

SESSION OF 2022

SUPPLEMENTAL NOTE ON SENATE BILL NO. 329

As Amended by Senate Committee on Financial
Institutions and Insurance

Brief*

SB 329, as amended, would amend law governing the Achieving a Better Life Experience (ABLE) savings program (program) to make the program compliant with the federal Internal Revenue Code and mandatory federal regulations. The program allows individuals with a disability and their families to save private funds without violating federal means-tested benefit requirements.

The bill would allow a person authorized by the State Treasurer, through procedures established by the State Treasurer, to:

- Act on behalf of a designated beneficiary;
- Be a designated beneficiary; and
- Open a program account.

The bill would amend the following definitions:

- “Account owner” would be amended to add a person authorized by the State Treasurer through procedures established by the State Treasurer to those who may act on behalf of a designated beneficiary. [*Note*: Current law allows only a conservator or guardian to be appointed as an account owner for a designated beneficiary.];

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- “Designated beneficiary” would be amended to also mean a person authorized by the State Treasurer pursuant to KSA 75-653; and
- “Eligible individual” would mean the same as defined in the federal Internal Revenue Code.

The bill would also amend law to make references to the federal Internal Revenue Code to specify, among other things, individuals with program accounts obtain federal and state income tax benefits of a qualified program account. The bill would also remove the existing age requirement for a designated beneficiary to have a conservator, guardian, or person authorized by the State Treasurer act on the designated beneficiary’s behalf with regard to program accounts. The bill would also make technical amendments.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the Senate Committee on Financial Institutions and Insurance at the request of the Office of the State Treasurer.

Senate Committee on Financial Institutions and Insurance

In the Senate Committee hearing, representatives from the Office of the State Treasurer, InterHab, and Arcare, Inc., provided **proponent** testimony. The proponents stated the bill would open the program accounts to more individuals and allow the program to remain in compliance with federal regulations. According to the proponents, without such compliance, the Kansas program would not qualify under federal law, and account holders would lose the related financial benefits.

Written-only proponent testimony was provided by the Disability Rights Center of Kansas, KanCare Advocates Network, and Prairie Ridge Community Developmental Disability Services.

No **opponent** or neutral testimony was provided.

The Senate Committee amended the bill to change its effective date to upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note provided by the Division of the Budget on the bill, as introduced, the Department of Revenue indicates enactment of the bill would have no fiscal effect on state revenues or expenditures. The Office of the State Treasurer indicates the bill would have no fiscal effect on its operations.

Able savings program; State Treasurer; disabilities; tax benefits