

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.

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

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

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