

1 AN ACT relating to the Kentucky opportunity fund and making an appropriation
2 therefor.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164A IS CREATED TO
5 READ AS FOLLOWS:

6 *As used in Sections 1 to 4 of this Act, unless the context requires otherwise:*

7 *(1) "Account" means a Kentucky opportunity account;*

8 *(2) "Authority" means the Kentucky Higher Education Assistance Authority;*

9 *(3) "Beneficiary" means an eligible child or formerly eligible child for whom the*
10 *authority deposited funds into an account;*

11 *(4) "Eligible child" means a minor born on or after January 1, 2025, who is a*
12 *Kentucky resident at the time the authority deposits funds into an account on his*
13 *or her behalf;*

14 *(5) "Fund" means the Kentucky opportunity fund established in Section 2 of this*
15 *Act;*

16 *(6) "Kentucky resident" has the same meaning as "resident" in KRS 141.010.*

17 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 164A IS CREATED TO
18 READ AS FOLLOWS:

19 *(1) The Kentucky opportunity fund is hereby established in the State Treasury. The*
20 *fund shall consist of state appropriations, gifts, grants, and federal funds.*

21 *(2) For fiscal years beginning on or after July 1, 2025, and before July 1, 2029,*
22 *twenty-five million dollars (\$25,000,000) shall be transferred from the general*
23 *fund to the Kentucky opportunity fund annually.*

24 *(3) The fund shall be administered by the authority.*

25 *(4) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal*
26 *year shall not lapse.*

27 *(5) Moneys deposited in the fund are hereby appropriated for the purposes set forth*

1 in this section and shall not be appropriated or transferred by the General
2 Assembly for any other purposes.

3 (6) Amounts deposited in the fund shall be used for the purpose of making
4 contributions to individual accounts and investing in accordance with subsection
5 (7) of this section.

6 (7) (a) Amounts deposited into the fund, including amounts contributed to
7 individual accounts, shall be invested in any of the following types of
8 securities that are deemed appropriate by the authority:

9 1. Government and agency bonds;

10 2. Investment grade asset-backed securities and corporate bonds;

11 3. Mortgages, excluding interest-only, principal-only, and inverse
12 floaters; and

13 4. Equities.

14 (b) Equities shall constitute no greater than sixty percent (60%) of the entire
15 portfolio, including up to ten percent (10%) in equities from outside the
16 United States.

17 (c) The duration of the fixed-income portion of the portfolio shall reflect the
18 future liability of the fund for distributions.

19 (d) Assets may be pooled for investment purposes with any other investment of
20 the Commonwealth that is eligible for asset pooling.

21 (e) Leveraging is strictly prohibited.

22 (8) The Kentucky Department of Revenue and the Cabinet for Health and Family
23 Services shall enter into information-sharing agreements with the authority to
24 enable the exchange of such information as may be necessary for the efficient
25 administration of the fund.

26 (9) The authority may promulgate administrative regulations under KRS Chapter
27 13A to administer this section.

1 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 164A IS CREATED TO
2 READ AS FOLLOWS:

3 *(1) The authority shall establish an individual account for any child whose birth is*
4 *covered under the Kentucky Children's Health Insurance Program or Medicaid.*

5 *(2) For each account opened under subsection (1) of this section, the authority shall*
6 *open an individual account for each eligible child and make a one-time deposit of*
7 *three thousand dollars (\$3,000) in the calendar year in which the eligible child is*
8 *born.*

9 *(3) When the beneficiary reaches eighteen (18) years of age, he or she may withdraw*
10 *money from his or her individual account for any of the following purposes:*

11 *(a) Expenses associated with the purchase of the primary residence of the*
12 *beneficiary;*

13 *(b) Medical expenses of the beneficiary; or*

14 *(c) The payment of student loan debt.*

15 *(4) A beneficiary may withdraw money from his or her individual account for any*
16 *expense paid or incurred on or after the date the beneficiary attains the age of*
17 *sixty-two (62).*

18 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 164A IS CREATED TO
19 READ AS FOLLOWS:

20 *Upon the notification of a beneficiary's death, the authority shall close the*
21 *beneficiary's account and transfer any remaining balance to the fund.*

22 ➔Section 5. KRS 131.190 is amended to read as follows:

23 (1) No present or former commissioner or employee of the department, present or
24 former member of a county board of assessment appeals, present or former property
25 valuation administrator or employee, present or former secretary or employee of the
26 Finance and Administration Cabinet, former secretary or employee of the Revenue
27 Cabinet, or any other person, shall intentionally and without authorization inspect

1 or divulge any information acquired by him or her of the affairs of any person, or
2 information regarding the tax schedules, returns, or reports required to be filed with
3 the department or other proper officer, or any information produced by a hearing or
4 investigation, insofar as the information may have to do with the affairs of the
5 person's business.

