

ELDER LAW & DISABILITY RIGHTS SECTION
Respectfully submits the following position on:

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HB 5552

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The Elder Law & Disability Rights 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 Elder Law & Disability Rights 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 Elder Law & Disability Rights Section is 1,318.

The position was adopted after a discussion and vote at a scheduled meeting. The number of members in the decision-making body is 20. The number who voted in favor to this position was 17. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of section:

Elder Law & Disability Rights Section

Contact person:

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Bill Number:

[HB 5552](#) (Pettalia) Property tax; assessments; definition of transfer of ownership; exclude certain transfers to a trust. Amends sec. 27a of [1893 PA 206](#) (MCL [211.27a](#)).

Date position was adopted:

September 6, 2014

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:

20

Number who voted in favor and opposed to the position:

17 Voted for position

0 Voted against position

0 Abstained from vote

3 Did not vote

Position:

Support and Amend

The Section supports HB 5552 with these modifications:

A) The bill should be made effective January 1, 2014.

B) In the provisions related to trusts, the term “settlor” be changed wherever that term appears in MCL 211.27a to “transferor,” with the possible exception of MCL 211.27a(6)(d)(ii), MCL 211.27a(6)(e)(ii), and MCL 211.27a(6)(u), so that it is clear that the exemption from the transfer law is based on the relationship of the distributee or new beneficiary of the trust to the prior “sole beneficiary.”

Explanation of the position, including any recommended amendments:

The Section supports the legislation, but believes that there are loopholes that need to be closed in order for the legislation to achieve the desired aims.

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?2014-HB-5552>