

HOUSE BILL NO. 1057

Introduced by

Political Subdivisions Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact subsection 2 of section 32-12.1-03 and subsection 2 of
2 section 32-12.2-02 of the North Dakota Century Code, relating to the statutory caps for liability
3 of political subdivisions and the state; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 32-12.1-03 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 2. The liability of political subdivisions under this chapter is limited to a total of ~~two~~three
8 hundred ~~fifty~~seventy-five thousand dollars per person and one million five hundred
9 thousand dollars for any number of claims arising from any single occurrence
10 regardless of the number of political subdivisions, or employees of such political
11 subdivisions, which are involved in that occurrence. A political subdivision may not be
12 held liable, or be ordered to indemnify an employee held liable, for punitive or
13 exemplary damages.

14 **SECTION 2. AMENDMENT.** Subsection 2 of section 32-12.2-02 of the North Dakota
15 Century Code is amended and reenacted as follows:

16 2. The liability of the state under this chapter is limited to a total of ~~two~~three hundred
17 ~~fifty~~seventy-five thousand dollars per person and one million five hundred thousand
18 dollars for any number of claims arising from any single occurrence. The state may not
19 be held liable, or be ordered to indemnify a state employee held liable, for punitive or
20 exemplary damages. Any amount of a judgment against the state in excess of the one
21 million five hundred thousand dollar limit imposed under this subsection may be paid
22 only if the legislative assembly adopts an appropriation authorizing payment of all or a
23 portion of that amount. A claimant may present proof of the judgment to the director of
24 the office of management and budget who shall include within the proposed budget for

1 the office of management and budget a request for payment for the portion of the
2 judgment in excess of the limit under this section at the next regular session of the
3 legislative assembly after the judgment is rendered.

4 **SECTION 3. EFFECTIVE DATE.** This Act becomes effective July 1, 2022.