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Amending 138-3-41 (2), Colorado Revised Statutes 1963, as Amended, Concerning the Inheritances and Successions Tax

Colorado General Assembly

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CHAPTER 187

TAXATION II—SPECIFIC TAXES

INHERITANCE AND SUCCESSION TAX

(House Bill No. 1167. By Representatives Burch, Black, Coffee, and Horst.)

A N A C T

AMENDING 138-3-41 (2), COLORADO REVISED STATUTES 1963, AS AMENDED, CONCERNING THE INHERITANCES AND SUCCESSIONS TAX.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. 138-3-41 (2), Colorado Revised Statutes 1963, as amended by section 1 of chapter 41, Session Laws of Colorado 1966, is amended to read:

138-3-41. Refunds of tax incorrectly assessed and paid.—(2) When any amount of inheritance tax OR ANY AMOUNT OF THE TAX IMPOSED BY SECTION 101-2-2 (1) (d), C.R.S. 1963, has been ~~incorrectly~~ assessed and paid AND IT IS SUBSEQUENTLY ASCERTAINED THAT SUCH ASSESSMENT IS IN EXCESS OF THE AMOUNT DUE because of an error of fact or of law made either by the inheritance tax commissioner or by the representative of the estate, the state controller, upon receipt of a certificate of the inheritance tax commissioner, approved by the attorney general, shall refund the amount incorrectly paid, as shown by such certificate, together with interest thereon at the rate of ~~four~~ SIX per cent per annum from the date of payment of such amount, out of any receipts from the inheritance tax ~~or from the tax imposed by section 101-2-2 (1) (d)~~ 101-2-2 (1) (d), C.R.S. 1963, then or thereafter in the state treasury by warrant payable to the executor, administrator, trustee, or other person who may have paid such amount in error, or to the heirs at law or person lawfully entitled thereto. The certificate of the inheritance tax commissioner may relate to temporary payments made before the tax is finally determined, or to payments made pursuant to assessment.

Section 2. Applicability clause.—This act shall apply to estates of persons dying on or after the effective date of this act.

Section 3. Effective date.—This act shall take effect on the first day of the first month following its passage.

Section 4. Safety clause.—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

Approved: April 20, 1967.