

2025 HOUSE JUDICIARY

HB 1405

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1405
1/28/2025

A BILL for an Act to create and enact a new section to chapter 28-01 of the North Dakota Century Code, relating to time limitations for serving an answer to a claim.

9:29 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Discussion Topics:

- Time limit extensions for answering a claim
- Other state's time limitations for answering claims
- Days that count towards the time limitation

9:30 a.m. Lori VanWinkle, North Dakota Representative for District 3, introduced the bill and testified in favor.

9:41 a.m. Sara Behrens, Staff Attorney with the State Court Administration's Office, testified in opposition and provided testimony #31941.

10:00 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

House Bill 1405
House Judiciary Committee
Testimony Presented by Sara Behrens
January 28, 2025

Good morning Chairman 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 opposition to House Bill 1405.

Currently, the time to answer a complaint, in general, is 21 days. This deadline is provided for in Rule 12 of the North Dakota Rules of Civil Procedure. The Rules of Civil Procedure were adopted in 1957. From 1957 to 2011, the time to answer a complaint or counterclaim was 20 days. Effective March 1, 2011, the time was increased to 21 days to correspond to changes in the Federal Rules. The general time to answer a complaint ranges from 20 to 30 days in other states in the nation.

In general, when an action is commenced, a summons and complaint is served. The summons provides notice to the defendant that the defendant's answer is due within 21 days of service of the summons and complaint. An answer is not an in-depth or elaborate legal document. The defendant simply indicates whether they admit, deny, or do not have sufficient information to admit or deny the allegations in the complaint. The answer also states defenses the defendant wishes to raise, if any. The North Dakota Supreme Court Self-Help Center has created a Guide to A Civil Action, or Civil Case. This guide contains a section on answering a complaint. In addition to the guide, the website also has an entire page dedicated to answering the complaint with resources, checklists, forms, and links to other resources.

The 20- to 21-day deadline to answer a complaint has worked for decades. However, if an answer is not served within the time frame, a default judgment may be entered. However, if the

defendant has made an “appearance” meaning “any response sufficient to give the plaintiff or his or her attorney notice of an intent to contest the claim” State v. \$33,000 U.S. Currency, 2008 ND 96, the defendant must be given notice of the motion for default judgment. This provides another chance for the defendant to respond to the complaint.

There are many reasons why a defendant doesn’t timely answer a complaint including willful failure to answer, forgetfulness, and extraordinary circumstances. If the defendant has a good reason for failing to answer within the time allotted, the defendant can move to vacate the default judgment. Additionally, if a defendant knows that they will be unable to answer the complaint within 21 days, the defendant can request that the plaintiff allow additional time. If the plaintiff is unwilling to agree to an extension, the defendant can request an extension from the court.

The time to answer a complaint is intentionally somewhat short. This is to encourage prompt resolution of cases and to prevent delays in the proceedings. This bill seeks to nearly triple the time to answer a complaint, delaying proceedings further. If passed, North Dakota’s time period would be double the longest general time limits in the country (Maryland has a 60-day deadline but only for complaints served outside of the state). Interestingly, prior to 2006, Wisconsin allowed 45 days to answer a complaint which was the longest in the country. In the 2005 Legislative Session, this timeframe was more than cut in half to 20 days which is Wisconsin’s current deadline.

It should be noted that it will also lead to confusion having a 60-day deadline in the statute and a 21-day deadline in the rule. The procedural rule setting a 21 (previously 20) day answer deadline has worked for decades and the Court has created resources to assist unrepresented individuals to comply. We request a do not pass from this Committee.

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A BILL for an Act to create and enact a new section to chapter 28-01 of the North Dakota Century Code, relating to time limitations for serving an answer to a claim.

10:15 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Discussion Topics:

- Answering claims
- Civil court process

10:21 a.m. Representative VanWinkle moved to Amend and change the time limit for serving an answer from 60 to 27 days.

10:21 a.m. Representative Johnston seconded the motion.

10:29 a.m. Representative VanWinkle rescinded the motion.

10:30 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1405
1/28/2025

A BILL for an Act to create and enact a new section to chapter 28-01 of the North Dakota Century Code, relating to time limitations for serving an answer to a claim.

3:35 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Discussion Topics:

- Shortage of attorneys in North Dakota
- North Dakota lawyer referral information system

3:35 p.m. Representative VanWinkle moved to Amend and to change the 60-day limit to 35-days.

3:36 p.m. Representative Henderson seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Steve Vetter	N
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	N
Representative SuAnn Olson	N
Representative Bernie Satrom	A
Representative Mary Schneider	N
Representative Bill Tveit	N
Representative Lori VanWinkle	Y
Representative Christina Wolff	N

3:39 p.m. Motion failed 5-8-1

3:39 p.m. Representative Henderson moved to Amend and change the 60-day limit to 30-days.

3:39 p.m. Representative VanWinkle seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Steve Vetter	N
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	N
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	N
Representative Bill Tveit	N
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

3:54 p.m. Motion passed 8-6-0

3:58 p.m. Representative Vanwinkle moved to Amend LC: 25.1119.01002

3:58 p.m. Representative Tveit seconded the motion.

