinion support documents.

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

4 **SECTION 1.** Subsection 3 to section 26.1-03-11.1 of the North Dakota Century Code is
5 created and enacted as follows:

6 3. a. Documents, materials, or other information in the possession or control of the
7 commissioner which are considered by the commissioner to be an actuarial
8 report, workpapers, or actuarial opinion summary provided in support of the
9 actuarial certification commonly known as the statement of actuarial opinion, and
10 any other material provided by the insurance company to the commissioner in
11 connection with the actuarial report, workpapers, or actuarial opinion summary, is
12 confidential and privileged, is not subject to section 44-04-18, is not subject to
13 subpoena, and is not subject to discovery or admissible in evidence in any
14 private civil action.

15 b. This subsection may not be construed to limit the commissioner's authority to
16 release the documents to the actuarial board for counseling and discipline so
17 long as the material is required for the purpose of professional disciplinary
18 proceedings and the actuarial board for counseling and discipline establishes
19 procedures satisfactory to the commissioner for preserving the confidentiality of
20 the documents. This section may not be construed to limit the commissioner's
21 authority to use the documents, materials, or other information in furtherance of
22 any regulatory or legal action brought as part of the commissioner's official
23 duties.

- 1 c. This subsection does not apply to actuarial opinions required under
- 2 chapter 26.1-35.