

Senate Joint Resolution No. 31

RESOLUTION CHAPTER 54

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

[Filed with Secretary of State July 6, 2010.]

LEGISLATIVE COUNSEL’S DIGEST

SJR 31, Pavley. 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.

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

WHEREAS, The Achieving a Better Life Experience Act of 2009 (ABLE Act), proposed in H.R. 1205 and S. 493 currently debated by Congress, would create disability savings accounts for individuals with developmental or other disabilities and their families, as a way to save for future needs that could accrue interest tax free; and

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

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

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

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

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

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

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

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

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