



March 4, 2022

TO: Representative Concannon and Members of the House Committee on Children and Seniors

FR: Meghan Shreve, Director of Education & Communications, InterHab

RE: Testimony in support of SB 329 – Adjustments to the ABLE Act

Chair Concannon, and members of the committee, thank you for the opportunity to share information on behalf of the member organizations of InterHab. My name is Meghan Shreve, and I am the Director of Education and Communications for InterHab, the state association for providers of intellectual and developmental disabilities in Kansas. I am grateful for this opportunity to share the need to amend the Kansas ABLE Savings Program, as it will assist thousands of Kansans in safeguarding much needed financial security across the state.

### **Kansas ABLE Savings Program**

The ABLE Savings Program allows Kansans living with a disability an opportunity to save for their future. With the Kansas ABLE Savings Plan, Kansans with a disability can save for qualified disability expenses without losing their eligibility for certain assistance programs, like SSI and Medicaid.

Without an ABLE account, individuals with disabilities can only have \$2,000 in assets at any given time in order to remain eligible for many federal means-tested benefits programs, such as Supplemental Security Income (SSI). Under ABLE, eligible individuals and families may establish ABLE savings accounts that will not affect their eligibility for SSI (up to \$100,000), Medicaid, and other public benefits. ABLE accounts provide a mechanism to essentially increase this \$2,000 asset limitation so that individuals with disabilities and their families can save money for their future and to improve their quality of life.

### **ABLE Treasury Regulations**

I am here today to ask for the committee's support to simplify ABLE enrollment regulations and amend K.S.A. 75-655(a) to refer directly to the applicable federal rules. This change will ensure that Kansans can continue to rely on the ABLE program and preserve its status as a qualified program at the federal level. The change would make it easier for Kansans with disabilities to enroll in the program. It will make certain that every Kansan has the right to establish an account and/or will allow an eligible individual to establish an account on their behalf.

One InterHab member noted that their biggest hurdle in establishing ABLE accounts is the conservatorship requirement, and many court-appointed guardians struggle with the addition of a conservatorship, creating a huge barrier for Kansans who hope to obtain an account. This change will help close this gap and will allow Kansans with disabilities to establish much needed access to ABLE accounts through a hierarchy of appropriate and responsible decision makers.

## **ABLE Age Adjustment Act**

In 2021, U.S. Senator Bob Casey, alongside 12 other senators from both sides of the aisle, including U.S. Senator Jerry Moran, introduced a federal bipartisan bill that would expand access to saving accounts created to help people with disabilities save for future disability-related expenses. The ABLE Age Adjustment Act will expand the number of individuals with disabilities eligible to open ABLE accounts. Under current law, only individuals with an age of onset of disability prior to turning 26 are eligible. The bill will increase the age limit up to 46 years of age, providing any individual whose disability onset began prior to turning 46 the opportunity to open an ABLE account. This important change will not only expand access for individuals with disabilities, but improve the long-term viability of ABLE programs by expanding the number of active accounts.

Similar to the request above, amending K.S.A. 75-652(e) with reference to the federal statute, rather than explicitly stating the “before age 26” requirement, would ensure Kansas is consistent with federal law and allow a greater number of Kansans to save for their future and improve their quality of life.