

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1086

Introduced by

Industry, Business and Labor Committee

(At the request of the Insurance Commissioner)

A BILL ~~for an Act to amend and reenact subsection 6 of section 18-13-03 of the North Dakota Century Code, relating to the use of the reduced cigarette ignition propensity and firefighter protection act enforcement fund~~ for an Act to amend and reenact sections 18-13-03 and 26.1-01-07.1 of the North Dakota Century Code, relating to the use of the reduced cigarette ignition propensity and the insurance regulatory trust fund; and to repeal section 18-13-08 of the North Dakota Century Code, relating to the fire prevention and public safety fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

~~SECTION 1. AMENDMENT. Subsection 6 of section 18-13-03 of the North Dakota Century Code is amended and reenacted as follows:~~

~~6. There is established in the state treasury a special fund to be known as the Reduced Cigarette Ignition Propensity and Firefighter Protection Act reduced cigarette ignition propensity and firefighter protection act enforcement fund. The fund must consist of all certification fees submitted by manufacturers, and, in addition to any other moneys made available, be available pursuant to legislative appropriation, to defray the expenses associated with the administration of the state fire marshal solely to support processing, testing, enforcement, and oversight activities under this chapter department.~~

SECTION 1. AMENDMENT. Section 18-13-03 of the North Dakota Century Code is amended and reenacted as follows:

18-13-03. Certification and product change. (Contingent expiration date - [See note](#))

1. Each manufacturer shall submit to the state fire marshal a written certification attesting that each cigarette listed in the certification has been tested in accordance with section 18-13-02 and each cigarette listed in the certification meets the performance standard set forth in subdivision c of subsection 1 of section 18-13-02.
2. Each cigarette listed in the certification must be described with the following information:
 - a. Brand or trade name on the package;
 - b. Style, such as light or ultra light;
 - c. Length in millimeters;
 - d. Circumference in millimeters;
 - e. Flavor, such as menthol or chocolate, if applicable;
 - f. Filter or nonfilter;
 - g. Package description, such as soft pack or box;
 - h. Marking approved in accordance with section 18-13-04;
 - i. The name, address, and telephone number of the laboratory, if different than the manufacturer that conducted the test; and
 - j. The date that the testing occurred.
3. The certifications must be made available to the insurance commissioner for purposes consistent with this chapter and the state tax commissioner for the purposes of ensuring compliance with this section.
4. Each cigarette certified under this section must be recertified every three years.
5. ~~For each cigarette listed in the certification or recertification, a manufacturer shall pay to the state fire marshal an initial fee of two hundred fifty dollars.~~ The state fire marshal ~~may adjust this~~ shall establish an annual fee ~~annually to ensure the fee defrays~~ defray the actual costs of the processing, testing, enforcement, and oversight activities required by this chapter. All fees collected must be deposited in the insurance regulatory trust fund.
6. ~~There is established in the state treasury a special fund to be known as the Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund. The fund must consist of all certification fees submitted by manufacturers, and, in addition to~~

~~any other moneys made available, be available pursuant to legislative appropriation, to the state fire marshal solely to support processing, testing, enforcement, and oversight activities under this chapter.~~

~~7.~~ If a manufacturer has certified a cigarette under this section and makes any change to the cigarette which is likely to alter its compliance with the reduced cigarette ignition propensity standards required by this chapter, that cigarette may not be sold or offered for sale in this state until the manufacturer retests the cigarette in accordance with the testing standards set forth in section 18-13-02 and maintains records of that retesting as required by section 18-13-02. Any altered cigarette that does not meet the performance standards set forth in section 18-13-02 may not be sold in this state.

SECTION 2. AMENDMENT. Section 26.1-01-07.1 of the North Dakota Century Code is amended and reenacted as follows:

26.1-01-07.1. Insurance regulatory trust fund established.

1. There is hereby created a trust fund designated "insurance regulatory trust fund". The following amounts must be deposited in the insurance regulatory trust fund:
 - a. All sums received under section 18-13-03.
 - b. All sums received under section 26.1-01-07.
 - ~~b-c.~~ All sums received under section 26.1-01-07.2 from the insurance regulatory trust fund investments.
 - ~~e-d.~~ All retaliatory fees imposed upon persons by the insurance department as authorized by law.
 - ~~d-e.~~ All administrative penalties, fines, and fees collected by the commissioner from any person subject to this title.
 - ~~e-f.~~ Any other amounts provided by legislative appropriation.
2. The moneys so received and deposited in the insurance regulatory trust fund are reserved for use by the insurance department to defray the expenses of the department in the discharge of its administrative and regulatory powers and duties as prescribed by law subject to the applicable laws relating to the appropriations of state funds and to the deposit and expenditure of state moneys. The insurance department is responsible for the proper expenditure of these moneys as provided by law.

- 1 3. Except as otherwise provided by law, after the fiscal year has been closed and all
- 2 expenses relating to the fiscal year have been accounted for, the office of
- 3 management and budget shall transfer any fund balance remaining in the insurance
- 4 regulatory trust fund that exceeds one million dollars to the general fund.

5 **SECTION 3. REPEAL.** Section 18-13-08 of the North Dakota Century Code is repealed.