

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED 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 an actuarial report, workpapers, or actuarial opinion
8 summary provided in support of the actuarial certification commonly known as
9 the statement of actuarial opinion, and any other material provided by the
10 insurance company to the commissioner in connection with the actuarial report,
11 workpapers, or actuarial opinion summary, is confidential and privileged and is
12 not subject to section 44-04-18. This subsection may not be construed to limit the
13 authority to subpoena or otherwise discover the documents, materials, or other
14 information or to limit use of the documents, materials, or other information in
15 criminal investigations or proceedings.

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

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