

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the insurance
 2 commissioner; to amend and reenact ~~sections~~ sections 26.1-01-09, 26.1-23.1-02, and
 3 26.1-23.1-06 of the North Dakota Century Code, relating to the salary of the insurance
 4 commissioner; ~~and to provide a transfer~~ and government self-insurance pools.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
 7 as may be necessary, are appropriated from special funds derived from federal funds and other
 8 income, to the insurance commissioner for the purpose of defraying the expenses of the
 9 insurance commissioner, for the biennium beginning July 1, 2023, and ending June 30, 2025,
 10 as follows:

	Base Level	Adjustments or Enhancements	Appropriation
13 Salaries and wages	\$8,076,281	\$3,376,478	\$11,452,759
14 Operating expenses	1,507,359	1,396,627	2,903,986
15 Capital assets	0	75,000	75,000
16 Grants	0	2,400,000	2,400,000
17 Total special funds	\$9,583,640	\$7,248,105	\$16,831,745
18 Full-time equivalent positions	38.00	11.00	49.00
19 <u>Salaries and wages</u>	<u>\$8,076,281</u>	<u>\$2,591,891</u>	<u>\$10,668,172</u>
20 <u>Operating expenses</u>	<u>1,507,359</u>	<u>1,130,308</u>	<u>2,637,667</u>
21 <u>Capital assets</u>	<u>0</u>	<u>147,540</u>	<u>147,540</u>
22 <u>Grants</u>	<u>0</u>	<u>2,400,000</u>	<u>2,400,000</u>
23 <u>Total special funds</u>	<u>\$9,583,640</u>	<u>\$6,269,739</u>	<u>\$15,853,379</u>
24 <u>Full-time equivalent positions</u>	<u>38.00</u>	<u>9.00</u>	<u>47.00</u>

1 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE**
2 **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
3 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the
4 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act:

5	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
6	Office remodel	\$100,000	\$75,000
7	<u>State fire marshal equipment</u>	<u>0</u>	<u>72,540</u>
8	State flexibility to stabilize the market grant	662,000	0
9	Coal and fossil fuel industry insurance study	200,000	0
10	Reinsurance pool study	200,000	0
11	Retirement leave payouts	0	<u>98,300</u>
12	Total special funds	\$1,162,000	\$173,300
13	<u>Total special funds</u>	<u>\$1,162,000</u>	<u>\$245,840</u>

14 The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget
15 for the 2025-27 biennium. The insurance commissioner shall report to the appropriations
16 committees of the sixty-ninth legislative assembly on the use of this one-time funding for the
17 biennium beginning July 1, 2023, and ending June 30, 2025.

18 **SECTION 3. ADDITIONAL INCOME - APPROPRIATION - REPORTING.** In addition to the
19 amounts appropriated in section 1 of this Act, any federal funds that become available are
20 appropriated to the insurance commissioner for the biennium beginning July 1, 2023, and
21 ending June 30, 2025. The insurance commissioner shall report any additional federal funds
22 under this section to the office of management and budget and the legislative council.

23 **SECTION 4. AMENDMENT.** Section 26.1-01-09 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **26.1-01-09. Salary of commissioner.**

26 The annual salary of the commissioner is one hundred ~~twelvethirty~~ thousand ~~two hundred~~
27 ~~forty-one~~ dollars through June 30, ~~2022~~2024, and one hundred ~~fourteen~~thirty-five thousand
28 ~~four~~two hundred ~~eighty-six~~ dollars thereafter.

29 ~~**SECTION 5. TRANSFER - UNSATISFIED JUDGMENT FUND.** The office of management~~
30 ~~and budget shall transfer any remaining balance from the unsatisfied judgment fund to the~~
31 ~~insurance regulatory trust fund on August 1, 2023.~~

1 ~~SECTION 6. CONTINGENT EFFECTIVE DATE. Section 5 of this Act is contingent on the~~
2 ~~passage of Senate Bill No. 2295 by the sixty-eighth legislative assembly. If this section takes~~
3 ~~effect, it becomes effective August 1, 2023.~~

4 **SECTION 5. AMENDMENT.** Section 26.1-23.1-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **26.1-23.1-02. Government self-insurance pools not insurers.**

7 Any government self-insurance pool organized under chapter 32-12.1 is not an insurance
8 company or insurer. The coverages provided by ~~such~~the pools and the administration of
9 ~~such~~the pools do not constitute the transaction of insurance business. Participation in a
10 government self-insurance pool under this chapter does not constitute a waiver of any existing
11 immunities otherwise provided by the constitution or laws of this state. In all respects not
12 specifically provided for under this chapter, a government self-insurance pool is subject to
13 chapters 26.1-01, 26.1-02, 26.1-04, 26.1-25, and 26.1-26 with the exception of sections
14 26.1-26-06, 26.1-26-07, and 26.1-26-13.1 relating to insurance companies generally.

15 **SECTION 6. AMENDMENT.** Section 26.1-23.1-06 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **26.1-23.1-06. Pool reserve records confidential - Open records.**

18 1. Information regarding that portion of the funds or liability reserves of a government
19 self-insured ~~government~~ pool established for purposes of satisfying a specific claim or
20 cause of action is confidential. A person is not entitled to discover that portion of the
21 funds or liability reserves established for purposes of satisfying a claim or cause of
22 action, except that the reserve is discoverable in any supplementary or ancillary
23 proceeding to enforce a judgment against the pool or a governmental entity
24 participating in the pool.

25 2. Unless otherwise provided by law, a government self-insurance pool record, as
26 defined under section 44-04-17.1, is subject to chapter 44-04.