GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 763*

Short Title:	ABLE Act Changes/Study.	(Public)
Sponsors:	Senators Lee, Barringer, Edwards (Primary Sponsors); and Hise.	
Referred to:	Rules and Operations of the Senate	

May 30, 2018

A BILL TO BE ENTITLED

AN ACT TO ALLOW FOR FUNDS FROM THE PARENTAL SAVINGS TRUST FUND TO ROLLOVER TO AN ABLE ACCOUNT WITHOUT THE FUNDS BEING CONSIDERED AS INCOME AND TO DIRECT THE ABLE PROGRAM BOARD OF TRUSTEES TO REPORT ON ANY LEGISLATIVE RECOMMENDATIONS FOR MODIFICATIONS TO THE STATE ABLE ACT, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-153.5(c)(7) reads as rewritten:

"(7) The amount deducted in a prior taxable year to the extent this amount was withdrawn from the Parental Savings Trust Fund of the State Education Assistance Authority established pursuant to G.S. 116-209.25 and not used to pay for the qualified higher education expenses of the designated beneficiary, unless the withdrawal was made pursuant to section 529 of the Code and was either (i) without penalty ~~under section 529 of the Code~~ due to the death or permanent disability of the designated ~~beneficiary.~~beneficiary or (ii) rolled over to an ABLE account as defined in G.S. 147-86.70(b)."

SECTION 2. By December 1, 2018, the ABLE Program Board of Trustees (Board) shall report to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Oversight Committee on General Government on legislative recommendations for modifications to the Achieving a Better Life Experience (ABLE) Program Trust and its related statutes consistent with the federal ABLE Act. The Board shall include recommendations regarding any recent changes in the federal law and improvements for the administration of the program.

SECTION 3. Section 1 of this act is effective for taxable years beginning on or after January 1, 2018. The remainder of this act is effective when this act becomes law.