6 (2) The prohibition established by subsection (1) of this section shall not extend to:

- 7 (a) Information required in prosecutions for making false reports or returns of
8 property for taxation, or any other infraction of the tax laws;
- 9 (b) Any matter properly entered upon any assessment record, or in any way made
10 a matter of public record;
- 11 (c) Furnishing any taxpayer or his or her properly authorized agent with
12 information respecting his or her own return;
- 13 (d) Testimony provided by the commissioner or any employee of the department
14 in any court, or the introduction as evidence of returns or reports filed with the
15 department, in an action for violation of state or federal tax laws or in any
16 action challenging state or federal tax laws;
- 17 (e) Providing an owner of unmined coal, oil or gas reserves, and other mineral or
18 energy resources assessed under KRS 132.820, or owners of surface land
19 under which the unmined minerals lie, factual information about the owner's
20 property derived from third-party returns filed for that owner's property, under
21 the provisions of KRS 132.820, that is used to determine the owner's
22 assessment. This information shall be provided to the owner on a confidential
23 basis, and the owner shall be subject to the penalties provided in KRS
24 131.990(2). The third-party filer shall be given prior notice of any disclosure
25 of information to the owner that was provided by the third-party filer;
- 26 (f) Providing to a third-party purchaser pursuant to an order entered in a
27 foreclosure action filed in a court of competent jurisdiction, factual

- 1 information related to the owner or lessee of coal, oil, gas reserves, or any
2 other mineral resources assessed under KRS 132.820. The department may
3 promulgate an administrative regulation establishing a fee schedule for the
4 provision of the information described in this paragraph. Any fee imposed
5 shall not exceed the greater of the actual cost of providing the information or
6 ten dollars (\$10);
- 7 (g) Providing information to a licensing agency, the Transportation Cabinet, or
8 the Kentucky Supreme Court under KRS 131.1817;
- 9 (h) Statistics of gasoline and special fuels gallonage reported to the department
10 under KRS 138.210 to 138.448;
- 11 (i) Providing any utility gross receipts license tax return information that is
12 necessary to administer the provisions of KRS 160.613 to 160.617 to
13 applicable school districts on a confidential basis;
- 14 (j) Providing documents, data, or other information to a third party pursuant to an
15 order issued by a court of competent jurisdiction;~~[-or]~~
- 16 (k) Providing information to the Legislative Research Commission under:
- 17 1. KRS 139.519 for purposes of the sales and use tax refund on building
18 materials used for disaster recovery;
- 19 2. KRS 141.436 for purposes of the energy efficiency products credits;
- 20 3. KRS 141.437 for purposes of the ENERGY STAR home and the
21 ENERGY STAR manufactured home credits;
- 22 4. KRS 141.383 for purposes of the film industry incentives;
- 23 5. KRS 154.26-095 for purposes of the Kentucky industrial revitalization
24 tax credits and the job assessment fees;
- 25 6. KRS 141.068 for purposes of the Kentucky investment fund;
- 26 7. KRS 141.396 for purposes of the angel investor tax credit;
- 27 8. KRS 141.389 for purposes of the distilled spirits credit;

- 1 9. KRS 141.408 for purposes of the inventory credit;
- 2 10. KRS 141.390 for purposes of the recycling and composting credit;
- 3 11. KRS 141.3841 for purposes of the selling farmer tax credit;
- 4 12. KRS 141.4231 for purposes of the renewable chemical production tax
- 5 credit;
- 6 13. KRS 141.524 for purposes of the Education Opportunity Account
- 7 Program tax credit;
- 8 14. KRS 141.398 for purposes of the development area tax credit;
- 9 15. KRS 139.516 for the purposes of the sales and use tax exemption on the
- 10 commercial mining of cryptocurrency; and
- 11 16. KRS 141.419 for purposes of the decontamination tax credit; or

