



Senate, May 31, 1971. The Committee on Judiciary reported through Senator Jackson of the 5th District, Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING A SIMPLIFIED PROCEDURE FOR THE ASSESSMENT AND COLLECTION OF THE SUCCESSION TAX.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 12-350 of the 1969
2 supplement to the general statutes is repealed and
3 the following is substituted in lieu thereof: In
4 the case of the estate of a resident transferor,
5 the net estate for the purposes of the tax imposed
6 by the provisions of this chapter shall be
7 ascertained by deducting from the gross taxable
8 estate the following items provided they reduce
9 the gross taxable estate: (a) Debts of the
10 transferor which constitute lawful claims against
11 his estate; (b) losses incurred up to the time of
12 filing the return required in section 12-359 in
13 the reduction to possession of choses in action,
14 including notes and mortgages, but not including
15 corporate or governmental stocks or bonds nor
16 including income accrued after death; (c) unpaid
17 taxes, (1) on real property within this state
18 which were a lien at the date of the transferor's
19 death, (2) on personal property of the transferor
20 which constituted a personal obligation or were a
21 lien at the date of death, (3) on the income of
22 the transferor accrued to the date of death; (d)

23 any tax on untaxed property assessed by this state
24 against the estate of the transferor; (e) special
25 assessments which, at the date of death, were a
26 lien on the real property of the transferor
27 situated within this state; (f) funeral expenses
28 and all amounts actually expended or to be
29 expended for a headstone or monument or the care
30 of any cemetery lot; (g) reasonable compensation
31 of executors and administrators and reasonable
32 attorney's fees; (h) a reasonable allowance made
33 during the settlement of the estate for the
34 support of the widow, widower, dependent minor
35 children, including legally adopted children, of
36 the transferor, or dependent children incapable of
37 self-support because mentally or physically
38 defective receiving support mainly from the
39 transferor at the time of his death; but no such
40 deduction shall be made for any such allowance
41 beyond the expiration of twelve months after the
42 date of the transferor's death; (i) the amount at
43 the date of the transferor's death of all unpaid
44 mortgages upon real or personal property situated
45 within this state, which mortgages were not
46 deducted in the appraisal of the property
47 mortgaged; (j) reasonable expenses of
48 administration, except as provided in section 12-
49 351. The foregoing deductions shall be allowed in
50 the case of property transferred by will, by laws
51 relating to intestate estates, and in the case of
52 joint bank accounts, except that such deductions
53 shall be allowed in the case of joint bank
54 accounts (1) only to the extent that such property
55 is includable in the decedent's gross taxable
56 estate under the provisions of this chapter, and
57 (2) only to the extent of amounts actually paid
58 from such accounts for deductions under subsection
59 (a) above for debts due for the last sickness of
60 the deceased and deductions under subsections (f),
61 (g) and (j) above. In the case of a transfer
62 other than by will or by laws relating to
63 intestate estates or to joint bank accounts, the
64 only items allowed as deductions shall be liens
65 subject to which the transfer is made; debts of
66 the transferor if it is judicially established
67 that such transfer is subject thereto, unpaid
68 expenses of administering prior to death a trust
69 which is taxable under the provisions of this
70 chapter, expenses of terminating such trust if it

71 terminates on the death of the transferor, [and
72 certain items allowed by the provisions of
73 subsection (b) of section 12-359, and] FEES OF THE
74 PROBATE COURT, THE REASONABLE COMPENSATION OF
75 APPRAISERS, reasonable attorney's fees, AND, IF AN
76 ADMINISTRATOR IS APPOINTED UNDER THE PROVISIONS OF
77 SUBSECTION (b) OF SECTION 6 OF THIS ACT, THE COST
78 OF PROCURING A PROBATE BOND AND THE REASONABLE
79 COMPENSATION OF SUCH ADMINISTRATOR, provided such
80 items reduce the gross taxable estate.

81 Sec. 2. Section 12-352 of the general
82 statutes is repealed and the following is
83 substituted in lieu thereof: In the case of the
84 estate of a nonresident transferor, when property
85 is transferred by will or intestate laws, the net
86 estate for the purpose of the tax imposed by the
87 provisions of this chapter shall be ascertained by
88 deducting from the gross taxable estate the
89 following items: (a) Fees of the Connecticut
90 probate court; (b) advertising expenses incidental
91 to administration in this state; (c) [fees paid to
92 appraisers appointed by the Connecticut probate
93 court] THE REASONABLE COMPENSATION OF APPRAISERS
94 OF REAL ESTATE OR TANGIBLE PERSONAL PROPERTY
95 SITUATED WITHIN THIS STATE; (d) expenses incurred
96 in connection with procuring the fiduciary's bond
97 filed in the Connecticut probate court; (e)
98 commissions paid in connection with the sale of
99 real estate or tangible personal property situated
100 within this state; (f) reasonable compensation of
101 executors and administrators, qualifying as such
102 in the Connecticut probate court, and reasonable
103 fees for Connecticut attorneys; (g) the amount at
104 the date of the transferor's death of all unpaid
105 mortgages upon real or tangible personal property
106 situated within this state, which mortgages were
107 not deducted in the appraisal of the property
108 mortgaged; (h) unpaid taxes upon real or tangible
109 personal property situated within this state which
110 were a lien at the date of the transferor's death;
111 (i) any tax on untaxed property assessed by this
112 state against the estate of the transferor; (j)
113 special assessments which, at the date of death,
114 were a lien on real property of the transferor
115 situated within this state. In case the
116 domiciliary estate is insolvent, there shall be
117 allowed as a deduction, in addition to the
118 foregoing items, the amount by which the total of

119 the lawful claims against and administration
120 expenses of the estate, exclusive of Connecticut
121 deductible items set forth above, exceeds the
122 total value of property wherever situated subject
123 to such claims and expenses, exclusive of the
124 gross estate situated in this state. In case of
125 a transfer other than by will or by laws relating
126 to intestate estates, the only deductions
127 allowable shall be liens subject to which the
128 transfer is made, debts of the transferor, if it
129 is judicially established that such a transfer is
130 subject thereto, and reasonable fees for
131 Connecticut attorneys.

132 Sec. 3. Subsection (b) of section 12-355 of
133 the 1969 supplement to the general statutes is
134 repealed and the following is substituted in lieu
135 thereof: If such an agreement cannot be reached
136 within thirty days after the mailing by the tax
137 commissioner to the fiduciary of an offer to
138 compromise the tax, said commissioner shall, if
139 the return filed under the provisions of section
140 5 of this act, is correctly made out, make a
141 computation of the tax, based upon the whole net
142 taxable estate, upon the assumption that the
143 contingencies will so resolve themselves as to
144 lead to the highest tax possible under the
145 provisions of this chapter, and the executor,
146 trustee and transferee shall be liable for such
147 tax as in other cases. Copies of such computation
148 shall be filed, and further proceedings taken in
149 connection therewith, in accordance with the
150 provisions of section 7 of this act. If, after
151 such first computation and upon the determination
152 of any of the contingencies, any part of the
153 estate so passes as to lead to a lower tax, and if
154 the fiduciary, within two years of such
155 determination, notifies the tax commissioner
156 thereof, the tax commissioner shall forthwith
157 recompute the whole tax in the same manner as
158 would have been done originally had the outcome of
159 the contingencies in question been known. Copies
160 of such recomputation shall be filed, and further
161 proceedings taken in connection therewith, in
162 accordance with the provisions of section 7 of
163 this act. Upon the final determination of the
164 [court of probate approving the recomputation,
165 such court shall certify to the tax commissioner
166 the] amount of tax due on the recomputation [and

167 the amount decreed on the original computation.
168 Upon the receipt of such certificate,] the
169 commissioner shall certify to the comptroller that
170 a refund is due in an amount equal to the
171 difference between the tax paid at the highest
172 rate and the tax actually due as shown by the
173 recomputation. Such refund shall bear interest at
174 the rate of four per cent compounded annually from
175 the date of payment of the original tax to the
176 date of the determination of the contingencies and
177 shall be paid by the treasurer, on the order of
178 the comptroller, to the trustee or other proper
179 fiduciary, who shall distribute it ratably among
180 the several beneficiaries equitably entitled to
181 it. This subsection shall not be construed to
182 prevent more than one refund in one estate if the
183 circumstances warrant.

184 Sec. 4. Section 12-358 of the general
185 statutes is repealed and the following is
186 substituted in lieu thereof: Clerks of probate
187 courts shall report monthly to the commissioner
188 all letters testamentary or of administration
189 granted upon estates of decedents in such courts
190 on forms provided by him for that purpose and
191 containing such information as he may require.
192 THEY SHALL ALSO, ON HIS WRITTEN REQUEST, FURNISH
193 TO THE COMMISSIONER SUCH CERTIFIED COPIES OF ANY
194 PAPERS ON FILE IN SUCH COURTS PERTAINING TO ANY
195 DECEDENT'S ESTATE AS HE MAY DEEM NECESSARY TO THE
196 PERFORMANCE OF HIS DUTIES.

