

HOUSE BILL REPORT

SSB 6221

As Passed House:
February 27, 2018

Title: An act relating to the Washington achieving a better life experience program account.

Brief Description: Concerning the Washington achieving a better life experience program account.

Sponsors: Senate Committee on Health & Long Term Care (originally sponsored by Senators Walsh and Darneille; by request of Department of Commerce).

Brief History:

Committee Activity:

Early Learning & Human Services: 2/16/18, 2/20/18 [DP].

Floor Activity:

Passed House: 2/27/18, 98-0.

Brief Summary of Substitute Bill

- Allows the Washington Achieving a Better Life Experience (ABLE) Governing Board (Governing Board) to choose either an investment manager or the State Investment Board to invest the money in the Washington ABLE Program Account (account).
- Provides the Governing Board with the sole responsibility for contracting with outside firms to provide investment management for the account.
- Allows expenditures from the account to be used for administrative and operating expenses of the program in addition to program expenses.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: Do pass. Signed by 13 members: Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick, Frame, Goodman, Griffey, Kilduff, Klippert, Lovick, Muri and Ortiz-Self.

Staff: Luke Wickham (786-7146).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Achieving a Better Life Experience.

The federal Achieving a Better Life Experience (ABLE) Act was signed into law in 2014. The ABLE Act allows states to help individuals with disabilities maintain financial eligibility for Medicaid, Social Security Income, and other federal benefits while allowing up to \$15,000 to be invested in a tax-free account.

Washington Achieving a Better Life Experience Program.

In 2016 the Washington ABLE program was signed into law. The Washington ABLE program includes an ABLE Governing Board (Governing Board) which administers the Washington ABLE program. The Governing Board is authorized to contract with other organizations to administer, manage, promote, or market the Washington ABLE program.

The Governing Board consists of the following seven members:

- the State Treasurer;
- the program director for the Legislative Advisory Committee on Advanced Tuition Payment;
- the Director of the Office of Financial Management (OFM); and
- four members with demonstrated financial, legal, or disability program experience, appointed by the Governor.

Washington Achieving a Better Life Experience Program Account.

The Washington ABLE Program Account (account) exists in the custody of the State Treasurer. Expenditures from the account may be used only for the purposes of the Washington ABLE program, except for the expenses of the State Investment Board (SIB) and the State Treasurer. All payments to the Washington ABLE program are held in trust and must be deposited into the account. The account must be credited with all investment income earned by the account. An appropriation is not required for expenditures. Only the Governing Board or designee may authorize expenditures from the account.

The Governing Board may elect to have the SIB invest the money in the account. The SIB has sole responsibility for contracting with outside investment firms to provide investment management for the individual Washington ABLE program accounts and must manage the performance of investment managers. The Department of Commerce (COM) has sole responsibility for contracting with recordkeepers for individual program accounts. The State Treasurer must designate and define the terms of engagement for the custodial banks.

Summary of Bill:

An ABLE account is defined as the account created in the custody of the State Treasurer used only for the purposes of the Washington ABLE program administration and operation. Expenditures from this account may be used for the purposes of the program and for administrative and operating expenses of the program. The requirement that the account be a discrete nontreasury account retaining its interest is removed. The account may be invested in self-directed investment options that comply with the federal Internal Revenue Code.

The Governing Board may elect to have either an investment manager or the SIB invest the money in the account. The Governing Board replaces the SIB as the body with the sole responsibility for contracting with outside investment firms to provide investment management for the account. The Governing Board shall designate and define the terms of engagement for custodial banks under existing authority that the State Treasurer shall delegate with the concurrence of the OFM.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is identical to Substitute House Bill 2581. The SIB, the COM, and the Governing Board worked together to come up with this bill. This is truly a technical bill that will have a tremendous impact on individuals eligible for ABLE accounts.

There are plans to contract with a private investment firm in Oregon to administer these accounts. There will be no cost to the SIB if the private investment firm administers the accounts.

(Opposed) None.

Persons Testifying: Leslie Wolff, Washington State Department of Commerce; Brenda Snyder, Office of the State Treasurer; and Jeff Manson, Washington State Achieving a Better Life Experience Governing Board.

Persons Signed In To Testify But Not Testifying: None.