

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1153

Page 1, line 1, replace "two" with "three"

Page 1, line 3, remove the first "and" and after "committees" insert ", and contracts between the state and political subdivisions"

Page 3, line 13, after "liable" insert "under this chapter"

Page 3, line 22, remove "plan or"

Page 3, line 23, after "device" insert "but do not include the drafting of plans and specifications that are provided to a contractor to construct a public project"

Page 4, line 6, after "owned" insert "or leased"

Page 4, line 31, overstrike "18" and insert immediately thereafter "22"

Page 5, line 26, after "demand" insert "and if the employee has given written notice of the claim or demand to the head of the state entity that employs the state employee and to the attorney general within ten days after being served with a summons, complaint, or other legal pleading asserting that claim or demand against the state employee"

Page 6, line 3, replace "notified" with "served with a summons, complaint, or other legal pleading asserting a cause of action against the state employee arising out"

Page 6, line 4, replace "any" with "a"

Page 6, after line 16, insert:

- "7. For any claim brought under this chapter, a state employee may choose to hire the employee's own separate defense counsel to represent the state employee in the litigation. If the state employee chooses to hire separate defense counsel, subsections 4 and 6 do not apply to the state employee in that litigation and the state will not indemnify, save harmless, or defend the state employee nor pay for the state employee's defense or any judgment against the state employee."

Page 7, line 4, overstrike "other"

Page 7, after line 20, insert:

- "5. A person bringing a legal action against the state or a state employee for a claim shall deliver a copy of the summons, complaint, or other legal

pleading in which the claim is first asserted in the action to the director of the office of management and budget at the time the summons, complaint, or other legal pleading is served in the action. This provision is in addition to any applicable rule of civil procedure."

Page 9, line 18, replace "Records" with "Incident reports, investigation reports, or other risk management fund records"

Page 9, line 19, replace ", including an incident report, investigative report, or other" with an underscored period

Page 9, remove line 20

Page 9, line 30, after "The" insert "portions of the"

Page 9, line 31, after "committee" insert "dealing with confidential records"

Page 10, after line 11, insert:

**"SECTION 10.** A new section to chapter 32-12.2 of the North Dakota Century Code is created and enacted as follows:

**Contract between the state and a political subdivision.** A contract between the state and a political subdivision may not contain any provision that shifts one entity's risk of liability and associated costs to the other."

Renumber accordingly