
DIGEST

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HB 991 Reengrossed

2016 Regular Session

Foil

Abstract: Transfers responsibility of administering the ABLE account program from the ABLE Account Authority to the La. Tuition Trust Authority (LATTA); makes the ABLE Account Authority an advisory council of LATTA.

Present law, known as the "Achieving a Better Life Experience in Louisiana Act" or "Louisiana ABLE Act", establishes a governance framework and broad guidelines for a state ABLE account savings program (the "program") for persons with disabilities. Provides for these program purposes:

- (1) To pay "qualified disability expenses" so that persons with disabilities may maintain health, independence, and quality of life.
- (2) To provide secure funding for disability-related expenses on behalf of designated beneficiaries that will supplement, but not supplant, certain other benefits.

Proposed law retains present law.

Present law requires the ABLE Account Authority to administer the program, provide for specified aspects of the program by administrative rule, and ensure that these aspects comply with federal laws and regulations. Proposed law transfers these responsibilities from the ABLE Account Authority to the LATTA, which also administers the La. Student Tuition Assistance and Revenue Trust (START) Program pursuant to present law. Proposed law requires LATTA, in addition to ensuring that specified program aspects are in compliance with federal provisions and regulations, to monitor such provisions and regulations for any revisions that would have an impact on the program and revise program rules as necessary to ensure conformance with federal laws and regulations.

Present law provides for ABLE Account Authority membership. Proposed law retains this entity's membership and changes its name from the "ABLE Account Authority" to the "ABLE account advisory council" and provides that it shall advise LATTA with respect to LATTA's administration of and adoption of rules for the program.

Present law authorizes LATTA to enter into any agreement with the ABLE Account Authority as necessary to provide for combining the administration of the program and the START Program. Also provides for legislative oversight of ABLE Account Authority rules by the House Appropriations Committee and Senate Finance Committee. Proposed law repeals present law.

Present law provides for legislative oversight of LATTA rules by the House and Senate education

committees. Proposed law retains present law.

Proposed law retains all of the following present law but transfers its placement from Title 46 to Title 17 of the La. Revised Statutes:

- (1) Defines a "qualified disability expense" as an expense made for a purpose authorized in federal law and regulation relative to ABLE accounts for the benefit of a person with a disability who is a designated beneficiary participating in the program, which may include the following:
 - (a) Assistive technology and personal support service expenses.
 - (b) Education expenses.
 - (c) Employment support expenses.
 - (d) Health, prevention, and wellness expenses.
 - (e) Housing expenses for a primary residence.
 - (f) Miscellaneous expenses, including expenses for financial management and administrative services; legal fees; expenses for oversight; monitoring; home improvements, modifications, maintenance, and repairs at a primary residence; and funeral and burial expenses.
 - (g) Transportation expenses.
 - (h) Any other expenses that are consistent with the purposes of present law, authorized by federal law, approved by the authority, and provided for in duly promulgated administrative rules.
- (2) Requires the state treasurer to invest funds in ABLE accounts in the same manner as monies deposited in START Program accounts.
- (3) Provides that for tax years beginning on and after Jan. 1, 2016, amounts deposited in an ABLE account on behalf of any designated beneficiary may be excluded from tax table income for purposes of La. income tax if authorized by applicable provisions of present law.

(Adds R.S. 17:3081-3089 and R.S. 36:651(G)(5); Repeals R.S. 17:3093.1, R.S. 36:651(T)(6) and 802.24, and R.S. 46:1721-1730)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Add requirement that LATTA monitor federal laws and regulations and revise its program rules as necessary.