ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 2821

By: Denney, Nelson, McDaniel (Randy), Bennett, Sherrer, Dunnington and Brumbaugh of the House

and

Halligan of the Senate

An Act relating to public health and safety**** restrictions; prohibiting certain direction regarding investments; prescribing procedures with respect to account activity; requiring records and accounting; providing for designation of beneficiaries; authorizing transfers; **** tax treatment of earnings; prohibiting certain obligations with respect to accounts; providing immunity for certain losses; **** providing for liberal construction; providing for codification; and providing an effective date.

AUTHOR: Add the following House Coauthor: Echols

AUTHOR: Remove Halligan as principal Senate Author, replace with Crain as principal Senate Author and retain Halligan as Senate Coauthor and add Senate Coauthors: Mazzei and Stanislawski

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"An Act relating to financing disability expenses; providing short title; creating Fred’s Law; amending 56 O.S. 2011, Section 230.52, as amended by Section 1, Chapter 263, O.S.L. 2012 (56 O.S. Supp. 2015,

Section 230.52), which relates to Temporary Assistance for Needy Families; exempting certain resources from benefit determination criteria; creating the Oklahoma Achieving a Better Life Experience (ABLE) Savings Plan Act; providing short title; defining terms; specifying duties of State Treasurer; requiring Treasurer to implement program subject to certain provisions; authorizing Treasurer to implement program through use of financial institutions; authorizing Treasurer to solicit certain proposals; prescribing criteria by which the Treasurer may select financial institutions; authorizing the Treasurer to enter into certain contract and setting certain terms and procedures therefor; allowing the Treasurer to select more than one financial institution under certain conditions; requiring the program manager to perform certain duties for program; establishing procedures related to nonrenewal of contracts; allowing Treasurer to terminate contract for good cause; prescribing means by which a person can open an account; allowing any person to contribute to an account; requiring contributions to accounts be in cash; allowing withdrawal of certain funds in accordance with certain provisions; providing for changing of beneficiaries; providing for certain penalty for nonqualified withdrawals; allowing Treasurer to adjust certain penalty; providing for the collection of certain penalties; authorizing account owner to direct certain investment; providing for the transfer of certain accounts when the Treasurer terminates authority of a financial institution to hold certain accounts; requiring the Treasurer to adopt certain rules; requiring financial institutions to comply with certain reporting requirements; requiring program managers to provide statements to account owners; exempting certain resources from garnishment, attachment and other processes; prohibiting consideration of certain assets for certain purposes; providing for noncodification; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as "Fred's Law".

SECTION 2. AMENDATORY 56 O.S. 2011, Section 230.52, as amended by Section 1, Chapter 263, O.S.L. 2012 (56 O.S. Supp. 2015, Section 230.52), is amended to read as follows:

Section 230.52 A. Except for specific exceptions, conditions or restrictions authorized by the Statewide Temporary Assistance Responsibility System (STARS) and rules promulgated by the Commission for Human Services pursuant thereto, the following are the minimum mandatory requirements for the Temporary Assistance for Needy Families (TANF) program:

1. A recipient shall be eligible to receive assistance pursuant to the TANF program only for a lifetime total of five (5) years, subject to the exemptions allowed by federal law. Child-only cases are not subject to the five-year limitation;

2. Single parents receiving temporary assistance pursuant to the TANF program shall participate in work activities for a minimum of twenty (20) hours per week during the month. Two-parent families receiving temporary assistance pursuant to the TANF program shall participate in work activities for a minimum of thirty-five (35) hours per week during the month;

3. A recipient must be engaged in one or more of the work activities set out in paragraph 4 of this subsection as soon as

required by the Department of Human Services pursuant to the TANF program, but not later than twenty-four (24) months after certification of the application for assistance, unless the person is exempt from work requirements under rules promulgated by the Commission pursuant to the STARS;

4. The Department shall develop and describe categories of approved work activities for the TANF program recipients in accordance with this paragraph. Work activities that qualify in meeting the requirements include, but are not limited to:

a. (1) unsubsidized employment which is full-time employment or part-time employment that is not directly supplemented by federal or state funds,

(2) subsidized private sector employment which is employment in a private for-profit enterprise or a private not-for-profit enterprise that is directly supplemented by federal or state funds. Prior to receiving any subsidy or incentive, the employer shall enter into a written contract with the Department, and

(3) subsidized public sector employment which is employment by an agency of a federal, state, or local governmental entity which is directly supplemented by federal or state funds. Prior to receiving any subsidy or incentive, the employer

shall enter into a written contract with the Department.

