

N.D.A.G. Letter to Macdonald (April 29, 1987)

April 29, 1987

General Alexander P. Macdonald
President
Prairie Rose State Games
1424 West Century Avenue, Suite 202
Bismarck, ND 58501

Dear General Macdonald:

Thank you for your recent letter dated April 1, 1987, regarding insurance coverage for the Prairie Rose State Games Program. You requested this office to express an opinion regarding whether the North Dakota Insurance Reserve Fund might be able to provide this insurance coverage.

The North Dakota Insurance Reserve Fund is a private entity which provides an insurance pool for the participation of state agencies and political subdivisions. The North Dakota Insurance Reserve Fund provides coverage only to political subdivisions and state agencies for those activities which they are authorized to undertake and have an active role in supervising.

As I understand it, the Prairie Rose State Games Program will be administered by the State Department of Parks and Recreation. N.D.C.C. § 55-08-01 generally gives that department the authority to encourage the development of recreational activities. N.D.C.C. § 55-08-03.1 gives the director of that department the authority to undertake the development and implementation of recreation policies for the state. The 1987 Legislature specifically appropriated money to the Department of Parks and Recreation for the operation of the Prairie Rose State Games. S. 2028, 50th Leg., (1987)

Therefore, it appears clear that the department has the legal authority to run the Prairie Rose State Games Program. Based on that conclusion, it is my opinion that the State Parks and Recreation Department may purchase insurance coverage for the Prairie Rose State Games Program from the North Dakota Insurance Reserve Fund. Furthermore, I am not aware of any reason why the North Dakota Insurance Reserve Fund could not accept an application from that department to insure the activities supervised by the department in conjunction with the Prairie Rose State Games Program.

Thank you for contacting my office regarding this matter.

Sincerely,

Nicholas J. Spaeth

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cc: Tim Mueller, Parks and Recreation Department