

RESOLUTION NO. 2017-03

**RESOLUTION OF THE CALIFORNIA ABLE ACT BOARD RELATING TO THE
APPROVAL OF EMERGENCY REGULATIONS FOR
THE CALIFORNIA ABLE PROGRAM (“THE PROGRAM”)**

WHEREAS, the California ABLE Act Board (the “Board”), pursuant to section 4877(c)(8) of the Welfare and Institutions Code, may carry out the duties and obligations of the ABLE program trust;

WHEREAS, section 4882(a) of the Welfare and Institutions Code provides that the Board shall adopt regulations as it deems necessary consistent with the federal Internal Revenue Code and regulations issued pursuant to that code to ensure that California ABLE Program meets all criteria for federal tax-exempt benefits; and

WHEREAS, section 4882(b) of the Welfare and Institutions Code provides that the Board may adopt regulations as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), and the adoption of the regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare;

NOW, THEREFORE, BE IT RESOLVED, by the California ABLE Act Board as follows:

Section 1. The proposed emergency regulations for the California ABLE Program are hereby approved in substantially the form submitted to the Board by Board staff. The Chair, any Deputy to the Chair, and Executive Director are each hereby authorized, for and on behalf of the Board, to submit such emergency regulations with the supporting documentation required by law to the Office of Administrative Law and proceed with the procedures outlined in the Administrative Procedure Act.

Section 2. The Chair, any Deputy to the Chair, and Executive Director are each hereby authorized and directed to take such actions, including making or causing to be made such changes to the regulations as may be required for approval thereof by the Office of Administrative Law, and to execute and deliver any and all documents that he or she may deem necessary or advisable in order to effectuate the purposes of this resolution.

Section 3. This resolution shall take effect immediately upon its approval.

Attest: _____
Chairperson

Date of Adoption: February 7, 2017