

**SB0230/122414/1**

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 230  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after the semicolon insert “establishing a certain presumption of imprudence; requiring notice of a certain appropriation by an institution to the Attorney General under certain circumstances;”.

AMENDMENT NO. 2

On page 6, strike beginning with “IN” in line 29 down through “CIRCUMSTANCES” in line 31 and substitute “EXERCISING ORDINARY BUSINESS CARE AND PRUDENCE UNDER THE FACTS AND CIRCUMSTANCES PREVAILING AT THE TIME OF THE ACTION OR DECISION”.

AMENDMENT NO. 3

On page 8, in line 20, strike the second “A” and substitute “THE”.

AMENDMENT NO. 4

On page 8, strike beginning with “ACT” in line 30 down through “CIRCUMSTANCES” in line 32 and substitute “EXERCISE ORDINARY BUSINESS CARE AND PRUDENCE UNDER THE FACTS AND CIRCUMSTANCES PREVAILING AT THE TIME OF THE ACTION OR DECISION”.

AMENDMENT NO. 5

On page 9, after line 21, insert:

“(D) (1) IN THIS SUBSECTION, FAIR MARKET VALUE SHALL BE CALCULATED:”

(Over)

(I) IF AN ENDOWMENT FUND HAS EXISTED AT LEAST 3 YEARS, ON THE BASIS OF THE MARKET VALUE DETERMINED AT LEAST QUARTERLY AND AVERAGED OVER A PERIOD OF NOT LESS THAN 3 YEARS IMMEDIATELY PRECEDING THE YEAR IN WHICH THE APPROPRIATION FOR EXPENDITURE IS MADE; OR

(II) IF AN ENDOWMENT FUND HAS EXISTED FOR FEWER THAN 3 YEARS, FOR THE PERIOD THE ENDOWMENT FUND HAS EXISTED.

(2) THE APPROPRIATION FOR EXPENDITURE IN ANY YEAR OF AN AMOUNT GREATER THAN 7 PERCENT OF THE FAIR MARKET VALUE OF AN ENDOWMENT FUND CREATES A REBUTTABLE PRESUMPTION OF IMPRUDENCE.

(3) THE INSTITUTION SHALL NOTIFY THE ATTORNEY GENERAL OF THE APPROPRIATION FOR EXPENDITURE IN ANY YEAR OF AN AMOUNT GREATER THAN 7 PERCENT OF THE FAIR MARKET VALUE OF AN ENDOWMENT FUND.

(4) THIS SUBSECTION DOES NOT:

(I) APPLY TO AN APPROPRIATION FOR EXPENDITURE PERMITTED UNDER LAW OTHER THAN THIS SUBTITLE OR BY THE GIFT INSTRUMENT; OR

(II) CREATE A PRESUMPTION OF PRUDENCE FOR AN APPROPRIATION FOR EXPENDITURE OF AN AMOUNT LESS THAN OR EQUAL TO 7 PERCENT OF THE FAIR MARKET VALUE OF THE ENDOWMENT FUND.”.

AMENDMENT NO. 6

On page 9, strike beginning with “ACT” in line 28 down through “CIRCUMSTANCES” in line 30 and substitute “EXERCISE ORDINARY BUSINESS CARE AND PRUDENCE UNDER THE FACTS AND CIRCUMSTANCES PREVAILING AT THE TIME OF THE ACTION OR DECISION”.

AMENDMENT NO. 7

On page 10, strike in their entirety lines 10 through 12, inclusive, and substitute:

“(C) THE STANDARD ESTABLISHED BY § 15-402(B) OF THIS SUBTITLE IS NOT LIMITED OR EXTINGUISHED BY THE APPOINTMENT OF AN EXTERNAL AGENT.”.

AMENDMENT NO. 8

On page 10, strike beginning with “IMPRACTICABLE” in line 35 down through “FUND” in line 36 and substitute “OBSOLETE, INAPPROPRIATE, OR IMPRACTICABLE”.

AMENDMENT NO. 9

On page 11, in line 2, after “WILL” insert “CLEARLY”; strike beginning with “IMPOSSIBLE” in line 13 down through “WASTEFUL” in line 14 and substitute “OR IMPOSSIBLE TO ACHIEVE AND WRITTEN CONSENT OF THE DONOR CANNOT BE OBTAINED BY REASON OF THE DEATH, DISABILITY, UNAVAILABILITY, OR IMPOSSIBILITY OF IDENTIFICATION OF THE DONOR”; strike beginning with “IN” in line 16 down through “INSTRUMENT” in line 17 and substitute “IF THE DONOR MANIFESTED A GENERAL CHARITABLE INTENT”; strike beginning with “IMPOSSIBLE” in line 24 down through “WASTEFUL” in line 25 and substitute “OR IMPOSSIBLE TO ACHIEVE”; and in line 32, after “MANNER” insert “CLEARLY”.

**AMENDMENT NO. 10**

On page 12, in line 17, strike “§ **101**” and substitute “§ **101(C)**”; in line 18, strike “§ **7001(A)**” and substitute “§ **7001(C)**”; and in line 19, strike “§ **103**” and substitute “§ **103(B)**”.