2025 HOUSE JUDICIARY

HB 1224

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1224
1/29/2025

A BILL for an Act to amend and reenact section 30.1-23-01 of the North Dakota Century Code, relating to the administration of small estates.

9:00 a.m. Vice-Chairman Vetter 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:

- Estimated legal cost relating to small estates
- Probate court process and alternatives

9:01 a.m. Representative Lawrence Klemin, North Dakota Representative for District 47, introduced the bill and provided testimony #32063.

9:14 a.m. Representative Tveit moved a Do Pass.

9:14 a.m. Representative McLeod 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

9:16 a.m. Motion passed 14-0-0

9:16 a.m. Representative Wolff will carry the bill.

9:16 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1224 (25.0889.01000)

Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1224 was placed on the Eleventh order on the calendar.

Legislative Assembly

North Dakota
House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

Representative Lawrence R. Klemin
District 47
3929 Valley Drive
Bismarck, ND 58503-1729
lklemin@ndlegis.gov

COMMITTEES:
Judiciary, Chairman
Political Subdivisions

TESTIMONY OF REP. LAWRENCE R. KLEMIN
HOUSE JUDICIARY COMMITTEE
HOUSE BILL NO. 1224
JANUARY 29, 2025

Members of the House Judiciary Committee. I am Lawrence R. Klemin, Representative for District 47 in Bismarck. I am here to testify in support of House Bill No. 1224, relating to the administration of small estates in the Uniform Probate Code.

Section 30.1-23-01 of the North Dakota Century Code, which is Section 3-1201 of the Uniform Probate Code, provides for a simplified method for collecting the personal property of a person who has died with a small estate without going through the formality of probate in court. In this section, when 30 days have expired since the date of death, a person claiming to be the successor of the person who died can present an affidavit to any person or entity holding money or other personal property of the decedent and can then take delivery of that personal property.

A typical example is cash in a bank account. The affidavit must state that the value of the estate, wherever located does not exceed $50,000 [under current law]; that 30 days have elapsed since the date of death; that no probate proceeding is pending anywhere; and that the person requesting delivery of the personal property is the successor of the decedent and is entitled to delivery of the property. Section 30.1-23-02 provides that the person paying or delivering the property pursuant to the affidavit is then discharged and released from any liability related to that personal property.

The question in this bill is the amount or value of personal property that can be collected by affidavit, which is currently at $50,000.

The Uniform Probate Code was enacted in North Dakota in 1973. The text of Section 30.1-23-01 has remained unchanged since 1973; however, the dollar amount has been increased from time to time. In 1973 the amount was $5,000. It was raised to $15,000 in 1979, and in 2005, it was raised to $50,000. It has now been 20 years since the last increase. According to the U.S. Bureau of Labor Statistics, based on inflation, the consumer price index (CPI) for $50,000 in 2005 is now over $80,000 in 2025. This bill proposes to increase the limit to $100,000 with the expectation that the value of a dollar will continue to decrease due to inflation.

The amount of $100,000 is also consistent with the amounts in several surrounding States in our region that have enacted the Uniform Probate Code. These include: Idaho $100,000; Montana $100,000; Nebraska $100,000; South Dakota $100,000; and Utah $100,000.

Increasing the North Dakota amount to $100,000 now would be a reasonable increase. A future Legislature in 10 or 20 years can revisit this amount and increase it again, if appropriate.

I encourage the House Judiciary Committee to recommend Do Pass on HB 1224.

Rep. Lawrence R. Klemin, District 47, Bismarck

2025 SENATE JUDICIARY

HB 1224

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

HB 1224
3/12/2025

A BILL for an Act to amend and reenact section 30.1-23-01 of the North Dakota Century Code, relating to the administration of small estates.

9:58 a.m. Chair Larson opened the hearing.

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

Discussion Topics:

- Administration of small estates
- Affidavit process for personal property
- Value limit of personal property

9:58 a.m. Representative Lawrence R. Klemin, NDLA, introduced the bill and submitted testimony in favor #39744.

10:04 a.m. Chair Larson closed the hearing.

10:05 a.m. Senator Luick moved a Do Pass.

10:05 a.m. Senator Castaneda seconded the motion.

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

Motion Passed 7-0-0.

Senator Cory will carry the bill.

10:06 a.m. Representative Klemin asked to be excused from introducing next bill on the schedule.

10:08 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1224 (25.0889.01000)

Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1224 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

Legislative Assembly

North Dakota
House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

Representative Lawrence R. Klemin
District 47
3929 Valley Drive
Bismarck, ND 58503-1729
lklemin@ndlegis.gov

COMMITTEES:
Judiciary, Chairman
Political Subdivisions

TESTIMONY OF REP. LAWRENCE R. KLEMIN
SENATE JUDICIARY COMMITTEE
HOUSE BILL NO. 1224
MARCH 12, 2025

Madame Chairman and members of the Senate Judiciary Committee. I am Lawrence R. Klemin, Representative for District 47 in Bismarck. I am here to testify in support of House Bill No. 1224, relating to the administration of small estates in the Uniform Probate Code.

Section 30.1-23-01 of the North Dakota Century Code, which is Section 3-1201 of the Uniform Probate Code, provides for a simplified method for collecting the personal property of a person who has died with a small estate without going through the formality of probate in court. In this section, when 30 days have expired since the date of death, a person claiming to be the successor of the person who died can present an affidavit to any person or entity holding money or other personal property of the decedent and can then take delivery of that personal property.

A typical example is cash in a bank account. The affidavit must state that the value of the estate, wherever located does not exceed $50,000 [under current law]; that 30 days have elapsed since the date of death; that no probate proceeding is pending anywhere; and that the person requesting delivery of the personal property is the successor of the decedent and is entitled to delivery of the property. Section 30.1-23-02 provides that the person paying or delivering the property pursuant to the affidavit is then discharged and released from any liability related to that personal property.

The question in this bill is the amount or value of personal property that can be collected by affidavit, which is currently at $50,000.

The Uniform Probate Code was enacted in North Dakota in 1973. The text of Section 30.1-23-01 has remained unchanged since 1973; however, the dollar amount has been increased from time to time. In 1973 the amount was $5,000. It was raised to $15,000 in 1979, and in 2005, it was raised to $50,000. It has now been 20 years since the last increase. According to the U.S. Bureau of Labor Statistics, based on inflation, the consumer price index (CPI) for $50,000 in 2005 is now over $80,000 in 2025. This bill

proposes to increase the limit to $100,000 with the expectation that the value of a dollar will continue to decrease due to inflation.

The amount of $100,000 is also consistent with the amounts in several surrounding States in our region that have enacted the Uniform Probate Code. These include Idaho $100,000; Montana $100,000; Nebraska $100,000; South Dakota $100,000; and Utah $100,000.

Increasing the North Dakota amount to $100,000 now would be a reasonable increase. A future Legislature in 10 or 20 years can revisit this amount and increase it again, if appropriate.

I encourage the Senate Judiciary Committee to recommend Do Pass on HB 1224.

Rep. Lawrence R. Klemin

District 47, Bismarck