

N.D. Cent. Code § 10-15-41. Merger and consolidation: North Dakota Cooperative Association Act

If otherwise lawful, any two or more associations may merge or consolidate under this chapter or under the law of the state where the surviving or new association will exist. Before a cooperative may merge or consolidate with any other association, a written plan of merger or consolidation shall be prepared by the board or by a committee selected by the board or the members for that purpose. Such plan shall set forth all the terms of the merger or consolidation and the proposed effect thereof on all members and stockholders of the cooperative. In case of consolidation, the plan shall also contain the articles of the new association. The members shall approve the plan in the manner provided in section 10-15-37 for amendments to the articles.

N.D. Cent. Code § 10-15-42. Articles of merger or consolidation – Effect: North Dakota Cooperative Association Act

Articles of merger or consolidation shall set forth the approved plan and such other information as is required by section 10-15-38. They shall be signed by two principal officers of each association merging or consolidating, sealed with the seal of each such association, and filed as an amendment to the articles. Unless otherwise specified in the plan, the merger or consolidation is effective when the articles are so filed.

N.D. Cent. Code § 10-15-59. Associations not

in restraint of trade: North Dakota Cooperative Association Act

No association organized under this chapter shall be deemed to be a combination in restraint of trade or an illegal monopoly, or an attempt to lessen competition or fix prices arbitrarily. The marketing contracts or agreements between any such association and its members, or any agreements authorized in this chapter, shall not be considered illegal nor in restraint of trade.

N.D. Cent. Code §§ 51-10-01 through 51-10-08: Unfair Trade Practices Law

Provides requirements of the Unfair Trade Practices Law.

N.D. Cent. Code § 26.1-10-01. Definitions: Insurance Holding Company Systems

Definitions related to Insurance Holding Company Systems in ND

N.D. Cent. Code § 26.1-10-03. Acquisition of control of or merger with domestic insurer — Penalties: Insurance Holding Company

Systems

State requirements related to mergers of insurers in ND

N.D. Cent. Code § 26.1-10-03.1. Acquisitions involving insurers not otherwise covered: Insurance Holding Company Systems

Discusses who is exempt from the laws related to mergers of insurers in ND. Defines markets, etc.

N.D. Cent. Code § 26.1-10-05. Standards and management of an insurer with an insurance holding company system: Insurance Holding Company Systems

Transactions within an insurance holding company system to which an insurer subject to registration is a party are subject to the following standards:

- a. The terms must be fair and reasonable.
- b. Agreements for cost-sharing services and management must include provisions as required by rules adopted by the commissioner.
- c. The books, accounts, and records of each party must clearly and accurately disclose the precise nature and details of the transactions, including that accounting information that is necessary to support the reasonableness of the charges or fees to the respective parties.
- d. The insurer's surplus as regards to policyholders following any dividends or distributions to shareholder affiliates must be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.
- e. Charges or fees for services performed must be reasonable.

f. Expenses incurred and payment received must be allocated to the insurer in conformity with statutory accounting practices consistently applied.

N.D. Cent. Code §§ 26.1-02.1-01 through 26.1-02.1-11: Insurance Fraud

Prohibits fraudulent insurance act, which includes false or misleading information related to acquisitions and mergers.

N.D. Cent. Code § 50-24.1-32. Medical assistance — Services provided by physician assistants and advanced registered nurse practitioners: Medical Assistance for Needy Persons

The medical assistance program must recognize physician assistants and advanced registered nurse practitioners as primary care providers with the same rights and responsibilities given primary care physicians under the medical assistance program. Any care provided by the physician assistant or advanced registered nurse practitioner as a primary care provider under the medical assistance program must be within the scope of the physician assistant's or advanced registered nurse practitioner's respective license.