

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 26

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO ABLE ACCOUNTS; AMENDING SECTION 56-708, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING ABLE ACCOUNTS; AMENDING CHAPTER 7, TITLE 56, IDAHO
3 CODE, BY THE ADDITION OF A NEW SECTION 56-709, IDAHO CODE, TO ESTABLISH
4 PROVISIONS REGARDING AN ABLE ACCOUNT ADVISORY COUNCIL, THE APPOINTMENT
5 OF MEMBERS, MEETINGS, COMPENSATION, AND DUTIES; AND DECLARING AN EMER-
6 GENCY AND PROVIDING AN EFFECTIVE DATE.
7

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

9 SECTION 1. That Section 56-708, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 56-708. ABLE ACCOUNTS. (1) Findings and intent. The federal achieving
12 a better life experience (ABLE) act, public law 113-295, 26 U.S.C. 529A,
13 provides that a state may establish a program under which certain individ-
14 uals with disabilities may open accounts in order to save money to pay for
15 qualified disability expenses, such as expenses relating to education,
16 housing, transportation, employment training and assistive technology.
17 These accounts may be opened by qualified Idahoans in any state having an
18 ABLE account program, and are to be disregarded when determining an indi-
19 vidual's eligibility for assistance programs established by federal law,
20 including medicaid and supplemental security income. ~~Though Idaho has not~~
21 ~~implemented its own ABLE account program, the~~ The legislature finds that
22 ABLE accounts promote dignified personal independence and opportunities
23 for individuals with disabilities. It is therefore the intent of the leg-
24 islature to ensure that the state provide technical assistance to Idahoans
25 interested in opening ABLE accounts in other states, and to protect the eli-
26 gibility of individuals who have such ABLE accounts when applying for state
27 or local assistance.:

28 (a) Create an Idaho ABLE account program by allowing the Idaho state
29 treasurer to enter into an agreement with a national consortium of ABLE
30 accounts;

31 (b) Protect the eligibility of individuals who have an ABLE account
32 when applying for state or local assistance; and

33 (c) Provide technical assistance to Idahoans interested in opening an
34 Idaho ABLE account.

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

1 (3) Technical assistance and financial literacy outreach. Subject to
 2 appropriation, there is hereby established in the Idaho state independent
 3 living council a function to provide individuals with disabilities, and
 4 those assisting them, with technical assistance relating related to the
 5 Idaho ABLE act. ~~Such function shall be within the Idaho state independent~~
 6 ~~living council until such time as it might be assigned to another appropriate~~
 7 ~~agency. Such technical assistance shall include information and assistance~~
 8 ~~with respect to setting up ABLE accounts in other states, whether through or~~
 9 ~~in conjunction with databases and websites operated by or under the auspices~~
 10 ~~of organizations or government agencies, or otherwise, and the provision of~~
 11 ~~information related to financial literacy.~~ account program for eligible
 12 participants. The Idaho state treasurer shall include the ABLE account pro-
 13 gram in financial literacy outreach efforts, and the Idaho state independent
 14 living council shall also provide financial literacy outreach for the Idaho
 15 ABLE account program.

16 SECTION 2. That Chapter 7, Title 56, Idaho Code, be, and the same is
 17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 18 ignated as Section 56-709, Idaho Code, and to read as follows:

19 56-709. ESTABLISHMENT OF AN ABLE ACCOUNT ADVISORY COUNCIL -- APPOINT-
 20 MENT OF MEMBERS -- MEETINGS -- COMPENSATION -- DUTIES. (1) There is hereby
 21 established in the office of the state treasurer an ABLE account advisory
 22 council. The ABLE account advisory council shall consist of the state trea-
 23 surer, who shall act as chair, the executive director of the Idaho state
 24 independent living council, who shall serve in an ex officio capacity, and
 25 members appointed by the governor after considering recommendations of the
 26 state treasurer.

27 (2) (a) The members of the ABLE account advisory council subject to ap-
 28 pointment shall be:

29 (i) Two (2) members who are knowledgeable and have experience or
 30 a background in but are not currently employed by the department of
 31 health and welfare or the division of vocational rehabilitation;

32 (ii) One (1) member who is knowledgeable and has experience or a
 33 background in education;

34 (iii) One (1) member who is knowledgeable and has experience or a
 35 background with disabled veterans;

36 (iv) One (1) ABLE account owner; and

37 (v) One (1) parent or guardian of an ABLE account owner.

38 (b) Appointed members shall serve at the pleasure of the governor for
 39 four (4) year terms. Initial appointments shall be staggered as fol-
 40 lows:

41 (i) One (1) member shall serve for one (1) year;

42 (ii) One (1) member shall serve for two (2) years;

43 (iii) Two (2) members shall serve for three (3) years; and

44 (iv) Two (2) members shall serve for four (4) years.

45 (c) If there is a vacancy for any reason in the seat of an appointed mem-
 46 ber, the governor shall make an appointment to become effective immedi-
 47 ately for the duration of the unexpired term.

48 (3) The meetings of the ABLE account advisory council shall be held
 49 quarterly and at other times upon the call of the chair or a majority vote

1 of the council. A majority of the members of the council shall constitute a
2 quorum for the transaction of business.

3 (4) The council members appointed pursuant to this section shall be
4 compensated as provided by section 59-509(a), Idaho Code.

5 (5) The ABLE account advisory council shall advise the state treasurer
6 and the executive director of the Idaho state independent living council re-
7 garding policies and actions that enhance the outreach, marketing, and edu-
8 cation of the Idaho ABLE account program. The chair of the council shall pro-
9 vide an annual report to the legislature.

10 SECTION 3. An emergency existing therefor, which emergency is hereby
11 declared to exist, this act shall be in full force and effect on and after
12 July 1, 2025.