197 Sec. 5. Section 12-359 of the general
198 statutes, as amended, is repealed and the
199 following is substituted in lieu thereof: (a)
200 Except as herein provided, within [one year] NINE
201 MONTHS after the death of the transferor the
202 [fiduciary] ADMINISTRATOR, EXECUTOR, ADMINISTRATOR
203 FOR TAX PURPOSES, ADMINISTRATOR C.t.a. OR
204 ADMINISTRATOR d.b.n. OR, IF THERE IS NO SUCH
205 FIDUCIARY, ANY TRANSFEREE OF PROPERTY, THE
206 TRANSFER OF WHICH MAY BE TAXABLE UNDER THE
207 PROVISIONS OF SECTION 12-341, 12-341b, 12-342, 12-
208 343 OR 12-345 shall file [with the tax
209 commissioner and] with the court of probate FOR
210 THE DISTRICT WITHIN WHICH THE TRANSFEROR RESIDED
211 AT THE DATE OF HIS DEATH OR, IF THE TRANSFEROR
212 DIED A NONRESIDENT OF THIS STATE, WITH THE COURT
213 OF PROBATE FOR THE DISTRICT WITHIN WHICH THE REAL
214 ESTATE OR TANGIBLE PERSONAL PROPERTY IS SITUATED,

215 a sworn return, IN DUPLICATE, containing all items
216 necessary to the correct computation and
217 assessment of the tax. [and] SUCH RETURN SHALL
218 INCLUDE AMONG OTHER THINGS: (1) A COPY OF THE
219 WRITTEN INSTRUMENT EVIDENCING ANY TRANSFER WHICH
220 MAY BE TAXABLE UNDER THE PROVISIONS OF SUBSECTION
221 (c) OR (d) OF SECTION 12-341 OR 12-341b OR OF
222 SECTION 12-342, 12-343 OR 12-345 OR, IF THERE IS
223 NO WRITTEN EVIDENCE, A WRITTEN STATEMENT FULLY
224 DISCLOSING THE CIRCUMSTANCES UNDER WHICH THE
225 TRANSFER WAS MADE; PROVIDED, IN THE CASE OF A
226 TRANSFER EVIDENCED BY AN INSURANCE, ANNUITY,
227 PENSION PLAN, PROFITSHARING PLAN OR OTHER SIMILAR
228 CONTRACT WITH AN INSURANCE COMPANY, IN LIEU OF
229 SUCH COPY OF THE WRITTEN INSTRUMENT, A SUMMARY
230 THEREOF MAY BE SO FILED; (2) AN APPRAISAL BY THE
231 FIDUCIARY OR TRANSFEREE, AT ITS FAIR MARKET VALUE
232 ON THE DATE OF DECEDENT'S DEATH, OF EACH ITEM OF
233 PROPERTY, THE TRANSFER OF WHICH MAY BE TAXABLE
234 UNDER THE PROVISIONS OF SECTION 12-341, 12-341b,
235 12-342, 12-343 OR 12-345; (3) A STATEMENT AS TO
236 WHETHER, OR TO WHAT EXTENT, THE REPORTED TRANSFERS
237 ARE CONCEDED TAXABLE; (4) ALL ITEMS CLAIMED AS
238 DEDUCTIONS UNDER THE PROVISIONS OF SECTION 1 OR 2
239 OF THIS ACT, WITH AN EXPLANATION OF THE
240 CIRCUMSTANCES UNDER WHICH EACH DEDUCTION IS
241 ALLOWABLE; (5) a statement containing the name and
242 relationship to the transferor of each individual,
243 corporation, [or] institution, SOCIETY,
244 ASSOCIATION OR TRUST benefiting by reason of any
245 succession or transfer of property as set forth in
246 [part I] SECTIONS 12-340 TO 12-343, INCLUSIVE, and
247 the value of the estate passing to each such
248 beneficiary; (6) SUCH OTHER INFORMATION AS THE TAX
249 COMMISSIONER MAY DEEM NECESSARY FOR THE CORRECT
250 COMPUTATION AND ASSESSMENT OF THE TAX AND THE
251 PROPER ADMINISTRATION THEREOF. THE PROBATE COURT
252 SHALL, WITHIN TEN DAYS OF THE FILING OF SUCH
253 RETURN, FORWARD A CERTIFIED COPY THEREOF TO THE
254 TAX COMMISSIONER. THE TAX COMMISSIONER SHALL
255 ACKNOWLEDGE RECEIPT THEREOF TO THE PROBATE COURT
256 AND THE FIDUCIARY OR TRANSFEREE. (b) WITHIN ONE
257 HUNDRED TWENTY DAYS AFTER THE RECEIPT OF SUCH
258 RETURN BY THE TAX COMMISSIONER, HE MAY FILE WITH
259 THE FIDUCIARY OR TRANSFEREE AND WITH SUCH COURT OF
260 PROBATE A STATEMENT IN WRITING SETTING FORTH IN
261 DETAIL SUCH OBJECTIONS AS HE MAY HAVE TO THE
262 VALUATIONS OR CONCESSIONS OF TAXABILITY APPEARING

263 THEREON. UNLESS SUCH FIDUCIARY OR TRANSFEREE
264 CONCEDES THE CORRECTNESS OF THE TAX COMMISSIONER'S
265 OPINION OR THE TAX COMMISSIONER WITHDRAWS HIS
266 OBJECTION, THE TAX COMMISSIONER OR TRANSFEREE MAY
267 FILE IN THE COURT OF PROBATE FOR THE DISTRICT
268 WITHIN WHICH THE TRANSFEROR RESIDED AT THE DATE OF
269 HIS DEATH OR, IF THE TRANSFEROR DIED A NONRESIDENT
270 OF THIS STATE, IN THE COURT OF PROBATE FOR THE
271 DISTRICT WITHIN WHICH THE REAL ESTATE OR TANGIBLE
272 PERSONAL PROPERTY IS SITUATED, AN APPLICATION FOR
273 A HEARING UPON THOSE ITEMS SET OUT IN SUCH RETURN
274 AS TO WHICH THE TAX COMMISSIONER OBJECTS. SUCH
275 COURT SHALL ASSIGN A TIME AND PLACE FOR A HEARING
276 UPON THE TAX COMMISSIONER'S OBJECTIONS TO THE
277 RETURN AND SHALL CAUSE A COPY OF THE ORDER OF
278 HEARING TO BE SENT TO THE TAX COMMISSIONER, SUCH
279 FIDUCIARY OR TRANSFEREE AND ALL OTHER PARTIES IN
280 INTEREST AT LEAST FIFTEEN DAYS BEFORE THE TIME OF
281 SUCH HEARING. THE COMMISSIONER OR ANY OTHER PARTY
282 IN INTEREST MAY APPEAR BEFORE SUCH COURT AT SUCH
283 HEARING AND BE HEARD CONCERNING THE OBJECTIONS OF
284 THE TAX COMMISSIONER. SUCH COURT, UPON SUCH
285 HEARING, SHALL HEAR SUCH OBJECTIONS AND DETERMINE
286 THE FAIR MARKET VALUE OF ANY PROPERTY, THE
287 REPORTED VALUE OF WHICH HAS BEEN OBJECTED TO, AND
288 THE TAXABILITY OF ANY TRANSFER OBJECTED TO AND
289 SHALL ENTER UPON ITS RECORDS A DECREE DETERMINING
290 THE FAIR MARKET VALUE OF PROPERTY THE VALUE OF
291 WHICH HAS BEEN OBJECTED TO AND THE TAXABILITY OF
292 ANY TRANSFER WHICH HAS BEEN OBJECTED TO. THE
293 DECREE OF SUCH COURT SHALL BE CONCLUSIVE UPON THE
294 STATE AND ALL OTHER PARTIES IN INTEREST UNLESS AN
295 APPEAL IS TAKEN AS PROVIDED FOR APPEALS FROM OTHER
296 DECREES AND ORDERS OF SUCH COURT. A COPY OF SUCH
297 DECREE SHALL BE FORWARDED FORTHWITH TO THE
298 COMMISSIONER AND TO THE FIDUCIARY OR TRANSFEREE BY
299 THE JUDGE OR CLERK OF SUCH COURT. THE VALUE OF
300 THE GROSS TAXABLE ESTATE AS SET FORTH IN THE TAX
301 RETURN OR AS ALTERED BY WRITTEN AGREEMENT BETWEEN
302 THE TAX COMMISSIONER AND SUCH FIDUCIARY OR
303 TRANSFEREE OR AS SET BY THE PROBATE COURT UPON A
304 HEARING AS HEREINBEFORE PROVIDED SHALL BE THE
305 BASIS FOR COMPUTING THE SUCCESSION TAX.

306 (c) For cause shown, the [court of probate]
307 TAX COMMISSIONER may, [after hearing] on the
308 written application of the fiduciary OR TRANSFEREE
309 filed with [such court] SAID COMMISSIONER within
310 [one year] NINE MONTHS after the death of the

311 [testator or intestate] TRANSFEROR, extend the
312 time for filing such return. Such application
313 shall set forth the extension desired and the
314 reasons therefor [and a copy of the same shall be
315 mailed to the commissioner by the fiduciary at the
316 time of filing such application]. THE TAX
317 COMMISSIONER SHALL FILE A COPY OF ANY ORDER
318 GRANTING AN EXTENSION WITH THE COURT OF PROBATE.
319 UNLESS, WITHIN THIRTY DAYS OF HIS RECEIPT OF SUCH
320 APPLICATION, THE TAX COMMISSIONER GRANTS THE
321 EXTENSION REQUESTED, THE FIDUCIARY OR TRANSFEREE
322 MAY FILE IN THE COURT OF PROBATE FOR THE DISTRICT
323 WITHIN WHICH THE TRANSFEROR RESIDED AT THE DATE OF
324 HIS DEATH OR, IF THE TRANSFEROR DIED A NONRESIDENT
325 OF THIS STATE, IN THE COURT OF PROBATE FOR THE
326 DISTRICT WITHIN WHICH THE REAL ESTATE OR TANGIBLE
327 PERSONAL PROPERTY IS SITUATED, AN APPLICATION FOR
328 AN EXTENSION OF TIME TO FILE THE RETURN SETTING
329 FORTH THE EXTENSION DESIRED AND THE REASONS
330 THEREFOR. The court of probate shall assign a
331 time and place for a hearing upon such application
332 not less than two nor more than four weeks after
333 the filing thereof and shall cause a copy of the
334 order of hearing to be sent to the commissioner
335 and to the fiduciary OR TRANSFEREE at least ten
336 days before the time of such hearing. Such court,
337 after such hearing, shall forthwith send to the
338 tax commissioner a copy of any order extending OR
339 DENYING EXTENSION OF the time for filing such
340 return. Further extensions may be granted by the
341 TAX COMMISSIONER OR probate court if the foregoing
342 provisions are complied with and if written
343 application for such further extension is filed
344 [with such court] before the expiration of the
345 preceding extension. Failure on the part of any
346 fiduciary to file such return within the time
347 herein prescribed therefor shall be sufficient
348 cause for the summary removal of such fiduciary
349 upon the application of the tax commissioner or
350 any interested person.