Subsidized hourly employment or unsubsidized hourly employment pursuant to this subparagraph shall only be approved by the Department as work activity if such employment is subject to:

(a) the federal minimum wage requirements pursuant to the Fair Labor Standards Act of 1938, as amended,

(b) the federal Social Security tax and Medicare tax, and

(c) regulations promulgated pursuant to the federal Occupational Safety and Health Act of 1970 and rules promulgated by the State Department of Labor pursuant thereto,

b. a program of work experience,

c. on-the-job training,

d. assisted job search which may include supervised or unsupervised job-seeking activities,

e. job readiness assistance which may include, but is not limited to:

(1) orientation in the work environment and basic job-seeking and job retention skills,

(2) instruction in completing an application for employment and writing a resume, and

(3) instruction in conducting oneself during a job interview, including appropriate dress,

f. job skills training which is directly related to employment in a specific occupation for which there is a written commitment by an employer to offer employment to a recipient who successfully completes the training. Job skills training includes, but is not limited to, customized training designed to meet the needs of a specific employer or a specific industry,

g. community service programs which are job-training activities provided in areas where sufficient public or private sector employment is not available. Such activities are linked to both education or training and activities that substantially enhance a recipient's employability,

h. literacy and adult basic education programs,

i. vocational-educational programs, not to exceed twelve (12) months for any individual, which are directed toward vocational-educational training and education directly related to employment,

j. education programs which are directly related to specific employment opportunities, if a recipient has not received a high school diploma or General Equivalency Degree, and

k. child care for other STARS recipients. The recipient must meet training and licensing requirements for child care providers as required by the Oklahoma Child Care Facilities Licensing Act;

5. Single, custodial parents with a child up to one (1) year of age may be exempt from work activities for a lifetime total exemption of twelve (12) months;

6. In order to receive assistance, unmarried teen parents of a minor child at least twelve (12) weeks of age must participate in educational activities or work activities approved by the state;

7. For single-parent families, except for teen parents, educational activities, other than vocational-technical training, do not count toward meeting the required twenty (20) hours of work activity. For two-parent families, educational activities, except vocational-technical training, do not count toward meeting the required thirty-five (35) hours of work activity;

8. A teen parent must live at home or in an approved, adult-supervised setting as specified in Section 230.55 of this title to receive TANF assistance;

9. A recipient must comply with immunization requirements established pursuant to the TANF program;

10. A recipient shall be subject to the increment in benefits for additional children established by Section 230.58 of this title;

11. The following recipient resources are exempt from resource determination criteria:

a. an automobile with an equity allowance of not more than Five Thousand Dollars ($5,000.00) pursuant to Section 230.53 of this title,

b. individual development accounts established pursuant to the Family Savings Initiative Act, or individual development accounts established prior to November 1, 1998, pursuant to the provisions of Section 230.54 of this title in an amount not to exceed Two Thousand Dollars ($2,000.00),

c. the equity value of funeral arrangements owned by a recipient that does not exceed the limitation specified by Section 165 of this title, ~~and~~

d. earned income disregards not to exceed One Hundred Twenty Dollars ($120.00) and one-half (1/2) of the remainder of the earned income, and

e. account balances and distributions from savings accounts established pursuant to this act;

12. An applicant who applies and is otherwise eligible to receive TANF benefits but who has resided in this state less than twelve (12) months shall be subject to Section 230.57 of this title;

13. The recipient shall enter into a personal responsibility agreement with the Department for receipt of assistance pursuant to Section 230.65 of this title;

14. The Department shall, beginning November 1, 2012, screen all adult applicants for TANF to determine if they are engaged in the illegal use of a controlled substance or substances. If the Department has made a determination that the applicant is engaged in the illegal use of a controlled substance or substances, the applicant's request for TANF cash benefits shall be denied. The Commission for Human Services shall adopt rules to implement the requirements of this paragraph consistent with the following:

a. the Department shall create a controlled substance screening process to be administered at the time of application. The process shall, at a minimum, include a Substance Abuse Subtle Screening Inventory (SASSI) or other similar screening methods. If necessary to establish a reasonable expectation of certainty, the Department is authorized to use further screening methods, which may include, but are not limited to, a clinical interview, consideration of the Department's history with the applicant, and an Addictions Severity

