

**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; and is not subject to section 44-04-18, ~~is not subject~~  
13 ~~to subpoena, and is not subject to discovery or admissible in evidence in any~~  
14 ~~private civil action. This subsection may not be construed to limit the authority to~~  
15 ~~subpoena or otherwise discover the documents, materials, or other information or~~  
16 ~~to limit use of the documents, materials, or other information in criminal~~  
17 ~~investigations or proceedings.~~

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

- 1                    any regulatory or legal action brought as part of the commissioner's official  
2                    duties.  
3                    c. This subsection does not apply to actuarial opinions required under  
4                    chapter 26.1-35.