351 [(b)] (d) Within sixty days after any
352 fiduciary, or any beneficiary or donee, or any
353 other person or corporation has notice of the
354 death of the transferor and of the existence of
355 property, the transfer of which may be taxable
356 under the provisions of subsection (c) or (d) of
357 section 12-341 or section 12-341b or of section
358 12-342, 12-343 or 12-345, such fiduciary,

359 beneficiary, donee, person or corporation shall
360 file, in the court of probate for the district
361 within which the transferor resided at the date of
362 his death or, if the transferor died a nonresident
363 of this state, in the court of probate for the
364 district within which the real estate or tangible
365 personal property is situated, a copy of the
366 written instrument evidencing such transfer or, if
367 there is no written evidence, a written
368 application to such court fully disclosing the
369 circumstances under which such transfer was made,
370 so far as is known to such applicant, together
371 with a list of the items of property so
372 transferred; provided, in the case of a transfer
373 evidenced by an insurance or annuity or other
374 similar contract with an insurance company, in
375 lieu of such copy of the written instrument, a
376 summary thereof, in such form and from such source
377 as the tax commissioner may, by regulation,
378 prescribe, may be so filed. Such court shall
379 forthwith forward to the tax commissioner a copy
380 of all such papers. Unless, within thirty days
381 thereafter, said commissioner concedes the
382 nontaxability of such transfer or the fiduciary or
383 transferee concedes its taxability, such court
384 shall, at the request of any party in interest,
385 assign a time and place for a hearing upon the
386 taxability of such transfer and shall cause a copy
387 of the order of hearing to be sent to the tax
388 commissioner and to the fiduciary and to any other
389 party in interest who may have requested such
390 hearing, at least ten days before the time of such
391 hearing. Such court may cause notice of the time
392 and place of such hearing to be given in such
393 manner as it directs to any other person
394 interested. The commissioner or any other person
395 interested may appear before such court at such
396 hearing and be heard concerning the taxability of
397 such transfer. Such court shall determine the
398 taxability of such transfer. In making such
399 determination, the court may require of the
400 parties such additional evidence as it deems
401 necessary. If such transfer is determined to be
402 taxable, in whole or part, the property so
403 transferred shall be appraised in the same manner
404 as the property in the original inventory of the
405 estate by the fiduciary or the appraiser or
406 appraisers appointed pursuant to the provisions of

407 section 45-202; provided, if no administration has
408 been granted upon the estate of the transferor
409 because of the fact that the transferor died
410 without leaving property which could pass by his
411 will or by the laws of this state relating to
412 descent and distribution, such appraisal may be
413 made by the donee, transferee, surviving joint
414 tenant or a person designated by such donee,
415 transferee or surviving joint tenant in accordance
416 with the provisions of section 45-202, or at the
417 request of such donee, transferee or surviving
418 joint tenant, and such court may appoint an
419 administrator for the purpose of determining the
420 tax due under the provisions of this chapter and
421 such property shall be appraised in the same
422 manner as if such property had belonged absolutely
423 to the transferor at the date of his death. Such
424 appraisal, when filed in such court, may be
425 accepted by such court, subject to the same
426 conditions and limitations as provided by statute
427 for the acceptance of the original inventory and
428 appraisal of the property of the estate of a
429 decedent. The fiduciary shall have the same
430 duties and powers relating to the filing of a
431 return as provided in subsection (a) of this
432 section and relating to the collection and payment
433 of any such tax as if such property had belonged
434 to the transferor at the date of his death. The
435 decree of such court as to the taxability of such
436 transfer shall be conclusive upon the state and
437 all persons interested, unless an appeal is taken
438 as provided for appeals from other orders and
439 decrees of such court. The court of probate shall
440 be entitled to the same fees as are provided by
441 law for like services in other proceedings in the
442 settlement of estates. In any case coming within
443 the provisions of this subsection, the fees of the
444 court, the cost of procuring a probate bond and
445 the reasonable compensation of the fiduciary and
446 of the appraisers shall be construed to be
447 deductible expenses of administration within the
448 meaning of subsection (j) of section 1 of this
449 act.

450 (e) AS USED IN THIS SECTION THE WORD
451 TRANSFEREE SHALL INCLUDE, BUT NOT BE LIMITED TO,
452 A DONEE AND A BENEFICIARY UNDER A WILL, TRUST OR
453 POWER OF APPOINTMENT OR UNDER THE LAWS OF THIS
454 STATE RELATING TO DESCENT AND DISTRIBUTION.

455 Sec. 6. Section 12-365 of the general
456 statutes is repealed and the following is
457 substituted in lieu thereof: (a) If no person
458 applies for administration within thirty days
459 after the death of any transferor, the
460 commissioner may apply to the court of probate for
461 the district within which the transferor died a
462 resident or, if the transferor was not a resident
463 of this state, to the court of probate for the
464 district wherein the real estate and tangible
465 personal property owned by the transferor is
466 situated, for the appointment of an administrator
467 and, after notice and hearing, such court may
468 appoint an administrator. (b) IF NO
469 ADMINISTRATION HAS BEEN GRANTED UPON THE ESTATE OF
470 THE TRANSFEROR BECAUSE OF THE FACT THAT THE
471 TRANSFEROR DIED WITHOUT LEAVING PROPERTY WHICH
472 COULD PASS BY HIS WILL OR BY THE LAWS OF THIS
473 STATE RELATING TO DESCENT AND DISTRIBUTION, THE
474 COURT OF PROBATE FOR THE DISTRICT WITHIN WHICH THE
475 TRANSFEROR RESIDED AT THE DATE OF HIS DEATH OR, IF
476 THE TRANSFEROR DIED A NONRESIDENT OF THIS STATE,
477 THE COURT OF PROBATE FOR THE DISTRICT WITHIN WHICH
478 THE REAL ESTATE OR TANGIBLE PERSONAL PROPERTY IS
479 SITUATED, MAY, UPON THE WRITTEN APPLICATION OF THE
480 TAX COMMISSIONER, THE TRANSFEREE OR ANY PARTY IN
481 INTEREST APPOINT AN ADMINISTRATOR FOR THE PURPOSE
482 OF DETERMINING AND COLLECTING THE TAX DUE UNDER
483 THE PROVISIONS OF THIS CHAPTER. SUCH FIDUCIARY
484 SHALL HAVE THE SAME DUTIES AND POWERS RELATING TO
485 THE FILING OF A RETURN AND RELATING TO THE
486 COLLECTION AND PAYMENT OF ANY SUCH TAX AS IF SUCH
487 PROPERTY HAD BELONGED TO THE TRANSFEROR AT THE
488 DATE OF HIS DEATH.

489 Sec. 7. Section 12-367 of the 1969
490 supplement to the general statutes is repealed and
491 the following is substituted in lieu thereof: (a)
492 The tax imposed by the provisions of this chapter
493 shall be computed and assessed by the TAX
494 commissioner. [, subject to the review and decree
495 of the court of probate having either principal or
496 ancillary jurisdiction within this state of the
497 settlement of any estate, with the same provisions
498 for appeal as from other orders and decrees of
499 courts of probate; and, in proceedings in relation
500 thereto, the commissioner shall represent the
501 interest of the state. (b)] IF THE TAX
502 COMMISSIONER HAS NOT FILED AN OBJECTION TO THE

503 VALUATIONS OR CONCESSIONS OF TAXABILITY APPEARING
504 ON THE RETURN AS PROVIDED IN SECTION 5 OF THIS
505 ACT, he shall, within [four weeks] ONE HUNDRED
506 TWENTY DAYS of his receipt of the return required
507 by the provisions of SAID section 5 of this act,
508 if such return is correctly made out, OR IF HE HAS
509 FILED SUCH OBJECTION, WITHIN SIXTY DAYS OF HIS
510 WITHDRAWAL OF SUCH OBJECTION OR WITHIN SIXTY DAYS
511 OF A FINAL DETERMINATION BY THE PROBATE COURT OF
512 SUCH OBJECTION, prepare a computation of the tax
513 and, if the tax due is found to be one dollar or
514 more, file a copy thereof with the court of
515 probate and mail a copy to the fiduciary or
516 transferee, as the case may be. [Upon application
517 by the fiduciary or any interested party, such]
518 (b) WITHIN SIXTY DAYS AFTER THE MAILING OF THE
519 COMPUTATION BY THE TAX COMMISSIONER, THE FIDUCIARY
520 OR TRANSFEREE OR ANY OTHER PARTY IN INTEREST MAY
521 MAKE WRITTEN APPLICATION TO THE PROBATE COURT FOR
522 A HEARING UPON THE COMPUTATION OF THE TAX. SUCH
523 APPLICATION SHALL SET FORTH IN DETAIL THE
524 OBJECTION TO THE COMPUTATION AND A COPY OF SAME
525 SHALL BE MAILED TO THE COMMISSIONER AT THE TIME OF
526 FILING. THE PROBATE court shall assign a time and
527 place for a hearing upon such computation not less
528 than two nor more than four weeks after its
529 receipt [thereof] OF THE APPLICATION FOR A HEARING
530 and shall cause a copy of the order of hearing to
531 be sent to the tax commissioner and to the
532 fiduciary [,] OR TRANSFEREE AND TO ALL OTHER
533 PARTIES IN INTEREST at least ten days before the
534 time of such hearing. [Such court may cause
535 notice of the time and place of such hearing to be
536 given to any other person interested in such
537 manner as it shall direct.] The commissioner or
538 any person interested may appear before such court
539 at such hearing and be heard concerning such
540 computation. Such court shall determine the
541 amount of such tax and shall enter upon its
542 records a decree for such amount. [If there is no
543 appearance on behalf of the commissioner and it
544 appears to the court that such computation ought
545 to be modified, such hearing shall be adjourned
546 for not less than ten days and notice of the time
547 and place of such adjourned hearing and of any
548 proposed change in such computation shall be given
549 to the commissioner, who may appear and be heard
550 thereon. At such adjourned hearing, the court