Index (ASI). If the Department has reasonable cause to believe that the applicant is engaged in the illegal use of a controlled substance or substances, the Department is authorized, though not required, to request administration of a chemical drug test, such as urinalysis. The cost of all such initial screenings shall not be borne by the applicant,

b. if at any time during the controlled substance screening process, the applicant refuses to participate, that refusal shall lead to a denial of TANF benefits,

c. if the Department, as the result of a controlled substance screening process, has determined that the applicant is engaged in the illegal use of a controlled substance or substances, the applicant's request for TANF cash benefits shall be denied, subject to the following:

(1) if there has not already been a chemical drug test administered as part of the controlled substance screening process, the applicant may submit proof of a negative chemical drug test from a state-certified laboratory to challenge the Department's finding that the applicant is engaged in the illegal use of a controlled

substance or substances. Proof of the chemical drug test must be submitted to the Department no later than the tenth calendar day following denial. If denial is communicated by mail, the ~~ten (10) day~~ ten-day window begins on the day after the date of mailing of the denial notice to the applicant's last-known address. The denial notice is considered to be mailed on the date that appears on the notice, unless otherwise indicated by the facts,

(2) if denied due to the provisions of this subparagraph, an applicant shall not be approved until one (1) year has passed since the date of denial,

(a) if the applicant is denied due to the provisions of this paragraph, the Department shall provide a list of substance abuse treatment programs to the denied applicant,

(b) if an applicant has successfully complied with a recommended substance abuse treatment program after the date of denial, the applicant may be approved for cash benefits after six (6) months have passed since the

date of denial, rather than the required one (1) year, and

(3) if an applicant has been denied TANF cash benefits two times due to the provisions of this subparagraph, the applicant shall be ineligible for TANF benefits for a period of three (3) years from the date of the second denial,

d. child-only cases and minor parents under eighteen (18) years of age are not subject to the provisions of this paragraph, and

e. in cases where the application for TANF benefits is not for child-only benefits, but there is not a parent who has been deemed eligible for cash benefits under the provisions of this paragraph, any cash benefits for which the dependent children of the family are still eligible shall not be affected and may be received and administered by an appropriate third party approved by the Department for the benefit of the members of the household;

15. a. As a condition of participating in the STARS, all recipients are deemed to have given authorization for the release of any and all information necessary to allow all state and federal agencies to meet the program needs of the recipient.

b. The recipient shall be provided a release form to sign in order to obtain the required information. Failure to sign the release form may result in case closure; and

16. The recipient shall comply with all other conditions and requirements of the STARS, and rules of the Commission promulgated pursuant thereto.

B. 1. Agencies of this state involved in providing services to recipients pursuant to the STARS shall exchange information as necessary for each agency to accomplish objectives and fulfill obligations created or imposed by the STARS and rules promulgated pursuant thereto.

2. Information received pursuant to the STARS shall be maintained by the applicable agency and, except as otherwise provided by this subsection, shall be disclosed only in accordance with any confidentiality provisions applicable to the agency originating the information.

3. The various agencies of the state shall execute operating agreements to facilitate information exchanges pursuant to the STARS.

C. In implementing the TANF program, the Department shall:

1. Provide assistance to aliens pursuant to Section 230.73 of this title;

2. Provide for the closure of the TANF case when the adult recipient refuses to cooperate with agreed upon work activities or other case requirements pursuant to the TANF program;

3. Provide for the sanctioning of parents who do not require their minor children to attend school; and

4. Deny temporary assistance to fugitive felons.

D. In order to ensure that the needy citizens of this state are receiving necessary benefits, the Department shall maintain a listing of all recipients receiving public assistance. The listing shall reflect each recipient's income, ~~social security~~ Social Security number, and the programs in which the recipient is participating including, but not limited to, TANF, food stamps, child care, and medical assistance.

