

Assembly Bill No. 130–Committee on
Health and Human Services

CHAPTER.....

AN ACT relating to persons with disabilities; transferring the duties of the Aging and Disability Services Division of the Department of Health and Human Services relating to the Nevada ABLE Savings Program to the State Treasurer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law allows for the creation of tax-advantaged savings accounts, known as ABLE Accounts, for persons who have certain qualifying disabilities. To qualify for these benefits, the savings account into which contributions are made on behalf of a qualified person must be established and maintained by the qualified person's state of residence. (Achieving a Better Life Experience Act of 2014, 26 U.S.C. § 529A) Existing Nevada law requires the State Treasurer to establish an ABLE Savings Program in this State. (NRS 427A.889) Existing law requires the Aging and Disability Services Division of the Department of Health and Human Services to implement an outreach and educational program designed to create awareness of, and increase participation in, the Nevada ABLE Savings Program. Existing law also authorizes the Division to employ personnel and enter into contracts to carry out provisions governing the Nevada ABLE Savings Program. (NRS 427A.896) This bill transfers to the State Treasurer all duties and authority of the Division relating to the Nevada ABLE Savings Program, including the duty to implement an outreach and educational program. Thus, this bill provides the State Treasurer with exclusive responsibility for administering the Nevada ABLE Savings Program.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 427A.896 is hereby amended to read as follows:

427A.896 1. The State Treasurer shall establish a comprehensive investment plan for the money in the Trust Fund.

2. Notwithstanding the provisions of any specific statute to the contrary, the State Treasurer may invest or cause to be invested any money in the Trust Fund, including, without limitation, the money in the Program Account described in paragraph (a) of subsection 3 of NRS 427A.893, in any manner reasonable and appropriate to achieve the objectives of the Nevada ABLE Savings Program, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. The State Treasurer shall consider the risk, expected rate of return, term or maturity,



diversification of total investments, liquidity and anticipated investments in and withdrawals from the Trust Fund.

3. The State Treasurer may establish criteria and select investment managers, mutual funds or other such entities to act as investment managers for the Nevada ABLE Savings Program.

4. The State Treasurer may employ or contract with investment managers, evaluation services or other services as determined by the State Treasurer to be necessary for the effective and efficient operation of the Nevada ABLE Savings Program.

5. The ~~{Division and the}~~ State Treasurer may employ personnel and contract for goods and services necessary for the effective and efficient operation of the Nevada ABLE Savings Program.

6. The ~~{Division}~~ *State Treasurer* shall implement an outreach and educational program designed to create awareness of, and increase participation in, the Nevada ABLE Savings Program. Any marketing plan and materials for the Nevada ABLE Savings Program must be approved by the ~~{Division.}~~ *State Treasurer.*

7. The State Treasurer may prescribe terms and conditions of savings trust agreements.

8. The ~~{Division or}~~ State Treasurer may contract with one or more qualified entities for:

(a) The day-to-day operation of the Nevada ABLE Savings Program, and any associated educational and outreach activities of the Program, as the program administrator for the management of the marketing of the Nevada ABLE Savings Program;

(b) The administration of the comprehensive investment plan established pursuant to subsection 1 and the Trust Fund;

(c) The selection of investment managers for the Nevada ABLE Savings Program; and

(d) The performance of similar activities.

Sec. 2. Any contract or other agreement entered into by the Aging and Disability Services Division of the Department of Health and Human Services for the purposes authorized by NRS 427A.896 that exists on July 1, 2019, is binding upon and may be enforced by the State Treasurer on or after that date.

Sec. 3. This act becomes effective on July 1, 2019.

