SPONSOR: Rep. Griffith & Sen. Paradee & Rep. K. Johnson & Rep. Longhurst & Rep. Heffernan & Rep. Dorsey Walker & Rep. Bush & Rep. Brady & Sen. Sturgeon & Sen. Hansen & Sen. Gay
Sens. Bonini, Lockman, Pinkney, Sokola

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 145
AS AMENDED BY
HOUSE AMENDMENT NO. 4

AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO COLLEGE SAVINGS AND "ABLE" SAVINGS ACCOUNTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1106, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1106. Modifications

(b) Subtractions. — There shall be subtracted from federal adjusted gross income:

(11) Any amount, up to a limit of $1,000, contributed by an individual during the taxable year to one or more accounts established and maintained pursuant to the Delaware College Investment Plan as set forth in Chapter 34 of Subchapter XII of Title 14 of the Delaware Code, provided, however, that no deduction shall be permitted under this subsection for any amount contributed through (1) a change in the designated beneficiary of or (2) a transfer or rollover from an account established and maintained pursuant to the Delaware College Investment Plan as set forth in Chapter 34 of Subchapter XII of Title 14 of the Delaware Code; and provided further, that no deduction shall be permitted under this section for any amount contributed during the taxable year to an account in a Delaware sponsored tuition program for expenses intended or used for tuition in connection with enrollment or attendance at an elementary or secondary public, private, or religious school; and provided further, that no deduction shall be permitted under this subsection for any amount contributed during the taxable year for an individual, head of household, married filing separate combined, or married filing separate filer with a federal adjusted gross income greater than $100,000 or for joint filers, with a federal adjusted gross income greater than $200,000. For spouses filing a joint return with federal adjusted gross income not greater than $200,000, the amount of the subtraction shall be the amount contributed by the spouses, up to a limit of $2,000.

(12) Any amount, up to a limit of $5,000, contributed by an individual during the taxable year to one or more accounts established and maintained pursuant to the Delaware Achieving a Better Life Experience (ABLE) Program as

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set forth in Chapter 96A of Title 16 of the Delaware Code; provided, however, that no deduction shall be permitted under this subsection for any amount contributed through (1) a change in the designated beneficiary of or (2) a transfer or rollover from an account established and maintained pursuant to the Delaware Achieving a Better Life Experience Program as set forth in Chapter 96A of Title 16 of the Delaware Code. For spouses filing a joint return, the amount of the subtraction shall be the amount contributed by the spouses, up to a limit of $10,000.

Section 2: The legislation will take effect for contributions to Delaware College Investment Plan and ABLE accounts made after December 31, 2021.

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