551 shall enter a decree determining the amount of
552 such tax. Such decree] A COPY OF THE DECREE OF
553 THE PROBATE COURT SHALL BE FORWARDED FORTHWITH TO
554 THE COMMISSIONER AND THE FIDUCIARY OR TRANSFEREE
555 BY THE JUDGE OR CLERK OF SUCH COURT. SUBJECT ONLY
556 TO THE PROVISIONS OF SUBSECTION (d) OF THIS
557 SECTION, THE COMPUTATION OF THE TAX BY THE TAX
558 COMMISSIONER shall be conclusive upon the state
559 and all persons interested unless A HEARING IS
560 HELD THEREON AS HEREIN PROVIDED, IN WHICH CASE THE
561 DECREE OF THE PROBATE COURT SHALL BE CONCLUSIVE
562 UPON THE STATE AND ALL PERSONS INTERESTED UNLESS
563 an appeal is taken as provided for appeals from
564 other decrees and orders of such court. [, subject
565 only to the provisions of subsection (d) of this
566 section. Such court shall issue to the tax
567 commissioner a certificate of the amount of such
568 tax. In any case in which such court modifies the
569 computation prepared by the commissioner, a copy
570 of the decree shall be forwarded forthwith to the
571 commissioner by the judge or clerk of such court.]
572 (c) If the fiduciary OR TRANSFEREE fails to file
573 the return required by the provisions of section
574 7 of this act within the time prescribed therefor,
575 the tax commissioner may assess and compute the
576 tax upon the best information obtainable, and file
577 a copy of such computation with the probate court
578 and mail a copy thereof to the fiduciary or
579 transferee, as the case may be. Further
580 proceedings upon such computation shall be taken
581 in accordance with the provisions of subsection
582 (b) of this section AND SECTION 7 OF THIS ACT.
583 (d) The tax commissioner may authorize a refund of
584 an overpayment of such tax made because property
585 was incorrectly included in the gross taxable
586 estate because of a mistake or error if a claim
587 for refund is filed with the tax commissioner and
588 the probate court by the fiduciary or a transferee
589 who has paid the tax within two years after THE
590 COMPUTATION OR the decree provided for in
591 subsection (b) of this section [or section 12-368]
592 determining the amount of the tax in which the
593 overpayment is included or within two years of the
594 date of the computation rendered by the tax
595 commissioner pursuant to a compromise agreement as
596 provided for in section 12-355, AS HEREIN AMENDED,
597 determining the tax in which the overpayment is
598 included. Within sixty days of his receipt of

599 such claim for refund the tax commissioner shall
600 file with the court of probate AND MAIL TO THE
601 FIDUCIARY OR TRANSFEREE a revised computation of
602 the tax or a notice of the rejection of the claim
603 for refund [and mail a copy thereof to the
604 fiduciary or such transferee]. Further
605 proceedings upon such revised computation or
606 rejection shall be taken in accordance with the
607 provisions of subsection (b) of this section.
608 [Upon the final determination of the court of
609 probate approving the recomputation, such court
610 shall certify to the tax commissioner the amount
611 of the tax due on the recomputation and the amount
612 decreed on the original computation. Upon the
613 receipt of such certificate] IF UPON A
614 RECOMPUTATION OF THE TAX A REFUND IS FOUND DUE BY
615 THE TAX COMMISSIONER OR BY THE PROBATE COURT UPON
616 A HEARING AS HEREINBEFORE PROVIDED, the tax
617 commissioner shall certify to the comptroller that
618 a refund is due in an amount equal to the
619 difference between the tax paid and the tax
620 actually due as shown by the recomputation. Such
621 refund shall be paid by the treasurer, on the
622 order of the comptroller, to [the trustee or other
623 proper fiduciary,] THE FIDUCIARY OR TRANSFEREE who
624 shall distribute it ratably among the several
625 beneficiaries equitably entitled to it.

626 Sec. 8. Section 12-373 of the general
627 statutes is repealed and the following is
628 substituted in lieu thereof: An agreement of
629 compromise made pursuant to section 12-372 shall
630 fix the amount to be accepted in full satisfaction
631 of the tax imposed by this chapter, including any
632 interest to the date of filing the agreement, and
633 shall likewise fix the amount to be accepted by
634 the other state or states in full satisfaction of
635 the death taxes thereof. [Upon the filing of such
636 agreement or duplicate thereof with the probate
637 court of the district in which the tax
638 commissioner claims the decedent was domiciled at
639 the date of his death, a decree determining the
640 amount of the tax in accordance with such
641 agreement shall be made, and such decree] THE
642 AMOUNT FIXED IN SUCH AGREEMENT shall finally
643 determine the amount of the tax imposed by this
644 chapter without regard to any other provision of
645 the laws of this state. If a tax would have been
646 imposed upon the transfer of the decedent's estate

647 under the provisions of chapter 217 if he had died
648 domiciled in this state, such agreement shall also
649 fix the amount to be accepted in full satisfaction
650 of the tax imposed by said chapter, including any
651 interest to the date of filing the agreement, and
652 the tax commissioner shall determine and assess
653 the tax imposed by said chapter at the amount
654 fixed in such agreement and such determination and
655 assessment shall finally determine the amount of
656 the tax imposed by said chapter, without regard to
657 any other provision of the laws of this state.

658 Sec. 9. Section 12-376 of the 1969
659 supplement to the general statutes is repealed and
660 the following is substituted in lieu thereof: Each
661 tax imposed by the provisions of this chapter,
662 which is not paid to the tax commissioner within
663 [fourteen] NINE months after the date of the death
664 of the transferor, shall bear interest at the rate
665 of nine per cent per annum, commencing at the
666 expiration of such [fourteen] NINE months, until
667 paid, except in case an extension is granted as
668 herein provided; but the [court of probate] TAX
669 COMMISSIONER may, [after hearing] FOR CAUSE SHOWN,
670 on the written application of the fiduciary OR
671 TRANSFEREE filed with [such court] SAID
672 COMMISSIONER at or before the expiration of such
673 [fourteen] NINE months, extend the time for the
674 payment of such tax or any part thereof. Such
675 application shall set forth the extension desired
676 and the reasons therefor [, and a copy of the same
677 shall be mailed to the commissioner by the
678 fiduciary at the time of filing such application].
679 UNLESS WITHIN THIRTY DAYS OF HIS RECEIPT OF SUCH
680 APPLICATION THE TAX COMMISSIONER GRANTS THE
681 EXTENSION REQUESTED, THE FIDUCIARY OR TRANSFEREE
682 MAY, WITHIN FIFTEEN DAYS AFTER THE EXPIRATION OF
683 SUCH THIRTY-DAY PERIOD, FILE IN THE COURT OF
684 PROBATE FOR THE DISTRICT WITHIN WHICH THE
685 TRANSFEROR RESIDED AT THE DATE OF HIS DEATH OR, IF
686 THE TRANSFEROR DIED A NONRESIDENT OF THIS STATE,
687 IN THE COURT OF PROBATE FOR THE DISTRICT WITHIN
688 WHICH THE REAL ESTATE OR TANGIBLE PERSONAL
689 PROPERTY IS SITUATED, AN APPLICATION FOR AN
690 EXTENSION OF TIME TO PAY THE TAX SETTING FORTH THE
691 EXTENSION DESIRED AND THE REASONS THEREFOR. The
692 court of probate shall assign a time and place for
693 a hearing upon such application not less than two
694 nor more than four weeks after the filing thereof,

695 and shall cause copies of such order for hearing
696 to be sent to the commissioner and to the
697 fiduciary OR TRANSFEREE at least ten days before
698 such hearing. Such court, after such hearing,
699 shall forthwith send to the commissioner a copy of
700 any order relating to such application. Further
701 extensions may be granted by THE TAX COMMISSIONER
702 OR the court if the foregoing provisions have been
703 complied with and if written application for such
704 further extensions is filed [with such court]
705 before the expiration of the preceding extension.
706 [If the fiduciary has filed the succession tax
707 return with the tax commissioner and has made a
708 payment on account of the succession tax which the
709 probate court determines is adequate under the
710 circumstances, such court, on written application
711 by the fiduciary for an extension of time which is
712 filed within fourteen months after the date of
713 death of the transferor, shall extend the time for
714 the payment of any balance due for succession tax
715 until thirty days after receipt by the fiduciary
716 of a copy of the computation of the succession tax
717 from the tax commissioner.] If one or more
718 extensions have been granted, the tax shall bear
719 interest at the rate of [four] SIX per cent per
720 annum, commencing with the expiration of
721 [fourteen] NINE months after the death of the
722 transferor, until paid, provided such payment
723 shall be made before the expiration of such
724 extension or extensions; but, if such payment is
725 not made before the expiration of such extension,
726 the tax shall bear interest as follows: (a) At the
727 rate of [four] SIX per cent per annum from the
728 expiration of such [fourteen] NINE months after
729 the death of the transferor until the expiration
730 of such extension or extensions, (b) thereafter,
731 at the rate of nine per cent per annum until paid.
732 Except as provided by the provisions of a will,
733 such tax shall be paid from property passing to
734 the donee, beneficiary or distributee unless such
735 recipient pays to the fiduciary OR TRANSFEREE the
736 amount thereof. Each donee, beneficiary or
737 distributee of the same class shall pay such
738 percentage of the tax on property passing to such
739 class as his share is of such property. The tax
740 to be allocated against a tenant for life or
741 limited term or an annuitant or remainderman shall
742 be such percentage of the whole tax on property

743 passing to persons of the same class as the value
744 of his interest as determined under the provisions
745 of section 12-353 is of the net taxable estate
746 passing to such class and shall be paid out of the
747 principal fund in which any such temporary
748 interest or remainder exists.

749 Sec. 10. Section 12-376a of said supplement
750 is repealed and the following is substituted in
751 lieu thereof: Whenever any transfer of property is
752 reported and a tax paid thereon under the
753 provisions of this chapter more than [fourteen]
754 NINE months after the date of death of the
755 transferor, and it appears that such transfer
756 could not have been known, or in good faith was
757 not known, at the time of the death of the
758 transferor, or at the time any other estate of
759 such transferor was probated, the running of
760 interest at nine per cent per annum on such
761 transfer, as provided by section 9 of this act,
762 may be waived by the tax commissioner, with the
763 approval of the attorney general, upon a finding
764 that such transfer could not have been known, or
765 in good faith was not known, within [fourteen]
766 NINE months of the date of death of the
767 transferor. Upon such waiver by the commissioner
768 interest at six per cent per annum shall run on
769 the amount of tax payable on such transfer for a
770 period from [fourteen] NINE months after the date
771 of death of the transferor until the date of
772 payment of such tax to the commissioner.