12 *(l) Providing information to the Kentucky Higher Education Assistance*
13 *Authority under Section 2 of this Act.*

- 14 (3) The commissioner shall make available any information for official use only and on
- 15 a confidential basis to the proper officer, agency, board or commission of this state,
- 16 any Kentucky county, any Kentucky city, any other state, or the federal
- 17 government, under reciprocal agreements whereby the department shall receive
- 18 similar or useful information in return.
- 19 (4) Access to and inspection of information received from the Internal Revenue Service
- 20 is for department use only, and is restricted to tax administration purposes.
- 21 Information received from the Internal Revenue Service shall not be made available
- 22 to any other agency of state government, or any county, city, or other state, and
- 23 shall not be inspected intentionally and without authorization by any present
- 24 secretary or employee of the Finance and Administration Cabinet, commissioner or
- 25 employee of the department, or any other person.
- 26 (5) Statistics of crude oil as reported to the department under the crude oil excise tax
- 27 requirements of KRS Chapter 137 and statistics of natural gas production as

1 reported to the department under the natural resources severance tax requirements
2 of KRS Chapter 143A may be made public by the department by release to the
3 Energy and Environment Cabinet, Department for Natural Resources.

4 (6) Notwithstanding any provision of law to the contrary, beginning with mine-map
5 submissions for the 1989 tax year, the department may make public or divulge only
6 those portions of mine maps submitted by taxpayers to the department pursuant to
7 KRS Chapter 132 for ad valorem tax purposes that depict the boundaries of mined-
8 out parcel areas. These electronic maps shall not be relied upon to determine actual
9 boundaries of mined-out parcel areas. Property boundaries contained in mine maps
10 required under KRS Chapters 350 and 352 shall not be construed to constitute land
11 surveying or boundary surveys as defined by KRS 322.010 and any administrative
12 regulations promulgated thereto.

13 ➔Section 6. KRS 141.019 is amended to read as follows:

14 In the case of taxpayers other than corporations:

15 (1) Adjusted gross income shall be calculated by subtracting from the gross income of
16 those taxpayers the deductions allowed individuals by Section 62 of the Internal
17 Revenue Code and adjusting as follows:

18 (a) Exclude income that is exempt from state taxation by the Kentucky
19 Constitution and the Constitution and statutory laws of the United States;

20 (b) Exclude income from supplemental annuities provided by the Railroad
21 Retirement Act of 1937 as amended and which are subject to federal income
22 tax by Pub. L. No. 89-699;

23 (c) Include interest income derived from obligations of sister states and political
24 subdivisions thereof;

25 (d) Exclude employee pension contributions picked up as provided for in KRS
26 6.505, 16.545, 21.360, 61.523, 61.560, 65.155, 67A.320, 67A.510, 78.610,
27 and 161.540 upon a ruling by the Internal Revenue Service or the federal

- 1 courts that these contributions shall not be included as gross income until such
2 time as the contributions are distributed or made available to the employee;
- 3 (e) Exclude Social Security and railroad retirement benefits subject to federal
4 income tax;
- 5 (f) Exclude any money received because of a settlement or judgment in a lawsuit
6 brought against a manufacturer or distributor of "Agent Orange" for damages
7 resulting from exposure to Agent Orange by a member or veteran of the
8 Armed Forces of the United States or any dependent of such person who
9 served in Vietnam;
- 10 (g) 1. a. For taxable years beginning after December 31, 2005, but before
11 January 1, 2018, exclude up to forty-one thousand one hundred ten
12 dollars (\$41,110) of total distributions from pension plans, annuity
13 contracts, profit-sharing plans, retirement plans, or employee
14 savings plans; and
- 15 b. For taxable years beginning on or after January 1, 2018, exclude
16 up to thirty-one thousand one hundred ten dollars (\$31,110) of
17 total distributions from pension plans, annuity contracts, profit-
18 sharing plans, retirement plans, or employee savings plans.
- 19 2. As used in this paragraph:
- 20 a. "Annuity contract" has the same meaning as set forth in Section
21 1035 of the Internal Revenue Code;
- 22 b. "Distributions" includes but is not limited to any lump-sum
23 distribution from pension or profit-sharing plans qualifying for the
24 income tax averaging provisions of Section 402 of the Internal
25 Revenue Code; any distribution from an individual retirement
26 account as defined in Section 408 of the Internal Revenue Code;
27 and any disability pension distribution; and

