START\_STATUTE15-1873.  Treasurer; powers and duties; AZ529, Arizona's education savings plan trust fund

A.  The treasurer shall:

1.  Develop and implement the plan in a manner consistent with this article by adopting rules, guidelines and procedures.

2.  Retain professional services, if necessary, including accountants, auditors, consultants and other experts.

3.  Seek rulings and other guidance from the United States department of the treasury and the internal revenue service relating to the plan.

4.  Make changes to the plan required for the participants in the plan to obtain the federal income tax benefits or treatment provided by section 529 of the internal revenue code.

5.  Interpret, in rules, policies, guidelines and procedures, this article broadly in light of its purpose and objectives.

6.  Charge, impose and collect administrative fees and service charges in connection with any agreement, contract or transaction relating to the plan.

7.  Negotiate and select the financial institution or institutions to act as the depository and manager of the plan in accordance with this article. On approval by the board, the treasurer may use existing investment funds established pursuant to sections 35‑314.03, 35‑316 and 35‑326 for this purpose.

8.  Maintain the plan on behalf of this state as required by section 529 of the internal revenue code.

9.  Enter into tuition savings agreements with account owners pursuant to this article.

B.  AZ529, Arizona's education savings plan trust fund is established consisting of the assets of AZ529, Arizona's education savings plan. The treasurer shall administer the fund, and the board shall act as the trustee of the fund. Monies in the fund are continuously appropriated.  The fund is designated a public instrumentality of this state that is created for an essential public purpose. Trust interests in the fund shall be designated by the treasurer for each account owner. The fund shall be separated into a trust account and an operating account.  The trust account shall include amounts received by AZ529, Arizona's education savings plan from account owners pursuant to tuition savings agreements and interest and investment income earned by the fund.  The treasurer shall make transfers from the trust account to the operating account as necessary to immediately pay obligations under tuition savings agreements, operating expenses and administrative costs of the plan.  The treasurer shall deposit and invest monies or other amounts in the fund with financial institutions in accordance with section 15‑1874.END\_STATUTE