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

SENATE BILL NO. 2250 (Senators Trenbeath, Traynor, Triplett) (Representatives Berg, Carlson, Kretschmar)

AN ACT to authorize agencies to limit the liability to the state of certain contracting parties and to permit ratification of certain existing agreements limiting liability to the state; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

	President of the Senate Secretary of the Senate			Speaker of the House Chief Clerk of the House			
Dakota a	nd is known	on the recor		y as Sena	ne Fifty-ninth Legi te Bill No. 2250		
/ote:	Yeas	33	Nays	14	Absent	0	
	President of the Senate			Secretary of the Senate			
This certisaid law.	fies that two	o-thirds of the	e members-ele	ct of the H	louse of Represe	entatives	voted in favo
/ote:	Yeas	88	Nays	0	Absent	6	
	Speaker of the House			Ch	Chief Clerk of the House		
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pproved at M. on						, 2005.	
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iled in this office this			day of				, 2005,
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				Se	ecretary of State		