

Enrolled
Senate Bill 163

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CHAPTER

AN ACT

Relating to the ABLE program; amending ORS 178.380; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 178.380 is amended to read:

178.380. (1) The Oregon 529 Savings Board shall establish by rule and maintain a qualified ABLE program in accordance with the requirements of the ABLE Act.

(2) The rules must:

- (a) Allow a person to make contributions for a taxable year to an ABLE account established for the purpose of meeting the qualified disability expenses of the designated beneficiary of the account;
- (b) Limit a designated beneficiary to one ABLE account for purposes of this section;
- (c) Require cash-only contributions to ABLE accounts;
- (d) Provide for a separate accounting for each designated beneficiary of an ABLE account;
- (e) Provide that a designated beneficiary of an ABLE account may not, directly or indirectly, direct the investment of contributions to the account, or earnings on the account, more than two times in any calendar year;
- (f) Prohibit the use of a designated beneficiary's interest in an ABLE account as security for a loan;
- (g) Establish limitations on aggregate contributions to an ABLE account on behalf of a designated beneficiary; and
- (h) Satisfy all other requirements of section 529A of the Internal Revenue Code, the ABLE Act, rules adopted by the United States Secretary of the Treasury under the ABLE Act and other applicable federal law.

(3) Notwithstanding any other provision of law that requires consideration of one or more financial circumstances of an individual for the purpose of determining the eligibility to receive, or the amount of, any assistance or benefit authorized by law to be provided to or for the benefit of the individual, any amount in an ABLE account of the individual, including earnings on the account, any contributions to the ABLE account of the individual and any distribution for qualified disability expenses, shall be disregarded for such purpose with respect to any period during which the individual maintains, makes contributions to or receives distributions from the ABLE account.

(4)(a) Except as provided by federal law, upon the death of a designated beneficiary, amounts in an ABLE account may be transferred to the estate of the designated beneficiary or an ABLE account of another eligible individual specified by the designated beneficiary or the estate of the designated beneficiary.

(b) Except as required by federal law, the Department of Human Services and the Oregon Health Authority may not seek payment under ORS 416.350 or section 529A(f) of the Internal Revenue Code from amounts in an ABLE account or from amounts transferred from an ABLE account under paragraph (a) of this subsection.

(5) The board may collect application, account or administrative fees to defray the costs of the ABLE program.

SECTION 2. This 2019 Act takes effect on the 91st day after the date on which the 2019 regular session of the Eightieth Legislative Assembly adjourns sine die.

Passed by Senate June 10, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 18, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State