- 1 c. "Pension plans, profit-sharing plans, retirement plans, or employee
2 savings plans" means any trust or other entity created or organized
3 under a written retirement plan and forming part of a stock bonus,
4 pension, or profit-sharing plan of a public or private employer for
5 the exclusive benefit of employees or their beneficiaries and
6 includes plans qualified or unqualified under Section 401 of the
7 Internal Revenue Code and individual retirement accounts as
8 defined in Section 408 of the Internal Revenue Code;
- 9 (h) 1. a. Exclude the portion of the distributive share of a shareholder's net
10 income from an S corporation subject to the franchise tax imposed
11 under KRS 136.505 or the capital stock tax imposed under KRS
12 136.300; and
- 13 b. Exclude the portion of the distributive share of a shareholder's net
14 income from an S corporation related to a qualified subchapter S
15 subsidiary subject to the franchise tax imposed under KRS
16 136.505 or the capital stock tax imposed under KRS 136.300.
- 17 2. The shareholder's basis of stock held in an S corporation where the S
18 corporation or its qualified subchapter S subsidiary is subject to the
19 franchise tax imposed under KRS 136.505 or the capital stock tax
20 imposed under KRS 136.300 shall be the same as the basis for federal
21 income tax purposes;
- 22 (i) Exclude income received for services performed as a precinct worker for
23 election training or for working at election booths in state, county, and local
24 primaries or regular or special elections;
- 25 (j) Exclude any capital gains income attributable to property taken by eminent
26 domain;
- 27 (k) 1. Exclude all income from all sources for members of the Armed Forces

1 who are on active duty and who are killed in the line of duty, for the
2 year during which the death occurred and the year prior to the year
3 during which the death occurred.

4 2. For the purposes of this paragraph, "all income from all sources" shall
5 include all federal and state death benefits payable to the estate or any
6 beneficiaries;

7 (l) Exclude all military pay received by members of the Armed Forces while on
8 active duty;

9 (m) 1. Include the amount deducted for depreciation under 26 U.S.C. sec. 167
10 or 168; and

11 2. Exclude the amounts allowed by KRS 141.0101 for depreciation;

12 (n) Include the amount deducted under 26 U.S.C. sec. 199A;

13 (o) Ignore any change in the cost basis of the surviving spouse's share of property
14 owned by a Kentucky community property trust occurring for federal income
15 tax purposes as a result of the death of the predeceasing spouse;

16 (p) Allow the same treatment allowed under Pub. L. No. 116-260, secs. 276 and
17 278, related to the tax treatment of forgiven covered loans, deductions
18 attributable to those loans, and tax attributes associated with those loans for
19 taxable years ending on or after March 27, 2020, but before January 1, 2022;~~f~~
20 ~~and~~

21 (q) For taxable years beginning on or after January 1, 2020, but before March 11,
22 2023, allow the same treatment of restaurant revitalization grants in
23 accordance with Pub. L. No. 117-2, sec. 9673 and 15 U.S.C. sec. 9009c,
24 related to the tax treatment of the grants, deductions attributable to those
25 grants, and tax attributes associated with those grants; and

26 *(q) Exclude any amount in a Kentucky opportunity account, as described in*
27 *Section 3 of this Act, and any distribution from a Kentucky opportunity*

