IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 41

BY HEALTH AND WELFARE COMMITTEE

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature First Regular Session - 2017

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

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

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

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

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

(3) Technical assistance. Subject to appropriation, there is hereby established a function to provide individuals with disabilities, and those assisting them, technical assistance relating to the ABLE act. Such function shall be within the Idaho state independent living council until such time as it might be assigned to another appropriate agency. Such technical assistance shall include information and assistance with respect to set-
ting up ABLE accounts in other states, whether through or in conjunction with
databases and websites operated by or under the auspices of organizations or
government agencies, or otherwise, and the provision of information related
to financial literacy.