

SB0761/339634/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 761
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Individuals -” insert “Task Force on the”; in the same line, strike “- Established”; and strike in their entirety lines 3 through 29, inclusive, and substitute:

“FOR the purpose of establishing a Task Force on the Maryland Achieving a Better Life Experience (ABLE) Program; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; stating the intent of the General Assembly to establish an ABLE Program; requiring the General Assembly to consider legislation proposed by the Task Force to establish an ABLE Program; defining a certain term; providing for the termination of this Act; and generally relating to the Task Force on the Maryland ABLE Program.”

On page 2, strike in their entirety lines 1 through 27, inclusive.

AMENDMENT NO. 2

On pages 2 through 36, strike in their entirety the lines beginning with line 28 on page 2 through line 2 on page 36, inclusive, and substitute:

“Preamble

WHEREAS, In December 2014, the United States Congress passed and the President signed into law the Achieving a Better Life Experience (ABLE) Act; and

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WHEREAS, The ABLE Act amended the Internal Revenue Code by creating a tax exemption for savings accounts to assist individuals with disabilities and their families in building savings to pay for qualified disability expenses; and

WHEREAS, ABLE accounts are intended to supplement, not supplant, essential benefits provided through private insurance, Medicaid, Supplemental Security Income, employment earnings, and other sources of financial support; and

WHEREAS, ABLE accounts can help fund qualified expenses for individuals with disabilities, including medical and dental care, education, housing, transportation, obtaining and maintaining employment, assistive technology, and community-based services and supports; and

WHEREAS, The ABLE Act is designed to assist individuals with disabilities and their families to save private funds, through the creation of ABLE accounts, for the purpose of maintaining the health, independence, and quality of life of individuals with disabilities; and

WHEREAS, The ABLE Act provides the State the opportunity to establish and operate an ABLE savings program to benefit qualified Marylanders with disabilities; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) “Maryland ABLE Program” means a program in Maryland allowing disabled individuals or their families to establish savings accounts to pay qualified expenses for disabled individuals authorized under the federal Achieving a Better Life Experience (ABLE) Act.

(b) It is the intent of the General Assembly that the State establish a Maryland ABLE Program.

(c) If the Task Force established under Section 2 of this Act determines that legislation is needed to establish the Maryland ABLE Program, the General Assembly shall consider legislation that is introduced in response to the findings of the Task Force.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force on the Maryland Achieving a Better Life Experience (ABLE) Program.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the State Treasurer, or the Treasurer's designee;

(4) the Attorney General, or the Attorney General's designee;

(5) the Secretary of Disabilities, or the Secretary's designee;

(6) the Secretary of Health and Mental Hygiene, or the Secretary's designee;

(7) the Executive Director of the College Savings Plans of Maryland Board, or the Executive Director's designee; and

(8) the following six members, appointed by the Governor:

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(i) two members who have significant experience in actuarial analysis, finance, accounting, investment management, or other areas that are relevant to the Task Force;

(ii) one member who is an individual with a disability;

(iii) one member who is a family member of an individual with a disability; and

(iv) two representatives of community-based organizations that support or advocate for individuals with disabilities.

(c) The Governor shall designate the chair of the Task Force.

(d) The Department of Disabilities shall provide staff for the Task Force, with support from the College Savings Plans of Maryland, the Treasurer's Office, and the Comptroller's Office.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) develop a plan for implementing the Maryland ABLE program;

(2) study issues related to the Maryland ABLE program, including:

(i) what the structure of the program should be;

(ii) whether the program should be State-sponsored or privately-run; and

(iii) if State-sponsored, whether the program should be operated by the College Savings Plans of Maryland or another State agency;

(3) determine the staffing and funding needs of the program;

(4) identify potential sources of start-up funding prior to the program becoming self-supporting;

(5) determine the membership of the Board that will oversee the program, the duties of the Board, and the Board's governance structure;

(6) determine the State tax benefits or treatment of contributions to and withdrawals from ABLE accounts;

(7) hold public hearings for public input to inform the deliberations of the Task Force; and

(8) recommend legislation to be introduced in the 2016 Session of the General Assembly that implements the recommendations of the Task Force.

(g) On or before December 1, 2015, the Task Force shall report its findings, recommendations, and proposed legislation necessary to establish the ABLE Program to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015. It shall remain effective for a period of 1 year and 1 month and, at the

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end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.