

Fifty-ninth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1084

Introduced by

Industry, Business and Labor Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact subsection 6 of section 32-12.2-01 and subsection 2 of  
2 section 32-12.2-04 of the North Dakota Century Code, relating to the definition of scope of  
3 employment for purposes and payment of claims against the state.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 6 of section 32-12.2-01 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 6. "Scope of employment" means the state employee was acting on behalf of the  
8 state in the performance of duties or tasks of the employee's office or employment  
9 lawfully assigned to the employee by competent authority or law. ~~Actions of a~~  
10 ~~state employee that constitute reckless or grossly negligent conduct, malfeasance,~~  
11 ~~or willful or wanton misconduct are not within the scope of the employee's~~  
12 ~~employment for purposes of this chapter.~~

13 **SECTION 2. AMENDMENT.** Subsection 2 of section 32-12.2-04 of the North Dakota  
14 Century Code is amended and reenacted as follows:

15 2. After receipt of notice of a claim, the director of the office of management and  
16 budget shall, in a timely manner, notify the head of the state entity involved, the  
17 attorney general, and any insurer or self-insurance pool providing coverage for that  
18 state entity. For claims over ~~five~~ ten thousand dollars, the director, in consultation  
19 with the head of the state entity involved and the attorney general, may settle  
20 claims covered by the state risk management fund if the claim is made in writing  
21 and settlement is approved ~~and signed~~ by the attorney general. The director of the  
22 office of management and budget may independently settle any claim covered by  
23 the state risk management fund if the claim is made in writing and the settlement is  
24 for not more than ~~five~~ ten thousand dollars.