E. The Department is hereby authorized to establish a grant diversion program and emergency assistance services.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4001.1 of Title 56, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "ABLE" means achieving a better life experience;

2. "ABLE account" means an individual trust account or savings account owned by the designated beneficiary of the account and established to pay qualified disability expenses as prescribed in this act. Money and assets in the accounts established under the

Oklahoma ABLE Program or an ABLE Program in any other state shall not be considered for the purpose of determining eligibility to receive, or the amount of, any assistance or benefits from local or state means-tested programs;

3. "Account owner" means a resident of this state, designated as eligible to be a beneficiary pursuant to Section 529A of the Internal Revenue Code;

4. "Contracting state" means a state without a qualified ABLE program of its own, which contracts with another state having such a program;

5. "Contribution" means any payment directly allocated to an ABLE account for the benefit of a designated beneficiary;

6. "Designated beneficiary" means:

a. with respect to an account, the individual who is the owner of the ABLE account and who either established the account at a time when he or she was eligible or who has succeeded the former designated beneficiary in that capacity,

b. if the designated beneficiary is not able to exercise signature authority over his or her ABLE account or chooses to establish an ABLE account but not exercise signature authority, references to the designated beneficiary with respect to his or her actions include actions by the designated beneficiary's designated

representative under a power of attorney or, if none, a parent or legal guardian of the designated beneficiary, and

c. in the case of a change in beneficiaries described in subsection E of Section 6 of this act, the individual who is the new beneficiary;

7. "Designated representative" means an individual who is authorized to act on behalf of the designated beneficiary if the designated beneficiary is a minor or has a guardian, conservator or other fiduciary who has been appointed for purposes of managing that beneficiary's financial affairs;

8. "Disability certification" means, with respect to an individual, a certification by the individual or the parent or guardian of the individual that:

a. the individual has a medically determinable physical or mental impairment, which results in marked and severe functional limitations, and which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months, or is blind within the meaning of Section 1614(a)(2) of the Social Security Act, and

b. a copy of the individual's diagnosis relating to the individual's relevant impairment or impairments,

signed by a physician meeting the criteria of Section 1861(r)(1) of the Social Security Act, can be provided;

9. "Eligible individual" means, for a taxable year, an individual who either:

a. is entitled during that taxable year to benefits based on blindness or disability under the Social Security Act, or

b. is the subject of a disability certification filed for such taxable year;

10. "Financial institution" means any bank, commercial bank, national bank, savings bank, savings and loan association, credit union, insurance company, brokerage firm or other similar entity that is authorized to do business in this state;

11. "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended;

12. "Program" means the Oklahoma ABLE Savings Plan established under this act and implemented by the State Treasurer;

13. "Qualified disability expenses" means any expenses related to the eligible individual's blindness or disability which are made for the benefit of an eligible individual who is the designated beneficiary, including education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness, financial

management and administrative expenses, legal fees, expenses for oversight and monitoring, funeral and burial expenses and other expenses approved under Section 529A of the Internal Revenue Code;

14. "Qualified withdrawal" means a withdrawal from an account to pay the qualified disability expenses of the designated beneficiary of the account, but only if the withdrawal is made in accordance with this act; and

15. "Partner ABLE program" means a qualified ABLE program established by another state or consortium of states which the State Treasurer has contracted or entered into an agreement with to facilitate access to a qualified ABLE program.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4001.3 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The State Treasurer shall facilitate access to a qualified ABLE program through the selection of one or more of the following options:

1. Establishing an Achieving a Better Life Experience Program as provided under the Tax Increase Prevention Act of 2014, Pub. L. No. 113-295;

2. Contracting with a state with a qualified ABLE program;

3. Joining a consortium of states in administering a qualified ABLE program; or

4. Operating a website to assist eligible individuals with the selection of a qualified program.

B. In the event the State Treasurer elects to establish an ABLE program pursuant to paragraph 1 of subsection A of this section, he or she shall:

1. Develop and implement the program in a manner consistent with this act through the adoption of guidelines and procedures;

2. Retain professional services, if necessary, including accountants, auditors, consultants and other experts;

3. Seek rulings and other guidance, if necessary, from the United States Department of the Treasury, the Internal Revenue Service and the Oklahoma Attorney General relating to the program;

4. Make changes to the program required for the participants in the program to obtain the federal income tax benefits or treatment provided by Section 529A of the Internal Revenue Code;

5. Interpret, in policies, guidelines and procedures, the provisions of the ABLE program Act broadly in light of its purpose and objectives;

6. Develop a schedule of application fees and other necessary fees and charges in connection with any agreement, contract or transaction relating to the program that are sufficient to offset the administrative and staffing costs associated with the implementation and administration of this program;

7. Select the financial institution or institutions to act as the depositories and managers of the program accounts in accordance with this act. For purposes of selecting such institutions and managers, the Office of the State Treasurer shall be exempt from the Oklahoma Central Purchasing Act. The Treasurer shall develop a competitive process by which the institutions and managers will be selected; and

8. Be exempt from the rulemaking provisions of the Administrative Procedures Act when adopting guidelines for the ABLE program; provided, any such guidelines affecting existing or potential participants in the ABLE program may only be implemented after reasonable notice to the public and a public hearing in a manner similar to the requirements of the Administrative Procedures Act.

