

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2250

Introduced by

Senators Trenbeath, Traynor, Triplett

Representatives Berg, Carlson, Kretschmar

1 A BILL for an Act to authorize agencies to limit the liability to the state of certain contracting
2 parties and to permit ratification of certain existing agreements limiting liability to the state; and
3 to declare an emergency.

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

5 **SECTION 1. Contracts limiting liability to the state - Assumption of certain**
6 **excess liability by the risk management fund.** Notwithstanding any provision in chapter
7 32-12.2 to the contrary, if the attorney general and the director of the office of management and
8 budget determine it is in the best interest of the state, an agency may agree to limit the liability
9 of a contractor to the state. The liability limitation must be approved by the attorney general
10 and director of the office of management and budget in writing and may only be approved for
11 contracts for the purchase or lease of software, communication, or electronic equipment. For
12 any uninsured losses, the director of the office of management and budget may approve the
13 risk management fund to assume all or part of the contractor's liability to the state in excess of
14 the limitation.

15 **SECTION 2. Ratifying contracts limiting liability to the state.** Any employee or
16 official of an agency who entered into a contract prior to the effective date of this Act requiring
17 the agency to limit the liability of the contracting party will be deemed to be acting within the
18 scope of the employee's or official's employment provided the contract is approved or ratified
19 by the attorney general and the director of the office of management and budget and otherwise
20 meets the conditions contained in section 1 of this Act.

21 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.