WEST VIRGINIA CODE: §16-48-4

§16-48-4. Implementation and administration of program; Treasurer's powers and responsibilities.

(a) The Treasurer shall implement and administer the program under the terms and conditions established by this article. In order to implement and administer the program, the Treasurer may:

(1) Engage the services of consultants on a contract basis for rendering professional and technical assistance and advice;

(2) Seek rulings and other guidance from the secretary and the federal Internal Revenue Service relating to the program;

(3) Make changes to the program required for the participants in the program to obtain the federal income tax benefits or treatment provided by Section 529a of the federal Internal Revenue Code of 1986, as amended;

(4) Charge, impose, and collect administrative fees and service charges in connection with any agreement, contract, or transaction relating to the program;

(5) Develop marketing plans and promotion material;

(6) Establish the methods by which the funds held in accounts shall be dispersed;

(7) Establish the method by which funds shall be allocated to pay for administrative costs;

(8) Do all things necessary and proper to carry out the purposes of this act;

(9) Make an annual evaluation of the ABLE savings program and prepare and submit an annual report of such evaluation to the Governor and Legislature; and

(10) Notify the Secretary when an account has been opened for a designated beneficiary and submit other reports concerning the program required by the Secretary.

(b) The Treasurer may enter into agreements with other states to either allow West Virginia residents to participate in a plan operated by another state or to allow residents of other states to participate in the West Virginia ABLE program.

(c) The Treasurer shall propose rules for legislative approval in accordance with §29A-3-1 *et seq*. of this code necessary to implement the provisions of this article.

WV Legislature