



SENATE BILL No. 1083

July 3, 1996, Introduced by Senator A. SMITH and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend sections 118 and 332 of Act No. 642 of the Public Acts of 1978, entitled as amended

"Revised probate code,"

being sections 700.118 and 700.332 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 118 and 332 of Act No. 642 of the
2 Public Acts of 1978, being sections 700.118 and 700.332 of the
3 Michigan Compiled Laws, are amended to read as follows:

4 Sec. 118. (1) Before the appointment AS PERSONAL
5 REPRESENTATIVE, a person named personal representative in a will
6 may carry out written instructions of the decedent relating to
7 the decedent's body, funeral, and burial arrangements. IF THE
8 WRITTEN INSTRUCTIONS DESCRIBED IN THIS SUBSECTION DIRECT THAT THE
9 DECEDENT'S BODY BE CREMATED, THE PERSON NAMED PERSONAL

1 REPRESENTATIVE IN THE WILL SHALL CARRY OUT THAT PART OF THE
2 INSTRUCTIONS.

3 (2) IF A DECEDENT CLEARLY EXPRESSED THAT THE DECEDENT WANTED
4 HIS OR HER BODY CREMATED AFTER DEATH, THAT CHOICE SHALL BE CAR-
5 RIED OUT REGARDLESS OF AN OBJECTION BY THE INDIVIDUAL WHO HAS THE
6 RIGHT TO CUSTODY AND CONTROL OF THE BODY, UNLESS, FOR GOOD CAUSE,
7 A COURT FINDS THAT THE BODY SHOULD NOT BE CREMATED.

8 Sec. 332. (1) The duties and powers of an independent per-
9 sonal representative commence upon appointment. The powers of an
10 independent personal representative relate back in time to give
11 acts by the person appointed ~~which~~ OCCURRING BEFORE THE
12 APPOINTMENT THAT are beneficial to the estate ~~occurring before~~
13 ~~the appointment~~ the same effect as those occurring ~~thereafter~~
14 AFTER THE APPOINTMENT.

15 (2) Before the appointment AS INDEPENDENT PERSONAL
16 REPRESENTATIVE, a person named INDEPENDENT personal representa-
17 tive in a will may carry out written instructions of the decedent
18 relating to the decedent's body, funeral, and burial
19 arrangements. IF THE WRITTEN INSTRUCTIONS DESCRIBED IN THIS SUB-
20 SECTION DIRECT THAT THE DECEDENT'S BODY BE CREMATED, THE PERSON
21 NAMED INDEPENDENT PERSONAL REPRESENTATIVE SHALL CARRY OUT THAT
22 PART OF THE INSTRUCTIONS.

23 (3) An independent personal representative may ratify and
24 accept acts on behalf of the estate done by others where the acts
25 would have been proper for a personal representative.