



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1244 (as passed by the Senate)
Sponsor: Senator Alan L. Cropsey
Committee: Judiciary

Date Completed: 6-24-04

RATIONALE

Funeral directors and cemetery operators reportedly are unsure of their authority and responsibility in disposing of the remains of a person who dies without a will, heirs, or sufficient assets to pay for funeral services or burial or cremation. Under the Public Health Code and Executive Reorganization Order (ERO) 1997-4, in the absence of any known relative of the deceased or a special administrator of the deceased's estate appointed by the probate court, unclaimed bodies become available to the Director of the Department of Community Health for allocation to hospital and educational institutions for use in medical instruction and health sciences education. Apparently, however, these institutions no longer need unclaimed bodies. In addition, probate judges evidently are unclear about their authority to direct the disposition of the remains because the Estates and Protected Individuals Code does not address this situation. It has been suggested that the probate court be authorized to appoint a personal representative to supervise disposition in these cases.

CONTENT

The bill would amend the Estates and Protected Individuals Code to allow a court, upon petition by an interested person, to appoint a personal representative to supervise the disposition of the body of a decedent who had insufficient assets to pay for a funeral or burial and who died without a will and without heirs. The personal representative's duties could include, but would not be limited to, making arrangements with a funeral home and determining the disposition of the body by burial or cremation.

(A personal representative typically is a person responsible for administering the estate of a decedent. The Code states that "personal representative" includes, but is not limited to, an executor, administrator, successor personal representative, and special personal representative, and any other person who performs substantially the same function under the law governing that person's status. "Interested person" includes, but is not limited to, an heir, devisee, child, spouse, creditor, and beneficiary, and any other person who has a property right in or claim against an estate; a person who has priority for appointment as personal representative; and a fiduciary representing an interested person. The Code states that identification of an interested person may vary from time to time and must be determined according to the particular purposes of, and matter involved in, a proceeding, and by the Supreme Court rules.)

Proposed MCL 700.3619

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would address a confusing situation in which no one has clear authority to dispose of the remains of a person who died without a will, heirs, or sufficient assets to pay for a funeral or burial. By authorizing the probate judges to appoint a personal representative to oversee the disposition of the remains, the bill would provide a solution to this predicament.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.