



HOUSE BILL No. 5930

November 10, 1994, Introduced by Rep Bullard and referred to the Committee on Taxation

A bill to amend section 56 of Act No 188 of the Public Acts of 1899 entitled as amended

Michigan estate tax 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

1 Section 1 Section 56 of Act No 188 of the Public Acts of
2 1899 as added by Act No 54 of the Public Acts of 1993 being
3 section 205 256 of the Michigan Compiled Laws is amended to read
4 as follows

5 Sec 56 As used in this act

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

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

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

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

10 (e) Generation-skipping transfer means every transfer
11 subject to the federal generation-skipping transfer tax in which
12 the original transferor is a resident of this state at the date
13 of the transfer by the original transferor or the property trans-
14 ferred is real or personal property situated in this state

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

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

19 (h) Intangible personal property means incorporeal per-
20 sonal property including but not limited to deposits in banks
21 negotiable instruments mortgages debts receivables shares of
22 stock bonds notes credits evidences of an interest in proper-
23 ty evidences of debt and choses in action generally

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

26 (j) Original transferor means any grantor donor trustor
27 testator or person who by grant gift trust will or

1 otherwise makes a transfer of real or personal property that
 2 results in a federal generation-skipping transfer tax

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

7 (l) Personal representative means the personal representa-
 8 tive appointed by the probate court including an independent
 9 personal representative or if a personal representative is not
 10 acting, then any person who is in the actual or constructive pos-
 11 session of any property included in the gross estate of the dece-
 12 dent or any other person who is required to file a return or pay
 13 the taxes due under any provision of this act A SAFE AND COL-
 14 LATERAL DEPOSIT COMPANY TRUST COMPANY CORPORATION BANK OR
 15 OTHER INSTITUTION IS NOT THE PERSONAL REPRESENTATIVE OF MONEY OR
 16 PROPERTY ON DEPOSIT INCLUDING MONEY ON DEPOSIT IN A FOR TRUST
 17 ACCOUNT OR OF PROPERTY HELD IN A SAFE DEPOSIT BOX THIS SECTION
 18 DOES NOT PREVENT A SAFE AND COLLATERAL DEPOSIT COMPANY TRUST
 19 COMPANY CORPORATION BANK OR OTHER INSTITUTION FROM BEING THE
 20 PERSONAL REPRESENTATIVE OF PROPERTY THAT IT IS HOLDING IN A FIDU-
 21 CIARY CAPACITY AS TRUSTEE SUCCESSOR TRUSTEE OR AS A COURT
 22 APPOINTED PERSONAL REPRESENTATIVE

23 (m) Resident means that term as defined in section 18 of
 24 the income tax act of 1967 Act No 281 of the Public Acts of
 25 1967, being section 206 18 of the Michigan Compiled Laws
 26 However nothing in this act diminishes the settling of domiciles

1 of decedents under Act No 173 of the Public Acts of 1956 being
2 sections 205 601 to 205 607 of the Michigan Compiled Laws

3 (n) Tangible personal property means corporeal personal
4 property

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

9 (p) Transfer tax includes an estate generation-skipping
10 inheritance legacy or succession tax for residents and nonresi-
11 dents including aliens

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