C. In the event the State Treasurer elects to contract with another state or join a consortium pursuant to the provisions of Subsection A of this section, he or she shall:

1. Select the state or consortium which the Treasurer has determined will provide the greatest benefit to eligible individuals. For purposes of selecting such state or consortium, the Office of the State Treasurer shall be exempt from the Oklahoma Central Purchasing Act. The Treasurer shall develop a competitive process by which the state or consortium will be selected; and

2. Develop procedures to assist in the promotion of a partner ABLE program which the Treasurer has selected pursuant to subsection A, whether such program is established by another state or a consortium of states.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4001.5 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The State Treasurer may implement this act through the use of one or more financial institutions to act as the depositories and managers. Under the program, persons may establish accounts through the program at a depository that has been selected by the Treasurer.

B. The Treasurer may solicit proposals from financial institutions to act as the depositories and managers of the program. Financial institutions that submit proposals shall provide all information required by the Treasurer which is sufficient to enable the evaluation of the investment strategies and asset allocations consistent with the program objectives set by the Treasurer.

C. The Treasurer may select as program depositories and managers, the financial institution or institutions from among bidding financial institutions that demonstrate the most advantageous combination, both to potential program participants and this state, of the following factors:

1. Financial stability and integrity;

2. The safety of the investment instruments being offered by the financial institution, taking into account any insurance provided with respect to these instruments;

3. The ability of the financial institution to ensure that the plan it offers tracks requirements of the Internal Revenue Code, regulations of the Internal Revenue Service, other pertinent federal and state laws and regulations, and rules and requirements of the Regents;

4. The ability of the financial institution to track estimated costs of the expenses for care of individuals with disabilities as provided by the Department of Human Services and provided by the financial institution to the account holder;

5. The ability of the financial institutions, directly or through a subcontract, to satisfy recordkeeping and reporting requirements, including those created by Section 529A of the Internal Revenue Code and Internal Revenue Service regulations;

6. The financial institution's plan for promoting the program and the investment it is willing to make to promote the program, including any use of institutions with offices in Oklahoma as plan marketers and enrollment agents;

7. The fees, if any, proposed to be charged to persons for maintaining accounts;

8. The minimum initial deposit and minimum contributions that the financial institution will require and the willingness of the

financial institution to accept contributions through payroll deduction plans and other deposit plans; and

9. Any other benefits to this state or its residents included in the proposal, including an account opening fee payable to the Treasurer by the account owner and an additional fee from the financial institution for statewide program marketing by the Treasurer.

D. The Treasurer may enter into a contract with a financial institution, or institutions provided in subsection E of this section to serve as program managers and depositories.

E. The Treasurer may determine a minimum term for contracts executed between the Treasurer and a financial institution pursuant to this section and shall establish procedures by which a contract may be renewed.

F. The Treasurer may select more than one financial institution and investment for the program if the following conditions exist:

1. The United States Internal Revenue Service has provided guidance that giving a contributor a choice of more than one investment instrument under a state plan will not cause the plan to fail to qualify for favorable tax treatment under Section 529A of the Internal Revenue Code; and

2. The Treasurer concludes that the choice of instrument vehicles is in the best interest of program participants and will not interfere with the promotion of the program.

G. A program manager shall:

1. Take all action required to keep the program in compliance with the requirements of this act and shall not take action contrary to this act or its contract to manage the program so that it is treated as a qualified plan under Section 529A of the Internal Revenue Code;

2. Keep adequate records of each account, keep each account segregated from each other account and provide the Treasurer with the information necessary to prepare statements required by federal and state law or regulation or file these statements on behalf of the Treasurer;

3. Compile and total information contained in statements required to be prepared under federal and state law and regulation and provide these compilations to the Treasurer;

4. If there is more than one program manager, the program managers shall provide the Treasurer with sufficient information to determine compliance with this act;

5. Provide the Treasurer and other contractors or other state agencies, if necessary, access to the books and records of the program manager to the extent needed to determine compliance with the contract; and

