Sixty-eighth Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 3, 2023

SENATE BILL NO. 2010 (Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the insurance commissioner; to amend and reenact sections 26.1-01-09, 26.1-23.1-02, and 26.1-23.1-06 of the North Dakota Century Code, relating to the salary of the insurance commissioner and government self-insurance pools.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

		Adjustments or	
	Base Level	<u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$8,076,281	\$2,591,891	\$10,668,172
Operating expenses	1,507,359	1,130,308	2,637,667
Capital assets	0	147,540	147,540
Grants	<u>0</u>	<u>2,400,000</u>	<u>2,400,000</u>
Total special funds	\$9,583,640	\$6,269,739	\$15,853,379
Full-time equivalent positions	38.00	9.00	47.00

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

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

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

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

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

26.1-01-09. Salary of commissioner.

The annual salary of the commissioner is one hundred twelvethirty thousand two hundred forty-one dollars through June 30, 20222024, and one hundred fourteenthirty-five thousand fourtwo hundred eighty-six dollars thereafter.

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

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

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

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

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

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

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	Preside	President of the Senate		Speaker of the House	
	Secreta	ary of the Senate		Chief Clerk of the Ho	use
			ne Senate of the t body as Senate I	Sixty-eighth Legislati Bill No. 2010.	ve Assembly of
Senate Vote:	Yeas 46	Nays 1	Absent 0		
House Vote:	Yeas 82	Nays 9	Absent 3		
				Secretary of the Sena	ate
Received by the Governor atM. on					, 2023.
Approved at _	M. on _				, 2023.
				Governor	
Filed in this off	ice this	day of			, 2023,
at o	'clock	_M.			
				Secretary of State	