1 *account that was used to pay expenses allowed under Section 3 of this Act;*

2 *and*

- 3 (2) Net income shall be calculated by subtracting from adjusted gross income all the
4 deductions allowed individuals by Chapter 1 of the Internal Revenue Code, as
5 modified by KRS 141.0101, except:
- 6 (a) Any deduction allowed by 26 U.S.C. sec. 164 for taxes;
 - 7 (b) Any deduction allowed by 26 U.S.C. sec. 165 for losses, except wagering
8 losses allowed under Section 165(d) of the Internal Revenue Code;
 - 9 (c) Any deduction allowed by 26 U.S.C. sec. 213 for medical care expenses;
 - 10 (d) Any deduction allowed by 26 U.S.C. sec. 217 for moving expenses;
 - 11 (e) Any deduction allowed by 26 U.S.C. sec. 67 for any other miscellaneous
12 deduction;
 - 13 (f) Any deduction allowed by the Internal Revenue Code for amounts allowable
14 under KRS 140.090(1)(h) in calculating the value of the distributive shares of
15 the estate of a decedent, unless there is filed with the income return a
16 statement that the deduction has not been claimed under KRS 140.090(1)(h);
 - 17 (g) Any deduction allowed by 26 U.S.C. sec. 151 for personal exemptions and
18 any other deductions in lieu thereof;
 - 19 (h) Any deduction allowed for amounts paid to any club, organization, or
20 establishment which has been determined by the courts or an agency
21 established by the General Assembly and charged with enforcing the civil
22 rights laws of the Commonwealth, not to afford full and equal membership
23 and full and equal enjoyment of its goods, services, facilities, privileges,
24 advantages, or accommodations to any person because of race, color, religion,
25 national origin, or sex, except nothing shall be construed to deny a deduction
26 for amounts paid to any religious or denominational club, group, or
27 establishment or any organization operated solely for charitable or educational

1 purposes which restricts membership to persons of the same religion or
2 denomination in order to promote the religious principles for which it is
3 established and maintained; and

4 (i) A taxpayer may elect to claim the standard deduction allowed by KRS
5 141.081 instead of itemized deductions allowed pursuant to 26 U.S.C. sec. 63
6 and as modified by this section.

7 ➔Section 7. KRS 205.200 is amended to read as follows:

8 (1) A needy aged person, a needy blind person, a needy child, a needy permanently and
9 totally disabled person, or a person with whom a needy child lives shall be eligible
10 to receive a public assistance grant only if he or she has made a proper application
11 or an application has been made on his or her behalf in the manner and form
12 prescribed by administrative regulation. No individual shall be eligible to receive
13 public assistance under more than one (1) category of public assistance for the same
14 period of time.

15 (2) The secretary shall, by administrative regulations, prescribe the conditions of
16 eligibility for public assistance in conformity with the public assistance titles of the
17 Social Security Act, its amendments, and other federal acts and regulations. The
18 secretary shall also promulgate administrative regulations to allow for between a
19 forty percent (40%) and a forty-five percent (45%) ratable reduction in the method
20 of calculating eligibility and benefits for public assistance under Title IV-A of the
21 Federal Social Security Act. In no instance shall grants to families with no income
22 be less than the appropriate grant maximum used for public assistance under Title
23 IV-A of the Federal Social Security Act. As used in this section, "ratable reduction"
24 means the percentage reduction applied to the deficit between the family's
25 countable income and the standard of need for the appropriate family size.

26 (3) The secretary may by administrative regulation prescribe as a condition of
27 eligibility that a needy child regularly attend school, and may further by

1 administrative regulation prescribe the degree of relationship of the person or
2 persons in whose home such needy child must reside.

3 (4) The secretary may by administrative regulation prescribe conditions for bringing
4 paternity proceedings or actions for support in cases of out of wedlock birth or
5 nonsupport by a parent in the public assistance under Title IV-A of the Federal
6 Social Security Act program.

7 (5) Public assistance shall not be payable to or in behalf of any individual who has
8 taken any legal action in his or her own behalf or in the behalf of others with the
9 intent and purpose of creating eligibility for the assistance.

10 (6) The cabinet shall promptly notify the appropriate law enforcement officials of the
11 furnishing of public assistance under Title IV-A of the Federal Social Security Act
12 in respect to a child who has been deserted or abandoned by a parent.

13 (7) No person shall be eligible for public assistance payments if, after having been
14 determined to be potentially responsible, and afforded notice and opportunity for
15 hearing, he or she refuses without good cause:

16 (a) To register for employment with the state employment service,

17 (b) To accept suitable training, or

18 (c) To accept suitable employment.

19 The secretary may prescribe by administrative regulation, subject to the provisions
20 of KRS Chapter 13A, standards of suitability for training and employment.

