

Amendments to Senate Bill No. 432
3rd Reading Copy

Requested by the Commissioner of Higher Education

For the House Taxation Committee

Prepared by Lee Heiman
March 14, 2005 (11:59am)

1. Page 1, line 17.

Following: "trust"

Insert: "that is an instrumentality of the state and that is created for a public purpose"

2. Page 1, line 20.

Following: "trust."

Insert: "Each participating trust account represents a trust interest in the trust and includes amounts received by the program from account owners pursuant to the participating trust agreement and interest and investment income earned by the trust account."

3. Page 2, line 27.

Strike: "6 months'"

Insert: "90 days'"

4. Page 4, line 8.

Strike: "among"

Insert: "between"

Following: "the board,"

Strike: "the"

Insert: "as"

Following: "trustee"

Insert: "and as administrator of the program"

5. Page 4, line 24.

Following: "(1)"

Insert: "The program must be operated through use of accounts in the trust established by account owners. Payments to the trust for participation in the program must be made by account owners pursuant to participating trust agreements."

Following: "into"

Insert: "participate in the program and"

6. Page 8, line 19.

Following: "institutions"

Insert: ", as agents of the trust,"

7. Page 9, line 24.

Following: "(9)"

Insert: "If the board determines not to renew the appointment of a financial institution as program manager, the board may take action consistent with the interest of the program and the accounts and in accordance with its duties as trustee of the trust."

8. Page 10, line 7.

Following: "contract"

Insert: "and all services provided by the financial institution to accounts continue to be subject to the control of the board as trustee of the trust with responsibility for all accounts in the program"

9. Page 11, line 5.

Following: "as the"

Insert: "program"

Strike: "of the program"

10. Page 11, line 22.

Strike: "and"

11. Page 11, line 23.

Following: "[section 1]"

Insert: ";

(i) enter into participating trust agreements with account owners; and

(j) maintain the program on behalf of the state as required by section 529 of the Internal Revenue Code, 26 U.S.C. 529"

- END -