



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

**ESTATES AND PROTECTED  
INDIVIDUALS CODE**

**Senate Bill 1045 with House committee  
amendments**

**Addendum to SFA analysis (3-21-00)**

**Sponsor: Sen. William Van Regenmorter  
Senate Committee: Families, Mental Health  
and Human Services**

**House Committee: Family and Civil Law**

**ADDENDUM TO SENATE FISCAL AGENCY ANALYSIS OF SB 1045 DATED 3-8-00:**

***HOUSE COMMITTEE ACTION:***

The House Committee on Family and Civil Law adopted a series of amendments to distinguish between a legally incapacitated individual and an individual who is allegedly or appears to be incapacitated. The bill as amended would also insert the term “legally incapacitated individual” in the code to clarify that what was intended was a legally determined incapacity, rather than simply an alleged incapacity. A “legally incapacitated individual” would mean an individual who has had a guardian appointed under the Estates and Protected Individuals Code or someone who has been determined by a court to be an incapacitated individual.

In addition, an amendment was adopted that would reinstate language requiring that a witness to a statutory will may not have an interest in that will.

Finally, it should be noted that the Senate adopted an amendment prior to its passage of the bill, but after the drafting of the Senate Fiscal Agency’s analysis. That amendment updated a reference to the Banking Code of 1969 to refer to the Banking Code of 1999.

***POSITIONS:***

The Probate and Estate Planning Section of the State Bar supports the bill. (3-16-00)

The Michigan Bankers Association supports the bill. (3-16-00)

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.