



Senate Financial Institutions and Insurance Committee

3/2/2022

Dear Senator Longbine and Committee,

I am writing to you again in support of House Bill 2490, which includes proposed amendments to the Kansas Achieving a Better Life Experience (ABLE) statutes. This necessary amendment to the Kansas ABLE statutes will make the program more accessible and easier for Kansans to use. Additionally, it is imperative for the Kansas ABLE program to satisfy and comply with the requirements of IRC section 529A in order for Kansas ABLE participants to continue to receive the benefits allowed by IRC section 529A.

Arcare was founded in 1982 and designed to provide caring, planned, professional support for individuals with disability throughout their lives. Initially, the focus was developing full-service, long-term plans for each of its clients. Over time, we have added additional programs and core services tailored to meet each person's needs and each family's desires. Arcare serves individuals with all types of disabilities and is certified by the State of Kansas to act as a legal guardian and/or conservator of individuals with disabilities.

Many of the clients we currently serve benefit from the National ABLE Program, which allows individuals with disabilities enhanced financial independence and quality of life. Individuals seeking to open an ABLE account in Kansas often experience significant difficulty in opening the account. Currently, the Kansas ABLE statutes only allow the beneficiary or, in very narrow circumstances, the beneficiary's guardian or conservator to open an ABLE account in Kansas. Right now in Kansas, a parent cannot assist their adult child with a disability who has legal capacity in establishing an ABLE account, nor can an individual with a disability delegate someone to assist them in opening the account. Adopting the proposed amendment will remove unnecessary barriers to accessing and enrolling in the Kansas ABLE program, and enable more Kansans with disabilities and their families to save for their future by adopting the expanded hierarchy of who can establish an ABLE account on behalf of a beneficiary.

In addition, Kansas must adopt the final regulations adopted by the Treasury Department and IRS to maintain a qualified ABLE program by November 21, 2022, or every current Kansas ABLE participant, and anyone who contributes to a participant's ABLE account (parent, grandparent, sibling, etc.), would be at risk of losing the tax exemption allowed under IRC Section 529A.

I respectfully ask that you support this bill and invest in the future of Kansans with disabilities.

Very Truly Yours,

Barb Helm
Executive Director