Fifty-ninth Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 4, 2005

HOUSE BILL NO. 1084 (Industry, Business and Labor Committee) (At the request of the Office of Management and Budget)

AN ACT to amend and reenact subsection 6 of section 32-12.2-01 and subsection 2 of section 32-12.2-04 of the North Dakota Century Code, relating to the definition of scope of employment for purposes and payment of claims against the state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

2. After receipt of notice of a claim, the director of the office of management and budget shall, in a timely manner, notify the head of the state entity involved, the attorney general, and any insurer or self-insurance pool providing coverage for that state entity. For claims over five ten thousand dollars, the director, in consultation with the head of the state entity involved and the attorney general, may settle claims covered by the state risk management fund if the claim is made in writing and settlement is approved and signed by the attorney general. The director of the office of management and budget may independently settle any claim covered by the state risk management fund if the claim is more than five ten thousand dollars.

Speaker of the House President of the Senate Secretary of the Senate Chief Clerk of the House This certifies that the within bill originated in the House of Representatives of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1084. House Vote: Yeas 92 Nays 0 Absent 2 Nays 2 Senate Vote: Yeas 45 0 Absent Chief Clerk of the House Received by the Governor at ______ M. on ______, 2005. Approved at ______, 2005. Governor Filed in this office this ______ day of ______, 2005, at _____ o'clock _____ M.

Secretary of State