

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2010**

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 26.1-01-09, 26.1-23.1-02, and 26.1-23.1-06 of
3 the North Dakota Century Code, relating to the salary of the insurance commissioner and
4 government self-insurance pools; and to provide for a legislative management report.

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:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
11			
12			
13	Salaries and wages	\$8,076,281	\$2,578,635
14	Operating expenses	1,507,359	938,278
15	Capital assets	0	147,540
16	Grants	<u>0</u>	<u>2,400,000</u>
17	Total special funds	\$9,583,640	\$6,064,453
18	Full-time equivalent positions	38.00	8.00
			46.00

19 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE**
20 **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
21 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the
22 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
23			
24	Office remodel	\$100,000	\$75,000

Sixty-eighth
Legislative Assembly

1	State fire marshal equipment	0	72,540
2	State flexibility to stabilize the market grant	662,000	0
3	Coal and fossil fuel industry insurance study	200,000	0
4	Reinsurance pool study	200,000	0
5	Retirement leave payouts	<u>0</u>	<u>98,300</u>
6	Total special funds	\$1,162,000	\$245,840

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

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

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

18 **26.1-01-09. Salary of commissioner.**

19 The annual salary of the commissioner is one hundred ~~twelve~~thirty thousand ~~two hundred~~
20 ~~forty-one~~ dollars through June 30, ~~2022~~2024, and one hundred ~~fourteen~~thirty-five thousand
21 ~~four~~two hundred ~~eighty-six~~ dollars thereafter.

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

24 **26.1-23.1-02. Government self-insurance pools not insurers.**

25 Any government self-insurance pool organized under chapter 32-12.1 is not an insurance
26 company or insurer. The coverages provided by ~~such~~the pools and the administration of
27 ~~such~~the pools do not constitute the transaction of insurance business. Participation in a
28 government self-insurance pool under this chapter does not constitute a waiver of any existing
29 immunities otherwise provided by the constitution or laws of this state. In all respects not
30 specifically provided for under this chapter, a government self-insurance pool is subject to

1 chapters 26.1-01, 26.1-02, 26.1-04, 26.1-25, and 26.1-26 relating to insurance companies
2 generally.

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

5 **26.1-23.1-06. Pool reserve records confidential - Open records.**

- 6 1. Information regarding that portion of the funds or liability reserves of a government
7 self-insured ~~government~~ pool established for purposes of satisfying a specific claim or
8 cause of action is confidential. A person is not entitled to discover that portion of the
9 funds or liability reserves established for purposes of satisfying a claim or cause of
10 action, except that the reserve is discoverable in any supplementary or ancillary
11 proceeding to enforce a judgment against the pool or a governmental entity
12 participating in the pool.
- 13 2. Unless otherwise provided by law, a government self-insurance pool record, as
14 defined under section 44-04-17.1, is subject to chapter 44-04.