773 Sec. 11. Section 12-378 of the general
774 statutes is repealed and the following is
775 substituted in lieu thereof: The tax commissioner
776 shall issue receipts in duplicate for all taxes
777 paid OR, IF NO TAX IS FOUND DUE, A CERTIFICATE
778 THAT NO TAX IS DUE. A COPY OF THE FINAL RECEIPT
779 OR SUCH CERTIFICATE, WITH THE AMOUNT OF THE GROSS
780 TAXABLE ESTATE SHOWN THEREON, SHALL BE FILED WITH
781 THE PROBATE COURT AND SENT TO THE FIDUCIARY OR
782 TRANSFEREE and no representative of an estate [in
783 the settlement of which a tax is due under the
784 provisions of this chapter] shall be entitled to
785 a final accounting unless [he produces and files
786 with the probate court a] SUCH final receipt [for
787 all taxes due or a duplicate or certified copy
788 thereof, but not including taxes for which
789 security has been given as in this chapter
790 provided] OR CERTIFICATE HAS BEEN FILED WITH THE

791 PROBATE COURT. SUCH FINAL RECEIPT FILED WITH THE
792 PROBATE COURT SHALL BE CONCLUSIVE EVIDENCE THAT
793 ALL REAL PROPERTY INCLUDED IN THE INVENTORY OF THE
794 ESTATE IS FREE FROM ANY CLAIM FOR SUCCESSION TAX
795 DUE THE STATE IN RESPECT TO THE INTEREST OF THE
796 DECEASED IN SUCH REAL PROPERTY.

797 Sec. 12. Section 12-388 of the general
798 statutes is repealed and the following is
799 substituted in lieu thereof: The transfer to the
800 legatees, devisees or beneficiaries of the will
801 of, or to the heirs of, any transferor, resident
802 of this state at the time of death, of any refund
803 received by the executor or administrator from the
804 United States or from any state or territory on
805 account of any estate, inheritance, succession or
806 transfer tax or tax upon income accrued before the
807 death of the decedent, which tax was deducted by
808 the executor or administrator and by the
809 commissioner in determining the net estate subject
810 to the succession tax of this state, shall be
811 subject to an additional succession tax. The
812 amount of such refund shall be set forth upon a
813 supplemental return by the executor or
814 administrator, copies of which shall be filed with
815 the commissioner and with the probate court,
816 respectively, not more than two weeks after the
817 receipt of such refund by the executor or
818 administrator; and a succession tax shall be
819 computed thereon by the commissioner, without
820 interest if such supplemental return is filed
821 within the period limited. The commissioner,
822 within two weeks of his receipt of such return, if
823 such return is found to be correct, shall file
824 copies of the computation of the succession tax
825 thereon with the court of probate and with the
826 executor or administrator, respectively, and
827 further proceedings relating to such tax shall be
828 taken in accordance with the provisions of this
829 chapter. Such additional tax shall be computed
830 beginning with the highest rate to which such
831 legatees, devisees or heirs were subject in the
832 original computation of the succession tax [as
833 approved by the probate court in its decree fixing
834 the original tax,] and without exemption unless
835 such legatees or devisees are corporations or
836 other institutions, associations or trusts which
837 were exempted from tax in the original computation
838 thereof.

839 Sec. 13. Section 45-202 of the 1969
840 supplement to the general statutes is repealed and
841 the following is substituted in lieu thereof: An
842 inventory of all the property of every deceased
843 person and insolvent debtor, except real estate
844 situated outside the state, duly appraised, shall
845 be made and sworn to by the executor or
846 administrator or trustee and by him filed in the
847 court of probate having jurisdiction of the estate
848 of such deceased person or insolvent debtor within
849 two months after the acceptance of the bond or
850 other qualification of such fiduciary; but the
851 inventory and appraisal of the estate of any
852 deceased nonresident shall include only such
853 interest as such decedent had at the time of his
854 death in the real estate, tangible personal
855 property situated in this state and intangible
856 personal property. Such court may, for cause
857 shown, extend the time for the filing of such
858 inventory to not more than four months from the
859 qualification of the fiduciary. The fiduciary
860 shall appraise or cause to be appraised such
861 inventoried property at its fair market value.
862 [If the estate of any deceased person is appraised
863 for more than three thousand dollars, or if the
864 estate of any deceased person is appraised for
865 less than three thousand dollars when such estate
866 contains property passing to members of Class C as
867 defined by section 12-344, the court of probate
868 shall, within ten days after the filing in such
869 court of such inventory or appraisal, cause a
870 certified copy of the same, with the address of
871 the fiduciary endorsed thereon, to be delivered to
872 the tax commissioner. Within sixty days after the
873 receipt of such copy by the tax commissioner, he
874 or any party interested may apply to such court
875 for the appointment of appraisers and thereupon
876 the court in its discretion may appoint one or
877 more disinterested persons as appraisers, whose
878 appraisal shall be limited to those items in the
879 inventory as to the value of which the parties are
880 unable to agree. Such appraisal shall supersede
881 the fiduciary's appraisal and shall be filed in
882 such court within thirty days after the
883 appointment of the appraisers. Within ten days
884 thereafter the court of probate shall cause a
885 certified copy of the same to be delivered to the
886 tax commissioner. Within thirty days after the

887 receipt of such copy by the tax commissioner, or
888 within sixty days after receipt of the copy of the
889 original inventory by the tax commissioner if no
890 appraisal is applied for, the tax commissioner]
891 WITHIN SIXTY DAYS AFTER THE RECEIPT OF SUCH
892 INVENTORY AND APPRAISAL BY THE COURT or any
893 interested party may file in such court a
894 statement in writing setting forth in detail such
895 objections as he may have to the acceptance of
896 such inventory or appraisal [, and at the same
897 time shall send a copy thereof to the executor or
898 administrator, and, if such objection is filed by
899 the executor, administrator or interested party,
900 a copy shall at the same time be sent to the tax
901 commissioner by the person filing such objection].
902 Upon the filing of such objection, such court
903 shall order a hearing on the acceptance of such
904 inventory and appraisal to be had within sixty
905 days and not less than fifteen days thereafter,
906 and cause notice of the time and place of such
907 hearing to be forthwith given to the [tax
908 commissioner and the] executor or administrator of
909 the estate AND TO EACH PARTY IN INTEREST. Such
910 court, upon such hearing, shall hear such
911 objections and [determine the fair market value of
912 any inventoried property, the appraised value of
913 which has been objected to, and] may order such
914 executor or administrator to amend such inventory
915 or appraisal in any way that it finds proper, and
916 may accept the same as amended. If no objection
917 to such inventory or appraisal is filed as
918 aforesaid, such inventory and appraisal may
919 thereupon be accepted by such court. [The court
920 of probate shall, within ten days after the filing
921 of the inventory of the estate of any deceased
922 person of the appraised value of more than three
923 thousand dollars, or of any estate of the
924 appraised value of less than three thousand
925 dollars when such estate contains property passing
926 to members of Class C as defined by section 12-
927 344, file with the tax commissioner a certified
928 copy of the application for administration or for
929 probate of the will of such decedent, with a
930 certified copy of the will. If, in the opinion of
931 the judge of such court, any estate is not subject
932 to succession or inheritance tax, he shall send to
933 the tax commissioner, with the copy of the
934 inventory, a certificate to that effect, setting

935 forth his reasons therefor, and, unless the tax
936 commissioner, within sixty days after the filing
937 of such certificate as hereinbefore provided,
938 files an objection to such certificate, no tax
939 shall be due from the estate inventoried as
940 aforesaid, unless the appraised value of any item
941 of the inventory is increased or additional
942 property is thereafter discovered. The court of
943 probate may, at any time, correct an error or
944 mistake in such certificate. The value of the
945 estate as set forth in the accepted inventory of
946 an estate shall be the basis for computing the
947 succession or inheritance tax.]

948 Sec. 14. Sections 12-360, 12-361, 12-362 and
949 12-368 of the general statutes are repealed.

950 Sec. 15. The provisions of this act shall
951 take effect January 1, 1972, and shall apply to
952 estates of persons dying on and after that date.
953 All estates of person dying before January 1,
954 1972, shall be subject to the succession tax or
955 inheritance tax laws applicable to them prior to
956 January 1, 1972, and such laws are continued in
957 force for that purpose.