4:01 p.m. Representative Tveit withdrew his second to the motion.

4:02 p.m. Representative Johnston seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	N
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	A
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

4:04 p.m. Motion passed 12-1-1

4:04 p.m. Representative Tveit moved to Amend and replace the entire bill with "Every Summons and Complaint served on a North Dakota individual must include a reference to the North Dakota Legal Self Help Center at www.ndcourts.gov."

4:04 p.m. Representative Satrom seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	N
Representative Nels Christianson	N
Representative Donna Henderson	N
Representative Jeff Hoverson	N
Representative Daniel Johnston	N
Representative Carrie McLeod	N
Representative SuAnn Olson	N
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	N
Representative Christina Wolff	N

4:10 p.m. Motion failed 5-9-0

4:10 p.m. Representative Johnston moved a Do Pass as Amended.

4:10 p.m. Representative Hoverson seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Steve Vetter	N
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	N
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

4:13 p.m. Motion passed 10-4-0

4:13 p.m. Representative Henderson will carry the bill.

Additional written testimony:

Representative Mary Schneider, North Dakota Representative for District 21, submitted testimony in neutral #32313

4:14 p.m. Chairman Klemin closed the hearing.

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Wyatt Armstrong, Committee Clerk

Bill was reconsidered on 01/29/25.

January 28, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

*JB 1-28-25
1081*

HOUSE BILL NO. 1405

Introduced by

Representatives VanWinkle, Bahl, Brandenburg, Dockter, D. Johnston, Morton, Grindberg,
Henderson, Hauck

Senators Enget, Paulson, Wobbema

- 1 A BILL for an Act to create and enact a new section to chapter 28-01 of the North Dakota
2 Century Code, relating to time limitations for serving an answer to a claim.

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

- 4 **SECTION 1.** A new section to chapter 28-01 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Answer - Time limitation.**

- 7 Notwithstanding any other provision of law, a defendant shall serve an answer to the
8 complaint or to a cross-claim, or a reply to a counterclaim, within ~~sixty~~thirty days after service
9 upon the pleading in which the claim is asserted. Every Summons in a civil action, served on a
10 North Dakota individual must include a reference to the North Dakota legal self help center at
11 www.ndcourts.gov.

HB 1405 —Time to Answer

Every Summons and Complaint served on a North Dakota individual must include a reference to the North Dakota Legal Self Help Center at www.ndcourts.gov.

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1405
1/29/2025

A BILL for an Act to create and enact a new section to chapter 28-01 of the North Dakota Century Code, relating to time limitations for serving an answer to a claim.

9:17 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Discussion Topics:

- Inclusion of URLs within bills
- Committee action

9:18 a.m. Representative VanWinkle moved to Reconsider.

9:18 a.m. Representative S. Olson seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	A
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

9:20 a.m. Motion passed 13-0-1

9:20 a.m. Representative VanWinkle moved to amend and replace "www.ndcourts.gov" with "at the website of the North Dakota Supreme Court".

9:20 a.m. Representative Schneider seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	A
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

9:22 a.m. Motion passed 13-0-1

9:23 a.m. Representative Wolff moved to further amend and replace "sixty days" with "thirty days" on line 8.

9:23 a.m. Representative VanWinkle seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	A
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

9:25 a.m. Motion passed 13-0-1

9:25 a.m. Representative VanWinkle moved a Do Pass as Amended.

9:25 a.m. Representative Johnston seconded the motion.

9:26 a.m. Representative VanWinkle withdrew her motion.

9:27 a.m. Representative VanWinkle moved to adopt amendment LC: 25.1119.01003

9:27 a.m. Representative Johnston seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

9:28 a.m. Motion passed 14-0-0

9:28 a.m. Representative VanWinkle moved a Do Pass as Amended.

9:28 a.m. Representative Johnston seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Steve Vetter	N
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	N
Representative Mary Schneider	N
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

9:30 a.m. Motion passed 9-5-0

9:31 a.m. Representative Henderson will carry the bill.

9:31 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

January 29, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1405

Introduced by

Representatives VanWinkle, Bahl, Brandenburg, Dockter, D. Johnston, Morton, Grindberg,
Henderson, Hauck

Senators Enget, Paulson, Wobbema

1 A BILL for an Act to create and enact a new section to chapter 28-01 of the North Dakota
2 Century Code, relating to service of summons and time limitations for serving an answer to a
3 claim.

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

5 **SECTION 1.** A new section to chapter 28-01 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Service of summons - Answer - Time limitation.**

8 1. A summons in a civil action served on an individual within the state must include a
9 reference to a legal self-help program administered by the supreme court.

10 2. Notwithstanding any other provision of law, a defendant shall serve an answer to the
11 complaint or to a cross-claim, or a reply to a counterclaim, within ~~sixty~~thirty days after
12 service upon the pleading in which the claim is asserted.

**REPORT OF STANDING COMMITTEE
HB 1405**

Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS** ([25.1119.01003](#)) and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1405 was placed on the Sixth order on the calendar.