

**MEETING OF THE COUNCIL OF THE
PROBATE & ESTATE PLANNING SECTION OF THE
STATE BAR OF MICHIGAN**

Friday, April 14, 2023

Agenda

- I. Call to Order and Welcome (Mark Kellogg)
 - a. Chairperson Mark E. Kellogg called the meeting to order noting that the meeting was being recorded and that the resulting recording is to be deleted once the minutes of the meeting have been submitted by the Secretary and accepted by the Council.
- II. Zoom Roll Call Confirmation of Attendees (Mark Kellogg)
 - a. In person: Katie Lynwood, Nathan R. Piwowarski, Richard C. Mills, James F. Anderson, V, Susan L. Chalgian, Hon. Shauna Dunning, Daniel S. Hilker, Melisa M.W. Mysliwec, Michael D. Shelton, David Sprague, Elizabeth Siefker, and Michael Lichterman.
 - b. Remote: Andrew Mayoras, Angela Hentkowski, Rebeca Bechler, Christine Caswell, Christine Savage, Christopher Caldwell, Daniel Borst, David Lentz, Georgette David, James Spica, James Steward, Jim Ryan, John McFarland, Kathleen Cieslik, Kenneth Silver, Lindsay DiCesare, Marguerite Lentz, Mark E. Kellogg, Neal Nusholtz, Rachel Estelle, Rebecca Wrock, Sandra Glazier, Sean Blume, Stephen Dunn, and Andrea Neighbors (administrative assistant).
- III. Excused Absences (Mark Kellogg)
 - a. Warren Krueger
- IV. Lobbyist's Report (Public Affairs Associates)
 - a. Becky Bechler offered the following report:
 - i. EPIC Omnibus has been introduced as HBs 4416, 4417, 4418, and 4419.
 - ii. Uniform Power of Attorney Act blueback is ready for introduction next week.
 - iii. Have communicated with Sen. Chang's staff regarding the section's Rule Against Perpetuities and Power of Appointment proposals.
 - iv. Reps. Lightner and Posthumus have both requested bills regarding remote signatures and witnessing.

- v. Closely monitoring SBs 253, 254, 255, 256, and 258.
- vi. We have a well-developed proposal for vehicle transfer-on-death designations. Becky and Jim are working to find multiple sponsors, as this package requires 8 bills (and most legislators are limited to five bill requests per month).
- b. Glazier moved that the Section adopt a public policy position opposing SBs 253, 255, and 256 (Section has concerns regarding potentially unintended consequences of these proposals). Second by Hilker. Adopted (20 yes, 1 abstain, 2 absent).
- c. Glazier moved that the Section adopt a public policy position opposing SBs 254 and 258 as drafted (with the same explanation proffered as to last session's EATF bills). Second by Hilker. Adopted (21 yes, 1 absent)

V. Monthly Reports:

- A. Minutes of Prior Council Meeting – March (Nathan Piwowarski) – **Attachment 1**. Item IV(a) corrected to identify Graham Filler and Item VI(e) corrected to change “Tiplady” to “Labe.” Motion by Piwowarski, second by Sprague. Adopted by voice vote.
- B. Chair's Report (Mark Kellogg). Legislation. Institute.
 - i. Jim Spica called the Chair-Elect's report to Council the Council's attention. Mr. Spica
 - ii. The Chair's dinner will be held on October 13 at the Interlochen Center for the Arts.
 - iii. Michigan ACTEC fellows dining Thursday October 12, with October 13 AM meeting. Mr. Spica polled the ACTEC members as to whether they might attend the Chair's Dinner if invited. A significant number would be pleased to attend if invited. We might pay for 24 additional dinners.
 - iv. Mr. Spica recommended that the Council invite the Fellows to attend the Chair's dinner at the Section's expense. Mark Kellogg moved, Katie Lynwood seconded. Approved by voice vote.
- C. Treasurer's Report (Rick Mills) – Budget approval – **Attachment 2**

- i. Rick Mills, on behalf of the Budget Committee, moved that we adopt the proposed annual budget. Approved by voice vote.

D. Committee on Special Projects (Melisa Mysliwec)

- i. Melisa Mysliwec, as CSP chair, moved that Council adopt a public policy position as follows: The Probate and Estate Planning Section opposes HB 4295, HB 4297, HB 4301, and SB 213 to the extent these bills would eliminate the right of an emancipated minor to marry because marriage may confer significant benefits under Michigan law. The Section is supportive of the elements of these bills that would remove a minor's marriage as a basis for emancipation in Michigan. And the Section is neutral as to all other aspects of these bills. Motion passed (19 yes, 2 abstain, 2 absent).

- ii. Ms. Mysliwec reported that the CSP reviewed and discussed both the Ad Committee Premarital and Marital Agreement's suggested modifications to the Uniform Premarital and Marital Agreement Act and the Family Law Section's suggested modifications to the Uniform Premarital and Marital Agreement Act. At this point, there is a consensus that the Committee has the authority it needs to proceed with discussions with the Family Law Section and lobbyists about the Uniform Premarital and Marital Agreement Act, our Section's goals with respect to the same.

- E. Tax Committee Tax Nugget (JV Anderton). JV Anderton shared the tax nugget concerning gift tax, which was prepared by Mark Deluca.

- F. Membership Committee (Angela Hentkowski). Angela Hentkowski, as committee chair, recommended approval of the four applications for Institute scholarships. Adopted by voice vote.

VI. Oral Reports. Melisa noted that the upcoming theme issue of the Bar Journal is forthcoming.

VII. Written Reports (none)

VIII. Other Business (none)

IX. Adjournment

- a. Adjourned at 11:13.

Respectfully Submitted,

Nathan Piwowarski, Secretary

The next Council meeting will be held on Friday, September 8, 2023.