STATE OF CONNECTICUT,

Bill No. 797 Page 1 of 22
Introduced by Sen Jackson - 544
Rep. Carozzella - 81 ct Date January, 1971
Ref. to Committee on Finance

General Assembly,
January Session, A. D., 1971

AN ACT CONCERNING

SIMPLIFIED PROCEDURE IN ASSESSMENT AND COLLECTION OF THE
SUCCESSION TAX

CONNECTICUT
STATE LIBRARY
LEGISLATIVE

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 12-350 of the general statutes is repealed and the following is substituted in lieu thereof: In the case of the estate of a resident transferor, the net estate for the purposes of the tax imposed by the provisions of this chapter shall be ascertained by deducting from the gross taxable estate the following items provided they reduce the gross taxable estate: (a) Debts of the transferor which constitute lawful claims against his estate; (b) losses incurred up to the time of filing the return required in section 12-359 in the reduction to possession of choses in action, including notes and mortgages, but not including corporate or governmental stocks or bonds nor including income accrued after death; (c) unpaid taxes, (1) on real property within this state which were a lien at the date of the transferor's death, (2) on personal property of the transferor which constituted a personal obligation or were a lien at the date of death, (3) on the income of the transferor accrued to the date of death; (d) any tax on untaxed property assessed by this state against the estate of the transferor; (e) special assessments which, at the date of death, were a lien on the real property of the transferor situated within this state; (f) funeral expenses and all amounts actually expended or to be expended for a headstone or monument or the care of

any cemetery lot; (g) reasonable compensation of executors and administrators and reasonable attorney's fees; (h) a reasonable allowance made during the settlement of the estate for the support of the widow, widower, dependent minor children, including legally adopted children, of the transferor, or dependent children incapable of self-support because mentally or physically defective receiving support mainly from the transferor at the time of his death; but no such deduction shall be made for any such allowance beyond the expiration of twelve months after the date of the transferor's death; (i) the amount at the date of the transferor's death of all unpaid mortgages upon real or personal property situated within this state, which mortgages were not deducted in the appraisal of the property mortgaged; (j) reasonable expenses of administration, except as provided in section 12-351. The foregoing deductions shall be allowed in the case of property transferred by will, by laws relating to intestate estates, and in the case of joint bank accounts, except that such deductions shall be allowed in the case of joint bank accounts (1) only to the extent that such property is includable in the decedent's gross taxable estate under the provisions of this chapter, and (2) only to the extent of amounts actually paid from such accounts for deductions under subsection (a) above for debts due for the last sickness of the deceased and deductions under subsections (f), (g), and (j) above. In the case of a transfer other than by will or by laws relating to intestate estates or to joint bank accounts, the only items allowed as deductions shall be liens subject to which the transfer is made; debts of the transferor if it is judicially established that such transfer is subject thereto, unpaid expenses of administering prior to death a trust which is taxable under the provisions of chapter 216, expenses of terminating such trust if it terminates on the death of the transferor, [and certain items allowed by the provisions of subsection (b) of section

12-359, and] the fees of the probate court, the reasonable compensation of appraisers, reasonable attorney's fees, and, if an administrator is appointed under the provisions of section 12-365(b), the cost of procuring a probate bond and the reasonable compensation of such fiduciary, provided such items reduce the gross taxable estate.

Section 2. Section 12-352 of the general statutes is repealed and the following is substituted in lieu thereof: In the case of the estate of a nonresident transferor, when property is transferred by will or intestate laws, the net estate for the purpose of the tax imposed by the provisions of this chapter shall be ascertained by deducting from the gross taxable estate the following items: (a) Fees of the Connecticut probate court; (b) advertising expenses incidental to administration in this state; (c) [fees paid to appraisers appointed by the Connecticut probate court] the reasonable compensation of appraisers of real estate or tangible personal property situated within this state; (d) expenses incurred in connection with procuring the fiduciary's bond filed in the Connecticut probate court; (e) commissions paid in connection with the sale of real estate or tangible personal property situated within this state; (f) reasonable compensation of executors and administrators, qualifying as such in the Connecticut probate court, and reasonable fees for Connecticut attorneys; (g) the amount at the date of the transferor's death of all unpaid mortgages upon real or tangible personal property situated within this state, which mortgages were not deducted in the appraisal of the property mortgaged; (h) unpaid taxes upon real or tangible personal property situated within this state which were a lien at the date of the transferor's death; (i) any tax on untaxed property assessed by this state against the estate of the transferor; (j) special assessments which, at the date of death, were a lien on real property of the transferor situated within this state. In case the domiciliary estate is insolvent, there shall be allowed as a deduction, in addition to the foregoing items, the

amount by which the total of the lawful claims against and administration expenses of the estate, exclusive of Connecticut deductible items set forth above, exceeds the total value of property wherever situated subject to such claims and expenses, exclusive of the gross estate situated in this state. In case of a transfer other than by will or by laws relating to intestate estates, the only deductions allowable shall be liens subject to which the transfer is made, debts of the transferor, if it is judicially established that such a transfer is subject thereto, and reasonable fees for Connecticut attorneys.

Section 3. Section 12-355 of the general statutes is repealed and the following is substituted in lieu thereof: (a) If it is impossible to compute the present value of any of the property transferred, or of any interest therein, or if the tax cannot be determined because of a contingency as to who will take, the tax commissioner, with the written approval of the attorney general, may enter into an agreement with the fiduciary to compound the tax upon such terms as may be deemed equitable, and the payment of any amount agreed upon shall be in full satisfaction for the tax imposed by this chapter, and such amount shall be payable out of the property transferred. The fiduciary is authorized to enter into such agreements on behalf of the estate or trust without the formal authorization of the probate court provided by section 45-231. (b) If such an agreement cannot be reached within thirty days after the mailing by the tax commissioner to the fiduciary of an offer to compromise the tax, said commissioner shall, if the return filed under the provisions of section 12-359 is correctly made out, make a computation of the tax, based upon the whole net taxable estate, upon the assumption that the contingencies will so resolve themselves as to lead to the highest tax possible under the provisions of this chapter, and the executor, trustee and transferee shall be liable for such tax as in other cases. Copies of such computation shall be filed, and further proceedings taken in connection therewith, in accordance

with the provisions of section 12-367. If, after such first computation and upon the determination of any of the contingencies, any part of the estate so passes as to lead to a lower tax, and if the fiduciary, within two years of such determination, notifies the tax commissioner thereof, the tax commissioner shall forthwith recompute the whole tax in the same manner as would have been done originally had the outcome of the contingencies in question been known. Copies of such recomputation shall be filed, and further proceedings taken in connection therewith, in accordance with the provisions of section 12-367. Upon the final determination of the [court of probate approving the recomputation, such court shall certify to the tax commissioner the] amount of tax due on the recomputation, [and the amount decreed on the original computation. Upon the receipt of such certificate,] the commissioner shall certify to the comptroller that a refund is due in an amount equal to the difference between the tax paid at the highest rate and the tax actually due as shown by the recomputation. Such refund shall bear interest at the rate of four per cent compounded annually from the date of payment of the original tax to the date of the determination of the contingencies and shall be paid by the treasurer, on the order of the comptroller, to the trustee or other proper fiduciary, who shall distribute it ratably among the several beneficiaries equitably entitled to it. This subsection shall not be construed to prevent more than one refund in one estate if the circumstances warrant.

Section 4. Section 12-358 of the general statutes is repealed and the following is substituted in lieu thereof: Clerks of probate courts shall report monthly to the commissioner all letters testamentary or of administration granted upon estates of decedents in such courts on forms provided by him for that purpose and containing such information as he may require. They shall also on his written request furnish to the commissioner such certified copies of any papers on

file in such courts pertaining to any decedent's estate as he may deem necessary to the performance of his duties.

Section 5. Section 12-359 of the general statutes is repealed and the following is substituted in lieu thereof: (a) Except as herein provided, within [one year] nine months after the death of the transferor the [fiduciary] executor, administrator for tax purposes, administrator c.t.a. or administrator d.b.n. or, if there is no such fiduciary, any transferee, beneficiary or donee or any other person, trustee or corporation having notice of the death of the transferor and of the existence of property, the transfer of which may be taxable under the provisions of section 12-341, 12-341b, 12-342, 12-343 or 12-345 shall file [with the tax commissioner and] with the court of probate for the district within which the transferor resided at the date of his death or, if the transferor died a non-resident of this state, the court of probate for the district within which the real estate or tangible personal property is situated, a sworn return, in duplicate, containing all items necessary to the correct computation and assessment of the tax. [and] Such return shall include among other things: (1) a copy of the written instrument evidencing any transfer which may be taxable under the provisions of subsection (c) or (d) of section 12-341 or 12-341b or of section 12-342, 12-343 or 12-345 or, if there is no written evidence, a written statement fully disclosing the circumstances under which the transfer was made; provided, in the case of a transfer evidenced by an insurance, annuity, pension plan, profit sharing plan or other similar contract with an insurance company, in lieu of such copy of the written instrument, a summary thereof executed by the insurance company on forms provided by the tax commissioner may be so filed;

(2) an appraisal at its fair market value on the date of decedent's death of each item of property, the transfer of which may be taxable under the provisions of section 12-341, 12-341b, 12-342, 12-343 or 12-345; (3) a statement as to whether, or to what extent, the reported transfers are conceded taxable; (4) all items claimed as deductions under the provisions of section 12-350 or 12-352 with an explanation of the circumstances under which each deduction is allowable; (5) a statement containing the name and relationship to the transferor of each individual, corporation, [or] institution, society, association or trust benefiting by reason of any succession or transfer of property as set forth in [part I] Sections 12-340 through 12-343 and the value of the estate passing to each such beneficiary; (6) such other information as the tax commissioner may deem necessary for the correct computation and assessment of the tax and the proper administration thereof. The probate court shall, within ten days of the filing of such return, forward a certified copy of it to the tax commissioner.

(b) Within ninety days after the receipt of such return by the tax commissioner, he may file with the fiduciary or other person who filed the return and with such court of probate a statement in writing setting forth in detail such objections as he may have to the valuations, concessions of taxability or claimed deductions appearing thereon. Unless such fiduciary or other person concedes the correctness of the tax commissioner's opinion or the tax commissioner withdraws his objection, the tax commissioner or any party in interest may file in the court of probate for the district within which the transferor resided at the date of his death or, if the transferor died a non-resident of this state, in the court

of probate for the district within which the real estate or tangible personal property is situated, an application for a hearing upon those items set out in such return as to which the tax commissioner objects. Such court shall assign a time and place for a hearing upon the tax commissioner's objections to the return and shall cause a copy of the order of hearing to be sent to the tax commissioner, such fiduciary or other person and all other parties in interest at least fifteen days before the time of such hearing. The commissioner or any other party in interest may appear before such court at such hearing and be heard concerning the objections of the tax commissioner. Said court, upon such hearing, shall hear such objections and determine the fair market value of any property, the reported value of which has been objected to, the taxability of any transfer objected to and the allowability of any claimed deductions objected to and shall enter upon its records a decree determining the fair market value of property the value of which has been objected to, the taxability of any transfer which has been objected to and the allowability of any deduction objected to. The decree of such court shall be conclusive upon the state and all other parties in interest unless an appeal is taken as provided for appeals from other decrees and orders of such court. A copy of such decree shall be forwarded forthwith to the commissioner and to the fiduciary or other person filing the return by the judge or clerk of such court. The value of the estate as set forth in the tax return or as altered by agreement between the tax commissioner and such fiduciary or other person or as set by the probate court upon a hearing as hereinbefore provided shall be the basis for computing the succession tax.

