Amendment
General Assembly
January Session, 2017
LCO No. 6511

Offered by:
REP. LESSER, 100th Dist.
REP. SIMANSKI, 62nd Dist.
SEN. MARTIN, 31st Dist.
SEN. WINFIELD, 10th Dist.

To: Subst. House Bill No. 7032 File No. 185 Cal. No. 154

"AN ACT REGARDING THE OFFICE OF THE STATE TREASURER'S RECOMMENDED REVISIONS TO THE ACHIEVING A BETTER LIFE EXPERIENCE PROGRAM."

1 In line 3, bracket "3-39q" and after the closing bracket insert "3-39r"
2 In line 9, insert an opening bracket before "(2)"
3 In line 10, strike the opening bracket
4 In line 11, strike "] a" and strike "with a qualified ABLE program"
5 In line 13, insert a closing bracket after "."
6 In line 14, bracket "(3)" and after the closing bracket insert "(2)"
7 In line 16, bracket "(4)" and after the closing bracket insert "(3)"
8 In line 18, bracket "(5)" and after the closing bracket insert "(4)"
In line 23, bracket "(6)" and after the closing bracket insert "(5)"

In line 40, bracket "(7)" and after the closing bracket insert "(6)"

In line 46, bracket "(8)" and after the closing bracket insert "(7)"

In line 48, bracket "(9)" and after the closing bracket insert "(8)"

In line 52, bracket "(10)" and after the closing bracket insert "(9)"

After the last section, add the following and renumber sections and internal references accordingly:

"Sec. 501. Section 3-39k of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2017):

(a) [(1)] The State Treasurer (1) shall establish a qualified ABLE program pursuant to the federal ABLE Act and sections 3-39j to 3-39q, inclusive, as amended by this act, and (2) may contract with any state with a qualified ABLE program established pursuant to the federal ABLE act to provide residents of this state with access to such state's program.

(b) (1) Under the program established pursuant to subdivision (1) of subsection (a) of this section: (A) The State Treasurer shall administer individual ABLE accounts to encourage and assist eligible individuals and their families in saving private funds to provide support for eligible individuals, and (B) a person may make contributions to an individual ABLE account to meet the qualified disability expenses of the designated beneficiary of the account.

(2) For the purposes of [the] such program, there is established within the Office of the State Treasurer the Connecticut Achieving A Better Life Experience Trust. The trust shall constitute an instrumentality of the state and shall perform essential governmental functions, as provided in sections 3-39j to 3-39q, inclusive, as amended by this act. The trust shall receive and hold all payments and deposits intended for ABLE accounts as well as gifts, bequests, endowments or
federal, state or local grants and any other funds from public or private
sources and all earnings, until disbursed in accordance with sections 3-
39j to 3-39q, inclusive, as amended by this act.

[(b)] (c) (1) The amounts on deposit in the trust shall not constitute
property of the state and the trust shall not be construed to be a
department, institution or agency of the state. Amounts on deposit in
the trust shall not be commingled with state funds and the state shall
have no claim to or against, or interest in, such amounts, except as
provided in subdivision (2) of this subsection. Any contract entered
into by, or any obligation of, the trust shall not constitute a debt or
obligation of the state and the state shall have no obligation to any
designated beneficiary or any other person on account of the trust and
all amounts obligated to be paid from the trust shall be limited to
amounts available for such obligation on deposit in the trust. The
amounts on deposit in the trust may only be disbursed in accordance
with the provisions of sections 3-39j to 3-39q, inclusive, as amended by
this act.

(2) The trust shall continue in existence as long as it holds any
deposits or other funds or has any obligations and until its existence is
terminated by law, and upon termination of the trust, any unclaimed
assets of the trust shall return to the state. Property of the trust shall be
governed by section 3-61a.

[(c)] (d) The State Treasurer shall be responsible for the receipt,
maintenance, administration, investment and disbursements of
amounts from the trust. The trust shall not receive deposits in any
form other than cash. No depositor or designated beneficiary may
direct the investment of any contributions or amounts held in the trust
other than in the specific fund options provided for by the trust and
shall not direct investments in such specific fund options more than
two times in any calendar year. No interest, or portion of any interest,
in the program shall be used as security for a loan.

[(d)] (e) A person may make deposits to an ABLE account to meet
the qualified disability expenses of the designated beneficiary of the
account, provided the trust and deposits meet the other requirements
of this section, the federal ABLE Act and any regulations adopted
pursuant to the federal ABLE Act by the Secretary of the Treasury of
the United States.

[(e)] (f) On or before December 31, [2016] 2017, and annually
thereafter, the State Treasurer shall submit (1) in accordance with the
provisions of subsection (a) of section 3-37, a report to the Governor on
the operations of the trust, including the receipts, disbursements,
assets, investments and liabilities and administrative costs of the trust
for the prior fiscal year, and (2) in accordance with the provisions of
section 11-4a, a report on the trust and any contract entered into
pursuant to subdivision (2) of subsection (a) of this section to the joint
standing committees of the General Assembly having cognizance of
matters relating to finance and public health, and shall make such
report available to each depositor and designated beneficiary. The
report required under subdivision (2) of this subsection shall include,
but need not be limited to: (A) The number of ABLE accounts; (B) the
total amount of contributions to such accounts; (C) the total amount
and nature of distributions from such accounts; and (D) a description
of issues relating to the abuse of such accounts, if any."

This act shall take effect as follows and shall amend the following
sections:

| Sec. 501 | October 1, 2017 | 3-39k |