

## AMENDMENTS TO HOUSE BILL NO. 2484

Sponsor: REPRESENTATIVE WHITE

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1 Amend Bill, page 1, line 6, by inserting after "funds"  
2 and providing for nonjudicial settlement agreement

3 Amend Bill, page 1, line 12, by striking out "AND (D)"

4 Amend Bill, page 1, line 13, by striking out "ARE" and  
5 inserting

6 is

7 Amend Bill, page 1, lines 13 and 14, by striking out "AND THE  
8 SECTION IS AMENDED BY ADDING SUBSECTIONS"

9 Amend Bill, page 4, lines 11 through 30; page 5, lines 1  
10 through 30; page 6, lines 1 through 3; by striking out all of  
11 said lines on said pages

12 Amend Bill, page 6, by inserting between lines 4 and 5

13 Section 2. Title 15 is amended by adding a section to read:  
14 \$ 5548.1. Nonjudicial settlement agreement.

15 Notwithstanding section 5547(b) (relating to authority to  
16 take and hold trust property):

17 (1) Except as expressly provided in the gift instrument  
18 and as otherwise provided in paragraph (2), if the donor  
19 placed restrictions on the use or management of property  
20 transferred to a nonprofit corporation, the donor or anyone  
21 the donor appointed for the purpose in the gift instrument,  
22 or the guardian of the donor's property, the agent under the  
23 donor's financial power of attorney or the donor's personal  
24 representative, together with the nonprofit corporation  
25 holding the property, may enter into a binding nonjudicial  
26 settlement agreement during calendar years 2020, 2021 and  
27 2022, or the nonprofit corporation's fiscal years that end  
28 during those calendar years with respect to any matter  
29 involving the property, including a restriction.

30 (2) A nonjudicial settlement agreement is valid only to

1 the extent it includes terms and conditions that the court  
2 could approve under this chapter or other applicable law, and  
3 that the property remains committed to a charitable purpose  
4 or purposes.

5 (3) A nonprofit corporation may request, during calendar  
6 years 2020, 2021 and 2022, or the nonprofit corporation's  
7 fiscal years that end during those calendar years, the court  
8 to review a nonjudicial settlement agreement in order to  
9 determine whether the agreement contains terms and conditions  
10 the court could have approved.

11 (4) A proceeding commenced during calendar years 2020,  
12 2021 and 2022, or the nonprofit corporation's fiscal years  
13 that end during those calendar years, to enforce a gift  
14 instrument related to assets held by a nonprofit corporation  
15 for a charitable purpose, whether or not subject to a  
16 nonjudicial settlement agreement, may be brought by the donor  
17 during the donor's lifetime or at any time by the Office of  
18 the Attorney General, by a charitable organization expressly  
19 named in the gift instrument and nonjudicial settlement  
20 agreement, if applicable, to receive any portion of the  
21 assets governed by the gift instrument and nonjudicial  
22 settlement agreement, if applicable, or by any other person  
23 having standing to do so, which may include anyone appointed  
24 in the gift instrument.

25 Amend Bill, page 6, line 5, by striking out "2" and inserting

26 3

27 Amend Bill, page 7, line 28, by striking out "3" and  
28 inserting

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