

2021 SENATE JUDICIARY

SB 2055

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2055
1/6/2021

A BILL for an Act to amend and reenact section 27-08.1-02 of the North Dakota Century Code, relating to commencement of a small claims action.
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Chairwoman Larson called the hearing to order at 9:30am.

All senators were present: Larson, Dwyer, Bakke, Fors, Heitkamp, Luick, Myrdal

Discussion Topics:

- Certified Mail
- Small claims
- Default judgments
- Notifying people being sued

Sarah Behrens testified in favor #62 (9:30am).

Senator Dwyer motions DO PASS on SB 2055 (9:35am)

Senator Myrdal seconds DO PASS on SB 2055 (9:35am)

Roll Call Vote:

Motion passed 6-1-0

Senator Bakke will carry

Senators	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	N
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Chairwoman Larson adjourned the meeting at 9:37am

Jamal Omar, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2055: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2055 was placed on the Eleventh order on the calendar.

Senate Bill 2055
Senate Judiciary Committee
Testimony Presented by Sara Behrens
January 6, 2021

Good morning Chair Larson, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of Senate Bill No. 2055. This bill adds the requirement that small claims complaints be served by certified mail, restricted delivery rather than ordinary certified mail. It is important to ensure that in small claims cases, where no attorneys are required, the defendants actually receive the complaint. Certified mail provides tracking ability. If a return receipt is requested, that receipt will provide the signature of the individual who accepted the mailing. However, there is no requirement that it be accepted by the actual individual to whom the mail is addressed. Restricted delivery permits the person mailing the document to direct that delivery be only to the individual the mail is addressed to or that person's agent. This will make it less likely that default judgments will be entered against defendants who never received the complaint. Thank you for your consideration and we urge a do pass.

2021 HOUSE JUDICIARY

SB 2055

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary
Room JW327B, State Capitol

SB 2055
3/3/2021

Relating to commencement of a small claims action.

Chairman Klemin called the hearing to order at 9:00 AM.

Present: Representatives Klemin, Karls, Becker, Buffalo, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Satrom, and Vetter. Absent: Roers Jones

Discussion Topics:

- Mail delivery

Sara Behrens: State Court Administrator: Testimony #7055 9:05

Chairman Klemin closed hearing at 9:09

Rep. Christensen: Motion Do Pass

Rep. Karls: Seconded

Roll Call Vote:

Representatives	Vote
Chairman Klemin	Y
Vice Chairman Karls	Y
Rep Becker	Y
Rep. Christensen	Y
Rep. Cory	Y
Rep T. Jones	Y
Rep Magrum	Y
Rep Paulson	Y
Rep Paur	Y
Rep Roers Jones	A
Rep B. Satrom	Y
Rep Vetter	Y
Rep Buffalo	Y
Rep K. Hanson	Y

13-0-1 Motion passed. Carrier: Rep. Christensen

Stopped 9:13

DeLores D. Shimek
Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2055: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2055 was placed on the Fourteenth order on the calendar.

Senate Bill 2055
House Judiciary Committee
Testimony Presented by Sara Behrens
March 3, 2021

Good morning Chair Klemin, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of Senate Bill No. 2055. This bill adds the requirement that small claims complaints be served by certified mail, restricted delivery rather than ordinary certified mail. It is important to ensure that in small claims cases, where no attorneys are required, the defendants actually receive the complaint. Certified mail provides tracking ability. If a return receipt is requested, that receipt will provide the signature of the individual who accepted the mailing. However, there is no requirement that it be accepted by the actual individual to whom the mail is addressed. Restricted delivery permits the person mailing the document to direct that delivery be only to the individual the mail is addressed to or that person's agent. This will make it less likely that default judgments will be entered against defendants who never received the complaint. Thank you for your consideration and we urge a do pass.