

2025 SENATE JUDICIARY

SB 2233

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

SB 2233
1/28/2025

Relating to notice requirements for claims against the state.

2:31 p.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Fiscal planning
- Evidence preservation
- Focus on time frame
- Notice of claim

2:31 p.m. Senator Jonathan Sickler, District 17, introduced the bill.

2:37 p.m. Tag Anderson, Director of Risk Management Division for Office of Management and Budget, testified in favor and submitted testimony #31881.

2:45 p.m. Jaclyn Hall, Executive Director of ND Association for Justice, testified in favor and submitted testimony # 32009.

2:48 p.m. Chair Larson closed the hearing.

2:48 p.m. Senator Luick moved a Do Pass.

2:48 p.m. Senator Myrdal seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

Senator Cory will carry the bill.

2:49 p.m. Chair Larson closed the hearing.

Senate Judiciary Committee

SB 2233

1/28/2025

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Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2233 ([25.0887.02000](#))

Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2233 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.



Management
and Budget

Testimony in Support
Senate Bill No. 2233
Senate Judiciary
January 28, 2025

TESTIMONY OF

Tag Anderson, Director Risk Management Division

Chairman Larson and members of the committee, my name is Tag Anderson. I am the Director of the Risk Management Division of the Office of Management and Budget (OMB). I appear today in favor of SB 2233.

The notice of claim requirement outlined in N.D.C.C. 32-12.2-04 serves several very important purposes that have been recognized by the North Dakota Supreme Court including “prompt investigation while evidence is still fresh; repair of any dangerous condition; quick and fair settlement of meritorious claims; and preparation of fiscal planning to meet possible liability.” *Cooke v. University of North Dakota*, 1998 ND 238. The ability to collect evidence when it is fresh to properly defend the state and its employees, as well as pay meritorious claims depends on the ability to have accurate first-hand information which diminishes over time. In addition, because agency contributions are actuarially determined every two years prior to agency budget preparation before each legislative session, it is important that claims reserves are accurate which is facilitated by the 180-day notice of claim provision. Without it, there is greater degree of uncertainty in projecting funding levels.

Importantly, state entities are required to report incidents that could give rise to a claim to the Risk Management Division using our online incident reporting system. Following a report that involves possible damage or injury to a third-party, we promptly send a letter and claim form to the individual and outline the notice of claim requirements. The notice of claim provision serves the important interests outlined above and protects the state and its employees, but it is never used to disadvantage a citizen that may have a claim and only presents an obstacle to those who are not diligent in reporting an issue or concern.

Under current law, the time period for providing a notice of claim involving a death is one-year. This legislation would expand this to include claims for serious bodily injury as defined in N.D.C.C. 26.1-41-01. The Risk Management Division does not oppose this change and agrees that using the definition from the no fault law is appropriate. The state does file as self-insured with the Insurance Department and therefore the state is a secured person for purposes of the application of no fault involving the operation of state-owned or leased motor vehicles. Therefore, an injured person would need to first look to their no-fault carrier for minor injuries which potentially could delay seeing a need to submit a claim. The Risk Management Division does not believe this will substantially interfere with the important interests outlined above and therefore we do not oppose these changes.

Chairman Larson and committee members, this concludes my testimony. I would be happy to answer any questions. Thank you.



North Dakota Association for Justice
PO Box 365
Mandan, ND 58554
The Trial Lawyers of North Dakota

Jaclyn Hall, Executive Director
jaclyn@ndaj.org

Chairwoman Larson and members of the Senate Judiciary Committee, I am Jaci Hall, Executive Director of the North Dakota Association for Justice. I am here today in support of SB2233.

In 1995, notice to the state in a civil action was established to ensure that the state is aware of the legal proceedings taking place within its jurisdiction.

Over the years, these actions have included anything from rock chips to wrongful death. The 180 days provides a way for the state to receive notice timely and to reduce any risk associated with the unknown.

SB2233 carves out serious injury and allows for one year from the date of injury to notify the state. Currently, wrongful death also has a one-year notice.

An individual cannot file notice to the state for an injury until insurance is exhausted. In certain situations, no fault insurance has taken longer than the current 180-day requirement. These instances have resulted in the inability for someone to file a claim against the state. In other instances, the magnitude of the injury is not realized until after the notice period has ended.

When notice is not available, the only option is to file civil action against a county or city. This action is unfair to these entities when the state is liable.

Civil action against the state currently falls under a cap currently in statute, so the ability to budget not only the timeline for the risk, but the cost to the state can be calculated within the biennium.

Please support this change with a Do Pass recommendation.

Thank you

2025 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2233

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2233
3/6/2025

Relating to notice requirements for claims against the state.

4:12 p.m. Chairman Schauer opened the hearing.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff
Members absent: Representatives Bahl, Brown

Discussion Topics:

- Time frame for notices

4:12 p.m. Senator Sickler, District 17, introduced the bill.

4:17 p.m. Tag Anderson, Director of Risk Management Division of the Office of Management and Budget, testified in favor and submitted testimony, #38582.

4:23 p.m. Jaclyn Hill, North Dakota Association for Justice, testified in favor and submitted testimony, #39265.

4:27 p.m. Chairman Schauer closed the hearing.

Jackson Toman, Committee Clerk



Management
and Budget

Testimony in Support
Senate Bill No. 2233

House Government and Veterans Affairs

March 6, 2025

TESTIMONY OF

Tag Anderson, Director Risk Management Division

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The notice of claim requirement outlined in N.D.C.C. 32-12.2-04 serves several very important purposes that have been recognized by the North Dakota Supreme Court including “prompt investigation while evidence is still fresh; repair of any dangerous condition; quick and fair settlement of meritorious claims; and preparation of fiscal planning to meet possible liability.” *Cooke v. University of North Dakota*, 1998 ND 238. The ability to collect evidence when it is fresh to properly defend the state and its employees, as well as pay meritorious claims depends on the ability to have accurate first-hand information which diminishes over time. In addition, because agency contributions are actuarially determined every two years prior to agency budget preparation before each legislative session, it is important that claims reserves are accurate which is facilitated by the 180-day notice of claim provision. Without it, there is greater degree of uncertainty in projecting funding levels.

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Chairman Schauer and committee members, this concludes my testimony. I would be happy to answer any questions. Thank you.

**North Dakota Association for Justice**

PO Box 365

Mandan, ND 58554

The Trial Lawyers of North Dakota

Jaclyn Hall, Executive Director

jaclyn@ndaj.org

Chairman Schauer and members of the House Government and Veterans Affairs Committee, I am Jaci Hall, Executive Director of the North Dakota Association for Justice. I am here today in support of SB2233.

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Please support this change with a Do Pass recommendation.

Thank you

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2233
3/20/2025

Relating to notice requirements for claims against the state.

10:26 a.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Wolff

Members absent: Representatives C Brown, TJ Brown, Vetter

Discussion Topics:

- Committee action

10:26 a.m. Vice-Chairman Satrom moved a Do Pass.

10:26 a.m. Representative Bahl seconded the motion.

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Collette Brown	AB
Representative Timothy Brown	AB
Representative Karen Grindberg	Y
Representative Karen Karls	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	AB
Representative Christina Wolff	Y

10:27 a.m. Motion passed 11-0-3.

Representative McLeod will carry the bill.

10:28 a.m. Chairman Schauer closed the meeting.

Jackson Toman, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2233 ([25.0887.02000](#))

Government and Veterans Affairs Committee (Rep. Schauer, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT OR EXCUSED AND NOT VOTING). SB 2233 was placed on the Fourteenth order on the calendar.