(c) For cause shown, the [court of probate] tax commissioner may, [after hearing] on the written application of the fiduciary or other person filing such succession tax return filed with [such court said commissioner within [one year] nine months after the death of the [testate or intestate] transferor, extend the time for filing such return. Such application shall set forth the extension desired and the reasons therefor. [and a copy of the same shall be mailed to the commissioner by the fiduciary at the time of filing such application.] The tax commissioner shall file a copy of any order granting an extension with the court of probate. Unless within thirty days of his receipt of such application the tax commissioner grants the extension requested, the fiduciary or transferee may file in the court of probate for the district within which the transferor resided at the date of his death or, if the transferor died a non-resident of this state, in the court of probate for the district within which the real estate or tangible personal property is situated, an application for an extension of time to file the return setting forth the extension desired and the reasons therefor. The court of probate shall assign a time and place for a hearing upon such application not less than two nor more than four weeks after the filing thereof and shall cause a copy of the order of hearing to be sent to the commissioner and to the fiduciary or such other person at least ten days before the time of such hearing. Such court, after such hearing, shall forthwith send to the tax commissioner a copy of any order extending or denying extension of the time for filing such return. Further extensions may be granted by the tax commissioner or probate court

if the foregoing provisions are complied with and if written application for such further extension is filed [with such court] before the expiration of the preceding extension. Failure on the part of any fiduciary to file such return within the time herein prescribed therefor shall be sufficient cause for the summary removal of such fiduciary upon the application of the tax commissioner or any interested person.

Section 6. Section 12-360 of the general statutes is repealed.

Section 7. Section 12-361 of the general statutes is repealed.

Section 8. Section 12-362 of the general statutes is repealed.

Section 9. Section 12-364 of the general statutes is repealed and the following is substituted in lieu thereof: Any person shall, upon the payment to the tax commissioner of a fee of [one dollar] ten dollars, if the tax commissioner finds, upon evidence satisfactory to him, that a joint tenant of real property situated in this state has died and that the payment of any succession tax with respect to the interest of such deceased joint tenant in such real property is adequately assured, or that no succession tax will become due therefrom, be entitled to a certificate of release of lien reciting that the tax commissioner has released such real property from the operation of any lien for succession taxes with respect to the interest of such deceased joint tenant in such real property. Such certificate of release of lien may be filed in any probate court in this state and shall thereupon constitute conclusive proof to such court that such real property has been released from the operation of such lien. A finding by the tax commissioner that the payment of such tax is adequately assured shall be based upon the receipt by the tax commissioner of a bond for an amount and with surety satisfactory to him, conditioned upon the full payment of all succession taxes with respect to the gross taxable estate of

such deceased joint tenant or upon the payment to the tax commissioner of an amount satisfactory to him on account of such tax or upon the finding by the tax commissioner that an executor or administrator of the estate of such deceased joint tenant has been duly appointed in this state and that the official bond of such administrator or executor, or, if such administrator or executor is a corporation, its financial responsibility, furnishes adequate protection for the payment of all succession taxes.

Section 10. Section 12-365 of the general statutes is repealed and the following is substituted in lieu thereof: (a) If no person applies for administration within thirty days after the death of any transferor, the commissioner may apply to the court of probate for the district within which the transferor died a resident or, if the transferor was not a resident of this state, to the court of probate for the district wherein the real estate and tangible personal property owned by the transferor is situated, for the appointment of an administrator and, after notice and hearing, such court may appoint an administrator. (b) If no administration has been granted upon the estate of the transferor because of the fact that the transferor died without leaving property which could pass by his will or by the laws of this state relating to descent and distribution, the court of probate for the district within which the transferor resided at the date of his death or, if the transferor died a non-resident of this state, the court of probate for the district within which the real estate or tangible personal property is situated, may, upon the written application of the tax commissioner, the transferee or any party in interest appoint an administrator for the purpose of determining and collecting the tax due under the provisions of this chapter. Such fiduciary shall have the same duties and powers relating to the filing of a return and relating to the collection and payment of any such tax as if such property had belonged to the transferor at the date of his death.

Section 11. Section 12-367 of the general statutes is repealed and the following is substituted in lieu thereof: (a) The tax imposed by the provisions of this chapter shall be computed and assessed by the tax commissioner, [subject to the review and decree of the court of probate having either principal or ancillary jurisdiction within this state of the settlement of any estate, with the same provisions for appeal as from other orders and decrees of courts of probate; and in proceedings in relation thereto, the commissioner shall represent the interest of the state. (b)] If the tax commissioner has not filed an objection to the valuations, concessions of taxability or claimed deductions appearing on the return as provided in section 12-359, he shall, within [four weeks] ninety days of his receipt of the return required by the provisions of section 12-359 [if such return is correctly made out,] or if he has filed such objection, within sixty days of his withdrawal of such objection or within sixty days of a final determination by the probate court of such objection prepare a computation of the tax and, if the tax due is found to be one dollar or more, file a copy thereof with the court of probate and mail a copy to the fiduciary or transferee, as the case may be.

(b) Within ninety days after the mailing of the computation by the tax commissioner, the fiduciary or transferee or any other party in interest may make written application to the probate court for a hearing upon the computation of the tax. Such application shall set forth in detail the objection to the computation and a copy of same shall be mailed to the commissioner at the time of filing. The probate [upon application by the fiduciary or any interested party, such] court shall assign a time and place for a hearing upon such computation not less than two nor more than four weeks after its receipt [thereof] of the application for a hearing and shall cause a copy of the order of hearing to be

sent to the tax commissioner and to the fiduciary or transferee and to all other parties in interest at least ten days before the time of such hearing. [Such court may cause notice of the time and place of such hearing to be given to any other person interested in such manner as it shall direct.] The commissioner or any person interested may appear before such court at such hearing and be heard concerning such computation. Such court shall determine the amount of such tax and shall enter upon its records a decree for such amount. [If there is no appearance on behalf of the commissioner and it appears to the court that such computation ought to be modified, such hearing shall be adjourned for not less than ten days and notice of the time and place of such adjourned hearing and of any proposed change in such computation shall be given to the commissioner, who may appear and be heard thereon. At such adjourned hearing, the court shall enter a decree determining the amount of such tax.] A copy of the decree of the probate court shall be forwarded forthwith to the commissioner and the fiduciary or transferee by the judge or clerk of such court. Subject only to the provisions of subsection (d) of this section, the computation of the tax by the tax commissioner [Such decree] shall be conclusive upon the state and all persons interested unless a hearing is held thereon as herein provided in which case the decree of the probate court shall be conclusive upon the state and all persons interested unless an appeal is taken as provided for appeals from other decrees and orders of such court. [subject only to the provisions of subsection (d) of this section. Such court shall issue to the tax commissioner a certificate of the amount of such tax. In any case in which such court modifies the computation prepared by the commissioner, a copy of the decree shall be forwarded forthwith to the commissioner by the judge or clerk of such court.]

(c) If the fiduciary or transferee fails to file the return required by the provisions of section 12-359 within the time

prescribed therefor, the tax commissioner may assess and compute the tax upon the best information obtainable, and file a copy of such computation with the probate court and mail a copy thereof to the fiduciary or transferee, as the case may be. Further proceedings upon such computation shall be taken in accordance with the provisions of subsection (b) of this section and section 12-359.

(d) The tax commissioner may authorize a refund of an overpayment of such tax made because property was incorrectly included in the gross taxable estate because of a mistake or error if a claim for refund is filed with the tax commissioner and the probate court by the fiduciary or a transferee who has paid the tax within two years after the computation or the decree provided for in said subsection (b) [of this section or section 12-368] determining the amount of the tax in which the overpayment is included or within two years of the date of the computation rendered by the tax commissioner pursuant to a compromise agreement as provided for in section 12-355 determining the tax in which the overpayment is included. Within sixty days of his receipt of such claim for refund the tax commissioner shall file with the court of probate and mail to the fiduciary or transferee a revised computation of the tax or a notice of the rejection of the claim for refund. [and mail a copy thereof to the fiduciary or such transferee.] Further proceedings upon such revised computation or rejection shall be taken in accordance with the provisions of subsection (b) of this section. [upon the final determination of the court of probate approving the recomputation, such court shall certify to the tax commissioner the amount of the tax due on the recomputation and the amount decreed on the original computation. Upon the receipt of such certificate] If upon a recomputation of the tax a refund is found due by the tax commissioner or by the probate court upon a hearing as hereinbefore provided, the tax commissioner shall certify to the comptroller that a refund is due in an amount equal to the difference between the tax

paid and the tax actually due as shown by the recomputation. Such refund shall be paid by the treasurer, on the order of the comptroller, to [the trustee or other proper fiduciary] the fiduciary or transferee who shall distribute it ratably among the several beneficiaries equitably entitled to it.

Section 12. Section 12-368 of the general statutes is repealed.

Section 13. Section 12-373 of the general statutes is repealed and the following is substituted in lieu thereof: An agreement of compromise made pursuant to section 12-372 shall fix the amount to be accepted in full satisfaction of the tax imposed by this chapter, including any interest to the date of filing the agreement, and shall likewise fix the amount to be accepted by the other state or states in full satisfaction of the death taxes thereof. [Upon the filing of such agreement or duplicate thereof with the probate court of the district in which the tax commissioner claims the decedent was domiciled at the date of his death, a decree determining the amount of the tax in accordance with such agreement shall be made, and such decree] The amount fixed in such agreement shall finally determine the amount of the tax imposed by this chapter without regard to any other provision of the laws of this state. If a tax would have been imposed upon the transfer of the decedent's estate under the provisions of chapter 217 if he had died domiciled in this state, such agreement shall also fix the amount to be accepted in full satisfaction of the tax imposed by said chapter, including any interest to the date of filing the agreement, and the tax commissioner shall determine and assess the tax imposed by said chapter at the amount fixed in such agreement and such determination and assessment shall finally determine the amount of the tax imposed by said chapter, without regard to any other provision of the laws of this state.

