

PROBATE & ESTATE PLANNING SECTION
Respectfully submits the following position on:

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SB 0092

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The Probate & Estate Planning Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Probate & Estate Planning Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Probate & Estate Planning Section is 4,128.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 23. The number who voted in favor to this position was 18. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of section:

Probate & Estate Planning Section

Contact person:

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Bill Number:

[SB 0092](#) (Bieda) Probate; powers of attorney; written acknowledgment of responsibilities by agent appointed under a power of attorney; require. Amends sec. 5501 of [1998 PA 386](#) (MCL [700.5501](#)).

Date position was adopted:

April 16, 2011

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

23

Number who voted in favor and opposed to the position:

18 Voted for position

0 Voted against position

0 Abstained from vote

5 Did not vote

Position:

Declined to Support

Explanation of the position, including any recommended amendments:

The Council has concerns about unintended consequences under the proposed language which may alter existing Michigan law of agency, including the use of powers of attorney in various business settings, and adversely affect common arrangements used by spouses and other family members for holding their property. The Council recommends that the Michigan legislature consider changes to the language to address these concerns.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report. <http://legislature.mi.gov/doc.aspx?2011-SB-0092>