

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

579X0609

## HOUSE ENGROSSED NO. **HB 1224** - 02/23/2016

Introduced by: Representatives Partridge, Anderson, Bolin, Cronin, Dryden, Gibson, Harrison, Holmes, Jensen (Alex), May, Mickelson, Rasmussen, Romkema, Rozum, Schoenbeck, Schoenfish, Soli, Stalzer, Tulson, Wiik, Wollmann, and Zikmund and Senators Solano, Cammack, Greenfield (Brock), Haverly, Heineman (Phyllis), Monroe, Peters, Soholt, Sutton, Tieszen, and White

1 FOR AN ACT ENTITLED, An Act to facilitate participation by South Dakota residents in an  
2 ABLE savings program.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 Terms used in this Act mean:

6 (1) "ABLE savings program," a qualified savings program established under section  
7 529A of the Internal Revenue Code, 26 U.S.C. 529A;

8 (2) "Council," the South Dakota Investment Council.

9 Section 2. That the code be amended by adding a NEW SECTION to read:

10 When determining the eligibility or amount of benefits to be received by a designated  
11 beneficiary of an ABLE savings program, a state or local agency may not consider a  
12 contribution to an account in a qualified ABLE savings program, earnings on the contribution,  
13 or a distribution from the account for qualified disability expenses as defined in section



1 529A(e)(5) of the Internal Revenue Code, 26 U.S.C. 529A(e)(5), as of January 1, 2016.

2 Section 3. That the code be amended by adding a NEW SECTION to read:

3 The council may provide information about ABLE savings programs to residents of this  
4 state. The state investment officer and the employees of the Division of Investment may assist  
5 the council in carrying out its duties under this Act.

6 Section 4. That the code be amended by adding a NEW SECTION to read:

7 Nothing in this Act creates any obligation of the council, the state, state investment officer,  
8 the Division of Investment, or any agency or instrumentality of the state to guarantee for the  
9 benefit of any account owner or designated beneficiary with respect to the return of principal,  
10 rate of interest or other return on any account, or payment of interest or other return on any  
11 account.

12 Section 5. That the code be amended by adding a NEW SECTION to read:

13 The council, each council member, the state investment officer, and each employee of the  
14 Division of Investment personally is immune from any and all liability for actions taken in good  
15 faith in the discharge of the council's responsibilities under this Act.