Section 14. Section 12-376 of the general statutes is repealed and the following is substituted in lieu thereof: Each tax imposed

by the provisions of this chapter, which is not paid to the tax commissioner within [fourteen] nine months after the date of the death of the transferor, shall bear interest at the rate of nine per cent per annum, commencing at the expiration of such [fourteen] nine months, until paid, except in case an extension is granted as herein provided; but the [court of probate] tax commissioner may, for cause shown, [after hearing] on the written application of the fiduciary or transferee filed with [such court] said commissioner at or before the expiration of such [fourteen] nine months, extend the time for the payment of such tax or any part thereof. Such application shall set forth the extension desired and the reasons therefor, [and a copy of the same shall be mailed to the commissioner by the fiduciary at the time of filing such application.] Unless within thirty days of his receipt of such application the tax commissioner grants the extension requested, the fiduciary or transferee may file in the court of probate for the district within which the transferor resided at the date of his death or, if the transferor died a non-resident of this state, in the court of probate for the district within which the real estate or tangible personal property is situated, an application for an extension of time to pay the tax setting forth the extension desired and the reasons therefor.

The court of probate shall assign a time and place for a hearing upon such application not less than two nor more than four weeks after the filing thereof, and shall cause copies of such order for hearing to be sent to the commissioner and to the fiduciary or transferee at least ten days before such hearing. Such court, after such hearing, shall forthwith send to the commissioner a copy of any order relating to such application. Further extensions may be granted by the tax commissioner or the court if the foregoing provisions have been complied with and if written application for such further extensions is filed [with such court] before the expiration

of the preceding extension. [If the fiduciary has filed the succession tax return with the tax commissioner and has made a payment on account of the succession tax which the probate court determines is adequate under the circumstances, such court, on written application by the fiduciary for an extension of time which is filed within fourteen months after the date of death of the transferor, shall extend the time for the payment of any balance due for succession tax until thirty days after receipt by the fiduciary of a copy of the computation of the succession tax from the tax commissioner.] If one or more extensions have been granted, the tax shall bear interest at the rate of [four] six per cent per annum, commencing with the expiration of [fourteen] nine months after the death of the transferor, until paid, provided such payment shall be made before the expiration of such extension or extensions; but, if such payment is not made before the expiration of such extension, the tax shall bear interest as follows: (a) At the rate of [four] six per cent per annum from the expiration of such [fourteen] nine months after the death of the transferor until the expiration of such extension or extensions, (b) thereafter, at the rate of nine per cent per annum until paid. Except as provided by the provisions of a will, such tax shall be paid from property passing to the donee, beneficiary or distributee unless such recipient pays to the fiduciary or transferee the amount thereof. Each donee, beneficiary or distributee of the same class shall pay such percentage of the tax on property passing to such class as his share is of such property. The tax to be allocated against a tenant for life or limited term or an annuitant or remainderman shall be such percentage of the whole tax on property passing to persons of the same class as the value of his interest as determined under the provisions of section 12-353 is of the net taxable estate passing to such class and shall be paid out of the principal fund in which any such temporary interest or remainder exists.

Section 15. Section 12-376a of the general statutes is repealed and the following substituted in lieu thereof: Whenever any transfer of property is reported and a tax paid thereon under the provisions of this chapter more than [fourteen] nine months after the date of death of the transferor, and it appears that such transfer could not have been known, or in good faith was not known, at the time of the death of the transferor, or at the time any other estate of such transferor was probated, the running of interest at nine per cent per annum on such transfer, as provided by section 12-376, may be waived by the tax commissioner, with the approval of the attorney general, upon a finding that such transfer could not have been known, or in good faith was not known, within [fourteen] nine months of the date of death of the transferor. Upon such waiver by the commissioner interest at six per cent per annum shall run on the amount of tax payable on such transfer for a period from [fourteen] nine months after the date of death of the transferor until the date of payment of such tax to the commissioner.

Section 16. Section 12-378 of the general statutes is repealed and the following is substituted in lieu thereof: The tax commissioner shall issue receipts in duplicate for all taxes paid or, if no tax is found due, a certificate that no tax is due. A copy of the final receipt or such certificate, with the amount of the gross taxable estate shown thereon, shall be filed with the probate court and sent to the fiduciary or transferee and no representative of an estate [in the settlement of which a tax is due under the provisions of this chapter] shall be entitled to a final accounting unless [he produces and files with the probate court a] such final receipt [for all taxes due or a duplicate or certified copy thereof, but not including taxes for which security has been given as in this chapter provided] or certificate has been filed with the probate court. Such final

receipt filed with the probate court shall be conclusive evidence that all real property included in the inventory of the estate is free from any claim for succession tax due the state in respect to the interest of the deceased in such real property.

Section 17. Section 12-388 of the general statutes is repealed and the following is substituted in lieu thereof: The transfer to the legatees, devisees or beneficiaries of the will of, or to the heirs of, any transferor, resident of this state at the time of death, of any refund received by the executor or administrator from the United States or from any state or territory on account of any estate, inheritance, succession or transfer tax or tax upon income accrued before the death of the decedent, which tax was deducted by the executor or administrator and by the commissioner in determining the net estate subject to the succession tax of this state, shall be subject to an additional succession tax. The amount of such refund shall be set forth upon a supplemental return by the executor or administrator, copies of which shall be filed with the commissioner and with the probate court, respectively, not more than two weeks after the receipt of such refund by the executor or administrator; and a succession tax shall be computed thereon by the commissioner, without interest if such supplemental return is filed within the period limited. The commissioner, within two weeks of his receipt of such return, if such return is found to be correct, shall file copies of the computation of the succession tax thereon with the court of probate and with the executor or administrator respectively and further proceedings relating to such tax shall be taken in accordance with the provisions of this chapter. Such additional tax shall be computed beginning with the highest rate to which such legatees, devisees or heirs were subject in the original computation of the succession tax [as approved by the probate court in its decree fixing the original tax,] and without exemption unless such legatees

or devisees are corporations or other institutions, associations or trusts which were exempted from tax in the original computation thereof.

Section 18. Section 45-202 of the general statutes is repealed and the following is substituted in lieu thereof: An inventory of all the property of every deceased person and insolvent debtor, except real estate situated outside the state, duly appraised, shall be made and sworn to by the executor or administrator or trustee and by him filed in the court of probate having jurisdiction of the estate of such deceased person or insolvent debtor within two months after the acceptance of the bond or other qualification of such fiduciary; but the inventory and appraisal of the estate of any deceased nonresident shall include only such interest as such decedent had at the time of his death in the real estate, tangible personal property situated in this state and intangible personal property. Such court may, for cause shown, extend the time for the filing of such inventory to not more than four months from the qualification of the fiduciary. The fiduciary shall appraise or cause to be appraised such inventoried property at its fair market value. [If the estate of any deceased person is appraised for more than three thousand dollars, or if the estate of any deceased person is appraised for less than three thousand dollars when such estate contains property passing to members of Class C as defined by section 12-344, the court of probate shall, within ten days after the filing in such court of such inventory or appraisal, cause a certified copy of the same, with the address of the fiduciary endorsed thereon, to be delivered to the tax commissioner. Within sixty days after the receipt of such copy by the tax commissioner, he or any party interested may apply to such court for the appointment of appraisers and thereupon the court in its discretion may appoint one or more disinterested persons as appraisers, whose appraisal shall be limited

to those items in the inventory as to the value of which the parties are unable to agree. Such appraisal shall supersede the fiduciary's appraisal and shall be filed in such court within thirty days after the appointment of the appraisers. Within ten days thereafter the court of probate shall cause a certified copy of the same to be delivered to the tax commissioner. Within thirty days after the receipt of such copy by the tax commissioner, or within sixty days after receipt of the copy of the original inventory by the tax commissioner if no appraisal is applied for, the tax commissioner or] Within sixty days after the receipt of such inventory and appraisal by the court any interested party may file in such court a statement in writing setting forth in detail such objections as he may have to the acceptance of such inventory or appraisal, [and at the same time shall send a copy thereof to the executor or administrator, and, if such objection is filed by the executor, administrator or interested party, a copy shall at the same time be sent to the tax commissioner by the person filing such objection.] Upon the filing of such objection, such court shall order a hearing on the acceptance of such inventory and appraisal to be had within sixty days and not less than fifteen days thereafter, and cause notice of the time and place of such hearing to be forthwith given to the [tax commissioner and the] executor or administrator of the estate and to each party in interest. Such court, upon such hearing, shall hear such objections and [determine the fair market value of any inventoried property, the appraised value of which has been objected to and] may order such executor or administrator to amend such inventory or appraisal in any way that it finds proper, and may accept same as amended. If no objection to such inventory or appraisal is filed as aforesaid, such inventory and appraisal may thereupon be accepted by such court. [The court of probate shall, within ten days after the filing of the inventory of the estate of any deceased

person of the appraised value of more than three thousand dollars, or of any estate of the appraised value of less than three thousand dollars when such estate contains property passing to members of Class C as defined by section 12-344, file with the tax commissioner a certified copy of the application for administration or for probate of the will of such decedent, with a certified copy of the will. If, in the opinion of the judge of such court, any estate is not subject to succession or inheritance tax, he shall send to the tax commissioner, with the copy of the inventory, a certificate to that effect, setting forth his reasons therefor, and, unless the tax commissioner, within sixty days after the filing of such certificate as hereinbefore provided, files an objection to such certificate, no tax shall be due from the estate inventoried as aforesaid, unless the appraised value of any item of the inventory is increased or additional property is thereafter discovered. The court of probate may, at any time, correct an error or mistake in such certificate. The value of the state as set forth in the accepted inventory of an estate shall be the basis for computing the succession or inheritance tax.]

19. The provisions of this act shall be effective on January 1, 1972 and shall apply to estates of persons dying on and after that date. All estates of persons dying before January 1, 1972 shall be subject to the succession tax or inheritance tax laws applicable to them prior to January 1, 1972 and such laws are continued in force for that purpose.

STATEMENT OF PURPOSE: The purpose of this act is to simplify the procedures to be followed in the administration of estates and the assessment and collection of the succession tax.