

HB4745



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4745

Introduced 2/3/2012, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

15 ILCS 505/16.5

Amends the State Treasurer Act. Makes a technical change in a Section concerning a college savings pool.

LRB097 15462 PJG 60562 b

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Treasurer Act is amended by changing
5 Section 16.5 as follows:

6 (15 ILCS 505/16.5)

7 Sec. 16.5. College Savings Pool. The ~~The~~ State Treasurer
8 may establish and administer a College Savings Pool to
9 supplement and enhance the investment opportunities otherwise
10 available to persons seeking to finance the costs of higher
11 education. The State Treasurer, in administering the College
12 Savings Pool, may receive moneys paid into the pool by a
13 participant and may serve as the fiscal agent of that
14 participant for the purpose of holding and investing those
15 moneys.

16 "Participant", as used in this Section, means any person
17 who has authority to withdraw funds, change the designated
18 beneficiary, or otherwise exercise control over an account.

19 "Donor", as used in this Section, means any person who makes
20 investments in the pool. "Designated beneficiary", as used in
21 this Section, means any person on whose behalf an account is
22 established in the College Savings Pool by a participant. Both
23 in-state and out-of-state persons may be participants, donors,

1 and designated beneficiaries in the College Savings Pool. The
2 College Savings Pool must be available to any individual with a
3 valid social security number or taxpayer identification number
4 for the benefit of any individual with a valid social security
5 number or taxpayer identification number, unless a contract in
6 effect on August 1, 2011 (the effective date of Public Act
7 97-233) ~~this amendatory Act of the 97th General Assembly~~ does
8 not allow for taxpayer identification numbers, in which case
9 taxpayer identification numbers must be allowed upon the
10 expiration of the contract.

11 New accounts in the College Savings Pool may be processed
12 through participating financial institutions. "Participating
13 financial institution", as used in this Section, means any
14 financial institution insured by the Federal Deposit Insurance
15 Corporation and lawfully doing business in the State of
16 Illinois and any credit union approved by the State Treasurer
17 and lawfully doing business in the State of Illinois that
18 agrees to process new accounts in the College Savings Pool.
19 Participating financial institutions may charge a processing
20 fee to participants to open an account in the pool that shall
21 not exceed \$30 until the year 2001. Beginning in 2001 and every
22 year thereafter, the maximum fee limit shall be adjusted by the
23 Treasurer based on the Consumer Price Index for the North
24 Central Region as published by the United States Department of
25 Labor, Bureau of Labor Statistics for the immediately preceding
26 calendar year. Every contribution received by a financial

1 institution for investment in the College Savings Pool shall be
2 transferred from the financial institution to a location
3 selected by the State Treasurer within one business day
4 following the day that the funds must be made available in
5 accordance with federal law. All communications from the State
6 Treasurer to participants and donors shall reference the
7 participating financial institution at which the account was
8 processed.

9 The Treasurer may invest the moneys in the College Savings
10 Pool in the same manner and in the same types of investments
11 provided for the investment of moneys by the Illinois State
12 Board of Investment. To enhance the safety and liquidity of the
13 College Savings Pool, to ensure the diversification of the
14 investment portfolio of the pool, and in an effort to keep
15 investment dollars in the State of Illinois, the State
16 Treasurer may make a percentage of each account available for
17 investment in participating financial institutions doing
18 business in the State. The State Treasurer may deposit with the
19 participating financial institution at which the account was
20 processed the following percentage of each account at a
21 prevailing rate offered by the institution, provided that the
22 deposit is federally insured or fully collateralized and the
23 institution accepts the deposit: 10% of the total amount of
24 each account for which the current age of the beneficiary is
25 less than 7 years of age, 20% of the total amount of each
26 account for which the beneficiary is at least 7 years of age

1 and less than 12 years of age, and 50% of the total amount of
2 each account for which the current age of the beneficiary is at
3 least 12 years of age. The Treasurer shall develop, publish,
4 and implement an investment policy covering the investment of
5 the moneys in the College Savings Pool. The policy shall be
6 published each year as part of the audit of the College Savings
7 Pool by the Auditor General, which shall be distributed to all
8 participants. The Treasurer shall notify all participants in
9 writing, and the Treasurer shall publish in a newspaper of
10 general circulation in both Chicago and Springfield, any
11 changes to the previously published investment policy at least
12 30 calendar days before implementing the policy. Any investment
13 policy adopted by the Treasurer shall be reviewed and updated
14 if necessary within 90 days following the date that the State
15 Treasurer takes office.

