HOUSE AMENDMENTS AMENDED

May 26, 2010

**S. 1348**

Introduced by Senator Campsen

S. Printed 5/26/10--S.

Read the first time April 13, 2010.

**A** **BILL**

TO AMEND CHAPTER 16, TITLE 12 OF THE 1976 CODE, RELATING TO THE ESTATE TAX, BY ADDING SECTION 12‑16‑1960 TO PROVIDE THAT THE WILL OR TRUST OF A DECEDENT WHO DIES IN 2010 THAT CONTAINS CERTAIN FORMULAE SHALL BE DEEMED TO REFER TO THE FEDERAL ESTATE TAX LAW AS IT APPLIED ON DECEMBER 31, 2009.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The personal representative, trustee, or any affected beneficiary under a will, trust, or other instrument of a decedent who dies or did die after December 31, 2009, and before January 1, 2011, may bring a proceeding to determine the decedent’s intent when the will, trust, or other instrument contains a formula that is based on the federal estate tax or generation‑skipping tax. The proceeding must be commenced within twelve months following the death of the decedent.

SECTION 2. This act takes effect upon approval by the Governor and applies with respect to decedents dying after December 31, 2009, and before January 1, 2011.

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