

Introduced by Senator Alquist

April 27, 2010

Senate Joint Resolution No. 31—Relative to persons with disabilities.

LEGISLATIVE COUNSEL’S DIGEST

SJR 31, as introduced, Alquist. Individuals with disabilities: tax exempt accounts.

This measure would urge the President and the Congress of the United States to immediately enact the Achieving a Better Life Experience Act of 2009.

Fiscal committee: no.

1 WHEREAS, Many families are searching for a way to plan for
2 the future of a child with developmental disabilities, which are
3 costly to society and to families; and

4 WHEREAS, H.R. 1205, The Achieving a Better Life Experience
5 Act of 2009 (ABLE Act), currently debated by Congress, would
6 create disability savings accounts for individuals with disabilities
7 and their families, as a way to save for future needs that could
8 accrue interest tax free; and

9 WHEREAS, The ABLE Act would give individuals with
10 disabilities and their families an option for saving for their future
11 financial needs in a way that supports their unique situation and
12 makes it more feasible to live full and productive lives in their
13 communities; and

14 WHEREAS, While many families are currently able to save for
15 the educational needs of children through “529” college tuition
16 plans, these plans do not fit the needs of children with
17 developmental disabilities; and

1 WHEREAS, Many families recognize that loved ones with
2 developmental disabilities may live for many decades beyond the
3 ability of the parents or other family members to provide financial
4 assistance and support; and

5 WHEREAS, Many families also want to ensure the financial
6 security of family members who have the level of disability
7 required for Medicaid eligibility, but for now, are managing to
8 function without the use of those benefits and state resources; and

9 WHEREAS, The ABLE Act would create a savings fund for
10 those with developmental disabilities that could be drawn upon
11 for a variety of essential expenses, including medical and dental
12 care, education and employment training and support, assistive
13 technology, housing and transportation, personal support services,
14 and other expenses for life necessities; and

15 WHEREAS, Savings accounts opened under the ABLE Act
16 would provide substantial flexibility to meet the specific needs of
17 the individual, with a broad array of allowable expenses and no
18 age limitations so that these funds can be used whenever they are
19 needed; and

20 WHEREAS, The flexibility in expenses would also allow
21 families to save with confidence even though they cannot always
22 predict how independent their child will become; now, therefore,
23 be it

24 *Resolved by the Senate and the Assembly of the State of*
25 *California, jointly*, That the California State Legislature urges the
26 President and the Congress of the United States to immediately
27 enact the Achieving a Better Life Experience Act of 2009 (ABLE
28 Act); and be it further

29 *Resolved*, That the Secretary of the Senate transmit copies of
30 this resolution to the President and Vice President of the United
31 States, to the President pro Tempore of the United States Senate,
32 to the Speaker of the House of Representatives, to each Senator
33 and Representative from California in the Congress of the United
34 States, and to the author for appropriate distribution.