16 Participants shall be required to use moneys distributed
17 from the College Savings Pool for qualified expenses at
18 eligible educational institutions. "Qualified expenses", as
19 used in this Section, means the following: (i) tuition, fees,
20 and the costs of books, supplies, and equipment required for
21 enrollment or attendance at an eligible educational
22 institution and (ii) certain room and board expenses incurred
23 while attending an eligible educational institution at least
24 half-time. "Eligible educational institutions", as used in
25 this Section, means public and private colleges, junior
26 colleges, graduate schools, and certain vocational

1 institutions that are described in Section 481 of the Higher
2 Education Act of 1965 (20 U.S.C. 1088) and that are eligible to
3 participate in Department of Education student aid programs. A
4 student shall be considered to be enrolled at least half-time
5 if the student is enrolled for at least half the full-time
6 academic work load for the course of study the student is
7 pursuing as determined under the standards of the institution
8 at which the student is enrolled. Distributions made from the
9 pool for qualified expenses shall be made directly to the
10 eligible educational institution, directly to a vendor, or in
11 the form of a check payable to both the beneficiary and the
12 institution or vendor. Any moneys that are distributed in any
13 other manner or that are used for expenses other than qualified
14 expenses at an eligible educational institution shall be
15 subject to a penalty of 10% of the earnings unless the
16 beneficiary dies, becomes disabled, or receives a scholarship
17 that equals or exceeds the distribution. Penalties shall be
18 withheld at the time the distribution is made.

19 The Treasurer shall limit the contributions that may be
20 made on behalf of a designated beneficiary based on the
21 limitations established by the Internal Revenue Service. The
22 contributions made on behalf of a beneficiary who is also a
23 beneficiary under the Illinois Prepaid Tuition Program shall be
24 further restricted to ensure that the contributions in both
25 programs combined do not exceed the limit established for the
26 College Savings Pool. The Treasurer shall provide the Illinois

1 Student Assistance Commission each year at a time designated by
2 the Commission, an electronic report of all participant
3 accounts in the Treasurer's College Savings Pool, listing total
4 contributions and disbursements from each individual account
5 during the previous calendar year. As soon thereafter as is
6 possible following receipt of the Treasurer's report, the
7 Illinois Student Assistance Commission shall, in turn, provide
8 the Treasurer with an electronic report listing those College
9 Savings Pool participants who also participate in the State's
10 prepaid tuition program, administered by the Commission. The
11 Commission shall be responsible for filing any combined tax
12 reports regarding State qualified savings programs required by
13 the United States Internal Revenue Service. The Treasurer shall
14 work with the Illinois Student Assistance Commission to
15 coordinate the marketing of the College Savings Pool and the
16 Illinois Prepaid Tuition Program when considered beneficial by
17 the Treasurer and the Director of the Illinois Student
18 Assistance Commission. The Treasurer's office shall not
19 publicize or otherwise market the College Savings Pool or
20 accept any moneys into the College Savings Pool prior to March
21 1, 2000. The Treasurer shall provide a separate accounting for
22 each designated beneficiary to each participant, the Illinois
23 Student Assistance Commission, and the participating financial
24 institution at which the account was processed. No interest in
25 the program may be pledged as security for a loan. Moneys held
26 in an account invested in the Illinois College Savings Pool

1 shall be exempt from all claims of the creditors of the
2 participant, donor, or designated beneficiary of that account,
3 except for the non-exempt College Savings Pool transfers to or
4 from the account as defined under subsection (j) of Section
5 12-1001 of the Code of Civil Procedure (735 ILCS 5/12-1001(j)).

6 The assets of the College Savings Pool and its income and
7 operation shall be exempt from all taxation by the State of
8 Illinois and any of its subdivisions. The accrued earnings on
9 investments in the Pool once disbursed on behalf of a
10 designated beneficiary shall be similarly exempt from all
11 taxation by the State of Illinois and its subdivisions, so long
12 as they are used for qualified expenses. Contributions to a
13 College Savings Pool account during the taxable year may be
14 deducted from adjusted gross income as provided in Section 203
15 of the Illinois Income Tax Act. The provisions of this
16 paragraph are exempt from Section 250 of the Illinois Income
17 Tax Act.

18 The Treasurer shall adopt rules he or she considers
19 necessary for the efficient administration of the College
20 Savings Pool. The rules shall provide whatever additional
21 parameters and restrictions are necessary to ensure that the
22 College Savings Pool meets all of the requirements for a
23 qualified state tuition program under Section 529 of the
24 Internal Revenue Code (26 U.S.C. 529). The rules shall provide
25 for the administration expenses of the pool to be paid from its
26 earnings and for the investment earnings in excess of the

1 expenses and all moneys collected as penalties to be credited
2 or paid monthly to the several participants in the pool in a
3 manner which equitably reflects the differing amounts of their
4 respective investments in the pool and the differing periods of
5 time for which those amounts were in the custody of the pool.
6 Also, the rules shall require the maintenance of records that
7 enable the Treasurer's office to produce a report for each
8 account in the pool at least annually that documents the
9 account balance and investment earnings. Notice of any proposed
10 amendments to the rules and regulations shall be provided to
11 all participants prior to adoption. Amendments to rules and
12 regulations shall apply only to contributions made after the
13 adoption of the amendment.

14 Upon creating the College Savings Pool, the State Treasurer
15 shall give bond with 2 or more sufficient sureties, payable to
16 and for the benefit of the participants in the College Savings
17 Pool, in the penal sum of \$1,000,000, conditioned upon the
18 faithful discharge of his or her duties in relation to the
19 College Savings Pool.

20 (Source: P.A. 97-233, eff. 8-1-11; 97-537, eff. 8-23-11;
21 revised 9-7-11.)