



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

House Bill 5485 with committee amendment

Sponsor: Rep. Andrew Richner

House Bill 5486 as introduced

Sponsor: Rep. Marc Shulman

House Bill 5487 as introduced

Sponsor: Rep. Jack Minore

House Bill 5488 with committee amendment

Sponsor: Rep. Gerald Law

House Bill 5489 as introduced

Sponsor: Rep. Triette Reeves

House Bill 5490 as introduced

Sponsor: Rep. Joanne Vorhees

House Bill 5491 as introduced

Sponsor: Rep. Doug Hart

THE APPARENT PROBLEM:

Michigan's Revised Probate Code (RPC) governs matters pertaining to the settlement of the estates of deceased persons. Enacted in 1978, the code replaced a 1939 law that was considered extremely vague and unnecessarily complex. Although the RPC was viewed as a major overhaul at the time, many people have since believed that a complete reorganization of the law was called for. Approximately 10 years ago, the Council of the Probate and Estate Planning Section of the State Bar began a review of the entire RPC. The result of this review was the Estates and Protected Individuals Code (EPIC), which was enacted during the 1997-98 session. It will repeal the RPC and take effect on April 1, 2000. This new code takes into account changes in the rules, case law and society that have occurred since the RPC was adopted in 1978, and addresses internal inconsistencies that exist in the RPC. In addition, the EPIC will make Michigan's probate law more consistent with that of other states.

REFERENCES TO THE ESTATES AND PROTECTED INDIVIDUALS CODE

House Bill 5492 (Substitute H-2)

Sponsor: Rep. Alan Sanborn

House Bill 5493 as introduced

Sponsor: Rep. Alan Sanborn

House Bill 5494 as introduced

Sponsor: Rep. Gloria Schermesser

House Bill 5495 as introduced

Sponsor: Rep. Michael Switalski

House Bill 5496 as introduced

Sponsor: Rep. James Koetje

House Bill 5497 as introduced

Sponsor: Rep. Andrew Richner

House Bill 5498 as introduced

Sponsor: Rep. Marc Shulman

First Analysis (3-14-00)

Committee: Family and Civil Law

Although the EPIC has been enacted and will take effect on April 1, 2000, a number of other acts still refer to and cite the RPC. Bills have been introduced to update these references to comport with the appropriate provisions of the EPIC.

THE CONTENT OF THE BILLS:

The bills are largely technical in nature and would help effect the implementation of the Estates and Protected Individuals Code, which was enacted to replace the Revised Probate Code and which takes effect on April 1, 2000. The bills would amend a variety of laws to replace existing references to the Revised Probate Code

House Bills 5485 - 5498 (3-14-00)

with the appropriate references to the Estates and Protected Individuals Code and to remove certain provisions that would conflict with the Estates and Protected Individuals Code.

House Bill 5485 would amend the Probate Code (MCL 710.23e, 712A.2, 712A.18, 712A.19b). House Bill 5486 would amend the Revised Judicature Act (MCL 600.816, 600.841, 600.880, 600.880b, 600.880c, 600.1021, 600.1517, 600.2922). House Bill 5487 would amend the Mental Health Code (MCL 330.1498h and 330.1498j). House Bill 5488 would amend the Public Health Code (MCL 333.1106 and 333.5653). House Bill 5489 would amend the Michigan Do-not-resuscitate Procedure Act (MCL 333.1052). House Bill 5490 would amend the Child Custody Act (MCL 722.26b). House Bill 5491 would amend the Social Welfare Act (MCL 400.11b and 400.115j). House Bill 5492 would amend the Banking Code of 1999 (MCL 487.14402). House Bill 5493 would amend the Savings Bank Act (MCL 487.3422). House Bill 5494 would amend the Michigan Vehicle Code (MCL 257.236). House Bill 5495 would amend the Natural Resources and Environmental Protection Act (324.20101b and 324.80312). House Bill 5496 would amend the Michigan Penal Code (MCL 750.145n). The bills would provide accurate references to the new code and make other technical amendments. Each of these bills would have an effective date of April 1, 2000.

House Bill 5497 would amend the Revised Judicature Act (MCL 600.834) to allow a probate register or deputy probate register to exercise any authority granted under the Estates and Protected Individuals Code.

House Bill 5498 would amend the Powers of Appointment Act (MCL 556.114) to delete language stating that a power of appointment cannot be generally created where the deed, will, trust agreement or other writing or document which creates or reserves the power of appointment explicitly directs that the instrument must contain a specific reference to that power in order to be valid.

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

The bills are technical in nature and would assure the effectiveness of the Estates and Protected Individuals Code. The acts amended by the bills contain references to the Revised Probate Code, which will be repealed on April 1, 2000 and, thus need to be changed in order to work in conjunction with the new code.

POSITIONS:

There are no positions on the bills.

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.