6. Hold all accounts in trust for the benefit of this state and the account owner.

H. If a contract executed between the Treasurer and a financial institution pursuant to this section is not renewed, all of the following conditions apply at the end of the term of the nonrenewed contract:

1. Accounts previously established and held in investment instruments at the financial institution shall not be terminated;

2. Additional contributions may be made to the accounts; and

3. No new accounts may be placed with that financial institution.

I. The Treasurer may terminate a contract with a financial institution at any time for good cause. If a contract is terminated pursuant to this section, the Treasurer shall take custody of accounts held at that financial institution and shall seek to promptly transfer the accounts to another financial institution that is selected as a program manager and into investment instruments as similar to the original investments as possible.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4001.6 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The program shall be operated through the use of accounts. An account may be established to save for the qualified disability expenses of the account owner by:

1. Completing an application in the form prescribed by the Treasurer;

2. Paying the one-time application fee established by the Treasurer;

3. Making the minimum contribution required by the Treasurer or by opening an account; and

4. Designating a single ABLE account per beneficiary, except in the case of rollovers or program-to-program transfers.

B. Any person may make contributions to an account after the account is opened.

C. Contributions to accounts may be made only in cash.

D. Account owners may withdraw all or part of the balance from an account on sixty (60) days' notice, or a shorter period as may be authorized by the Treasurer, under rules prescribed by the Treasurer. These rules shall include provisions that will generally enable the Treasurer or program manager to determine if a withdrawal is a nonqualified withdrawal or a qualified withdrawal. The rules may, but need not, require one or more of the following:

1. Account owners seeking to make a qualified withdrawal or other withdrawal that is not a nonqualified withdrawal shall provide certifications, copies of bills for qualified disability expenses or other supporting material; and

2. Withdrawals not meeting certain requirements shall be treated as nonqualified withdrawals by the program manager.

E. An account owner may change the designated beneficiary of an account to an individual as provided under Section 529A of the Internal Revenue Code.

F. An account owner may make the changes, transfers and withdrawals described in Section 529A of the Internal Revenue Code to an account that is owned by the account owner. If a change of beneficiary or transfer causes the total account balance for all accounts under the program for the new beneficiary to exceed the maximum account balance limit, the excess amount shall be rejected and returned to the account owner as provided in Section 529A of the Internal Revenue Code.

G. Each account for each designated beneficiary shall be maintained separately from each other account under the program.

H. Separate records and accounting shall be maintained for each account for each designated beneficiary.

I. An account owner may direct the investment of any contributions to an account or the earnings from the account only as permitted by Section 529A of the Internal Revenue Code.

J. If the Treasurer terminates the authority of a financial institution to hold accounts and accounts must be moved from that financial institution to another financial institution, the Treasurer shall select the financial institution and type of investment to which the balance of the account is moved unless the Internal Revenue Service provides guidance stating that allowing the

account owner to select among several financial institutions that are then contractors would not cause a plan to cease to be a qualified state tuition plan.

K. No account owner may use an interest in an account as security for a loan. Any pledge of an interest in an account is of no force and effect.

L. The Treasurer shall adopt guidelines and procedures to prevent contributions on behalf of a designated beneficiary in excess of those allowed pursuant to Section 529A of the Internal Revenue Code to pay the qualified disability expenses of the designated beneficiaries.

M. The financial institution(s) shall make all reports and informational returns as required by the Internal Revenue Service, the Oklahoma Tax Commission and other pertinent federal and state laws and regulations.

N. The program manager shall make such reports with respect to contributions, distributions and other matters that the Treasurer may require pursuant to federal and state law reporting requirements. The statement shall identify the contributions made during a preceding twelve-month period, the total contributions made through the end of the period, the value of the account as of the end of this period, distributions made during this period and any other matters that the Treasurer requires be reported to the account owner.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4001.7 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Account balances and distributions from savings accounts established pursuant to this act shall be exempt from levy and sale, garnishment, attachment or any other process whatsoever, and shall be unassignable.

B. Money and assets in an account established pursuant to this act or in an ABLE account established in another state shall not be considered for the purpose of determining eligibility to receive or the amount of any assistance or benefits from local or state means-tested public assistance programs.

SECTION 8. This act shall become effective January 1, 2017."

Passed the Senate the 19th day of April, 2016.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2016.

_____
Presiding Officer of the House of Representatives