

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 41

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO INDIVIDUALS WITH DISABILITIES; AMENDING CHAPTER 7, TITLE 56,  
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-708, IDAHO CODE, TO  
3 PROVIDE LEGISLATIVE FINDINGS AND INTENT, TO PROVIDE THAT ACCOUNTS ES-  
4 TABLISHED UNDER THE FEDERAL ACHIEVING A BETTER LIFE EXPERIENCE ACT  
5 SHALL BE DISREGARDED WHEN DETERMINING AN APPLICANT'S ELIGIBILITY FOR  
6 CERTAIN PROGRAMS OR GRANTS AND TO PROVIDE FOR CERTAIN ASSISTANCE SUB-  
7 JECT TO APPROPRIATION.  
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Chapter 7, Title 56, Idaho Code, be, and the same is  
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
12 ignated as Section 56-708, Idaho Code, and to read as follows:

13 56-708. ABLE ACCOUNTS. (1) Findings and intent. The federal achieving  
14 a better life experience (ABLE) act, public law 113-295, 26 U.S.C. 529A, pro-  
15 vides that a state may establish a program under which certain individuals  
16 with disabilities may open accounts in order to save money to pay for quali-  
17 fied disability expenses, such as expenses relating to education, housing,  
18 transportation, employment training and assistive technology. These ac-  
19 counts may be opened by qualified Idahoans in any state having an ABLE  
20 account program, and are to be disregarded when determining an individual's  
21 eligibility for assistance programs established by federal law, including  
22 medicaid and supplemental security income. Though Idaho has not implemented  
23 its own ABLE account program, the legislature finds that ABLE accounts pro-  
24 mote dignified personal independence and opportunities for individuals with  
25 disabilities. It is therefore the intent of the legislature to ensure that  
26 the state provide technical assistance to Idahoans interested in opening  
27 ABLE accounts in other states, and to protect the eligibility of individuals  
28 who have such ABLE accounts when applying for state or local assistance.

29 (2) Eligibility. Notwithstanding any provision of state law or local  
30 ordinance to the contrary, if an applicant for a state or local assistance  
31 program or a need-based state or local grant has an ABLE account in another  
32 state, the account, and any activity related thereto, shall be disregarded  
33 when determining the applicant's eligibility for the assistance program or  
34 grant to the extent that the account and any activity related thereto would  
35 be disregarded in determining the applicant's eligibility for an assistance  
36 program established by federal law.

37 (3) Technical assistance. Subject to appropriation, there is hereby  
38 established a function to provide individuals with disabilities, and those  
39 assisting them, technical assistance relating to the ABLE act. Such func-  
40 tion shall be within the Idaho state independent living council until such  
41 time as it might be assigned to another appropriate agency. Such techni-  
42 cal assistance shall include information and assistance with respect to set-

1     ting up ABLE accounts in other states, whether through or in conjunction with  
2     databases and websites operated by or under the auspices of organizations or  
3     government agencies, or otherwise, and the provision of information related  
4     to financial literacy.