21 (8) To the extent permitted by federal law, scholarships, grants, or other types of
22 financial assistance for education shall not be considered as income for the purpose
23 of determining eligibility for public assistance.

24 (9) To the extent permitted by federal law, any money received because of a settlement
25 or judgment in a lawsuit brought against a manufacturer or distributor of "Agent
26 Orange" for damages resulting from exposure to "Agent Orange" by a member or
27 veteran of the Armed Forces of the United States or any dependent of such person

1 who served in Vietnam shall not be considered as income for the purpose of
2 determining eligibility or continuing eligibility for public assistance and shall not be
3 subject to a lien or be available for repayment to the Commonwealth for public
4 assistance received by the recipient.

5 (10) (a) For the purpose of determining eligibility for medical assistance under Title
6 XIX of the Social Security Act, unless otherwise required by federal law, the
7 cabinet shall only accept self-attestation of income, residency, age, household
8 composition, caretaker or relative status, or receipt of other coverage as
9 verification of last resort prior to enrollment, and the cabinet shall not request
10 federal authorization or approval to waive or decline to periodically check any
11 available income-related data source to verify eligibility.

12 (b) This subsection shall not apply to any individual who is a resident of an
13 assisted living community as defined in KRS 194A.700 or to a long-term care
14 facility as defined in KRS 216A.010 or hospital licensed under KRS Chapter
15 216B that is using self-attestation to determine presumptive eligibility.

16 (c) If an individual for medical assistance under Title XIX of the Social Security
17 Act willingly and knowingly self-attests to falsified information related to
18 income, residency, age, household composition, caretaker or relative status, or
19 receipt of other coverage, the cabinet may fine the individual not more than
20 five hundred dollars (\$500) per offense.

21 (11) When determining whether an applicant for services or assistance provided under
22 this chapter meets the applicable income eligibility guidelines, the cabinet shall use
23 the most recent income verification data available and consider fluctuating
24 employment income data.

25 (12) If in the normal course of operations, the cabinet finds that an individual has
26 trafficked, sold, distributed, given, or otherwise transferred an electronic benefit
27 transfer card issued by the department for money, service, or other valuable

1 consideration, the cabinet, to the extent permitted under state and federal law:

2 (a) Shall through any means practical, including but not limited to garnishment of
3 future cash assistance benefits, seek recoupment from the individual of any
4 cash benefits trafficked, sold, distributed, given, or otherwise transferred; and

5 (b) May:

6 1. Upon the first violation, deem the individual ineligible for all public
7 assistance programs administered by the cabinet under this chapter for a
8 period of not more than six (6) months;

9 2. Upon the second violation, deem the individual ineligible for all public
10 assistance programs administered by the cabinet under this chapter for a
11 period of not more than twelve (12) months; and

12 3. Upon the third violation, deem the individual ineligible for all public
13 assistance programs administered by the cabinet under this chapter for a
14 period of not more than five (5) years.

15 (13) (a) Notwithstanding any other provision of Kentucky law, the following shall be
16 disregarded for the purposes of determining an individual's eligibility for a
17 means-tested public assistance program, and the amount of assistance or
18 benefits the individual is eligible to receive under the program:

19 1. Any amount in an ABLE account;

20 2. Any contributions to an ABLE account;~~and~~

21 3. Any distribution from an ABLE account for qualified disability
22 expenses;

23 4. Any amount in a Kentucky opportunity account, as described in
24 Section 3 of this Act; and

25 5. Any distribution from a Kentucky opportunity account that is used to
26 pay expenses allowed under Section 3 of this Act.

27 (b) For purposes of this subsection:

- 1 1. "ABLE account" means an account established within any state having a
2 qualified ABLE program as provided in 26 U.S.C. sec. 529A, as
3 amended;
- 4 2. "Kentucky law" includes:
- 5 a. All provisions of the Kentucky Revised Statutes:
- 6 b. Any contract to provide Medicaid managed care established
7 pursuant to this chapter;
- 8 c. Any agreement to operate a Medicaid program established
9 pursuant to this chapter; and
- 10 d. Any administrative regulation promulgated pursuant to this
11 chapter; and
- 12 3. "Qualified disability expenses" means expenses described in 26 U.S.C.
13 sec. 529A of a person who is the beneficiary of an ABLE account.