

## Session 107 - (1987-1988)

### S\*1194 (Rat #0779, Act #0659 of 1988) General Bill, By T.E. Smith, Bryan, H.U. Fielding and J.C. Hayes

A Bill to amend Section 62-1-108, Code of Laws of South Carolina, 1976, relating to acts by a holder of a general power of appointment, so as to define the term "presently exercisable general power of appointment"; to amend Section 62-1-302, as amended, relating to the subject matter of jurisdiction of the probate courts, so as to revise certain aspects of this jurisdiction; to amend Section 62-1-306, relating to jury trials in the probate court, so as to further provide for the situations when jury trials may be demanded and the manner in which these trials may be waived; to amend Section 62-5-102, relating to jurisdiction of persons under disability and their property, so as to clarify that the probate court has jurisdiction of certain protective proceedings and guardianship proceedings; to amend Section 62-5-402, relating to protective proceedings, so as to further provide for the jurisdiction of the probate court and other courts with regard to certain claims and issues in these proceedings; to amend Section 62-5-411, relating to bonds in protective proceedings, so as to further provide for these bonding requirements; to amend Section 62-5-424, relating to powers of a conservator, so as to revise his authority to pay, contest, or settle certain claims; to amend the 1976 Code by adding Section 62-5-433 so as provide for the jurisdiction of specified courts in regard to certain claims in favor of or against a minor or incapacitated person, and to provide the procedures to be followed in settling these claims; to amend the 1976 Code by adding Section 62-7-211 so as to allow the Court to consolidate or divide trusts under certain conditions; to amend Section 62-7-302, relating to a trustee's standard of care, so as to further provide for this standard of care; to amend Section 62-7-418, relating to charges which must be made against principal, so as to further provide for these charges; to amend the 1976 Code by adding Section 15-72-10 so as to conform the jurisdiction of the circuit court to the provisions of Section 62-5-433; to amend the 1976 Code by adding Section 62-3-1202A so as to permit certain estates under ten thousand dollars not to be administered; to amend Section 62-2-503, as amended, relating to attestation and self-proving of a will, so as to further provide for this attestation and self-proving; to amend Section 62-3-406, as amended, relating to testimony of attesting witnesses to a will in contested cases, so as to further provide for the presumptions of compliance with signature requirements for execution if the will is self-proved; to amend Section 62-3-603, as amended, relating to bonds of personal representatives, so as to further provide for when these bonds may be waived and are required; to amend Section 14-23-650, as amended, relating to a description of lands devised, so as to delete a reference to where these descriptions must be entered; to amend Section 62-3-806, as amended, relating to allowance of claims, so as to provide that it is the responsibility of the personal representative to notify the claimant if a claim is disallowed; to amend Section 62-5-103, relating to the manner in which a person under a duty to pay or deliver money or personal property under ten thousand dollars to a minor must perform this duty, so as to make these provisions also applicable to incapacitated persons; to amend the 1976 Code by adding Section 62-5-434 so as to provide that the settlement of any claim involving a minor completed between July 1, 1987, and September 24, 1987, is presumed facially valid whether effectuated with or without court approval; to make legislative findings regarding the procedures to be followed for the settlement of claims of minors; to amend Sections 33-14-200, 33-14-210, 33-14-220, and 33-14-230, relating to administrative dissolution of corporations under the South Carolina Business Corporation Act of 1988, so as to further provide for this administrative dissolution; to amend Sections 33-15-300, 33-15-310, and 33-15-320, relating to revocation of a foreign corporation's certificate of authority to transact business, so as to further provide for this revocation; to amend Section 33-1-280, as amended, relating to the Secretary of State furnishing certificates of existence for corporations, so as to revise the contents of the certificate of existence as it relates to a corporation's dissolution or revocation of authority to do business; to amend Section 12-7-1675, relating to administrative dissolution of a domestic corporation or revocation of the certificate of authority of a foreign corporation to transact business for failure to file certain tax returns, so as to further provide for this dissolution or revocation; and to repeal Chapter 29 of Title 33 relating to fees and taxes payable by corporations.-amended title

02/11/88	Senate	Introduced and read first time SJ-11
02/11/88	Senate	Referred to Committee on Judiciary SJ-12
03/02/88	Senate	Committee report: Favorable with amendment Judiciary SJ-21
03/09/88	Senate	Read second time SJ-36
03/09/88	Senate	Ordered to third reading with notice of amendments SJ-38
04/19/88	Senate	Amended SJ-43
04/19/88	Senate	Read third time and sent to House SJ-50
04/20/88	House	Introduced and read first time HJ-3069
04/20/88	House	Referred to Committee on Judiciary HJ-3071
05/18/88	House	Committee report: Favorable with amendment Judiciary HJ-3827
05/31/88	House	Special order, set for immediately (Under H 4337) HJ-4428
05/31/88	House	Amended HJ-4429

05/31/88 House Read second time HJ-4434  
06/01/88 House Read third time HJ-4547  
06/01/88 House Returned HJ-4547  
06/01/88 Senate House amendment amended SJ-106  
06/01/88 Senate Returned SJ-126  
06/02/88 House Concurred in Senate amendment and enrolled HJ-4655  
06/20/88 Ratified R 779  
07/13/88 Signed By Governor  
07/13/88 Effective date 07/13/88  
07/13/88 Act No. 659  
08/01/88 Copies available