

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

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SB 0404 & SB 0406

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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 by discussion and vote at a regular scheduled meeting. The number of members in the decision-making body is 23. The number who voted in favor to this position was 9. 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 0404](#) (Kahn) Human services; medical services; medicaid estate recovery program; revise. Amends secs. 112g, 112h, 112i, 112j & 112k of [1939 PA 280](#) (MCL [400.112g](#) et seq.).

[SB 0406](#) (Kahn) Probate; wills and estates; property in possession of person indebted to the decedent; allow state to collect under Medicaid estate recovery. Amends sec. 3983 of [1998 PA 386](#) (MCL [700.3983](#)).

Date position was adopted:

June 11, 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:

9 Voted for position

0 Voted against position

5 Abstained from vote

9 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

There are concerns whether SB 0404 and SB 0406 were administratively workable, whether they would carry out the intended purposes and whether they might promote divorce.

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-0404>

<http://legislature.mi.gov/doc.aspx?2011-SB-0406>