

Act No. 372
Public Acts of 1994
Approved by the Governor
December 26, 1994
Filed with the Secretary of State
December 27, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Rep Bullard

ENROLLED HOUSE BILL No. 5930

AN ACT to amend section 56 of Act No 188 of the Public Acts of 1899 entitled as amended An act to provide for the taxation of estates and generation skipping transfers of property to prescribe the powers and duties of certain personal representatives and state departments to provide for the assessment and collection of the tax and to provide for the administration and enforcement of this act as added by Act No 54 of the Public Acts of 1993 being section 205 256 of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Section 56 of Act No 188 of the Public Acts of 1899 as added by Act No 54 of the Public Acts of 1993 being section 205 256 of the Michigan Compiled Laws is amended to read as follows

Sec 56 As used in this act

(a) Decedent means a deceased person and includes but is not limited to a testator grantor bargainor vendor donor or person who dies intestate

(b) Department means the revenue division of the department of treasury

(c) Federal generation skipping transfer tax means the tax imposed by chapter 13 of subtitle B of the internal revenue code

(d) Federal return means any United States transfer tax return including federal estate tax returns and generation skipping tax returns unless the context indicates a similar Michigan tax return

(e) Generation skipping transfer means every transfer subject to the federal generation skipping transfer tax in which the original transferor is a resident of this state at the date of the transfer by the original transferor or the property transferred is real or personal property situated in this state

(f) Gross estate means the gross estate determined under the internal revenue code

(g) Internal revenue code means the United States internal revenue code of 1986 in effect on January 1 1993

(h) Intangible personal property means incorporeal personal property including but not limited to deposits in banks negotiable instruments mortgages debts receivables shares of stock bonds notes credits evidences of an interest in property evidences of debt and choses in action generally

(i) Nonresident means an individual who is not a resident

(j) Original transferor means any grantor donor trustor testator or person who by grant gift trust will or otherwise makes a transfer of real or personal property that results in a federal generation skipping transfer tax

(k) Person means an individual firm partnership joint venture association corporation limited liability company company estate or any other group or combination acting as a unit Person does not include public corporations

(l) Personal representative means the personal representative appointed by the probate court including an independent personal representative or if a personal representative is not acting then any person who is in the actual or constructive possession of any property included in the gross estate of the decedent or any other person who is required to file a return or pay the taxes due under any provision of this act A safe and collateral deposit company trust company corporation bank or other institution is not the personal representative of property held in a safe deposit box or of money or property on deposit if the indicated ownership or registered title denotes ownership by right of survivorship A safe and collateral deposit company trust company corporation bank or other institution is the personal representative of property that it is holding if it is a court appointed personal representative including an independent personal representative or if a personal representative is not acting if it is holding property in a fiduciary capacity as a trustee or successor trustee

(m) Resident means that term as defined in section 18 of the income tax act of 1967 Act No 281 of the Public Acts of 1967 being section 206 18 of the Michigan Compiled Laws However nothing in this act diminishes the settling of domiciles of decedents under Act No 173 of the Public Acts of 1956 being sections 205 601 to 205 607 of the Michigan Compiled Laws

(n) Tangible personal property means corporeal personal property

(o) Transfer means the passing of property or any interest in property in possession or enjoyment present or future by inheritance decedent devise succession bequest grant deed bargain sale gift or appointment

(p) Transfer tax includes an estate generation skipping inheritance legacy or succession tax for residents and nonresidents including aliens

(q) United States when used in a geographical sense includes only the 50 states and the District of Columbia

This act is ordered to take immediate effect

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor