Testimony of Brian P. Mulroy
Before the Appropriations Committee
February 21, 2020

Department of Mental Health and Addiction Services (DMHAS) budget

Achieving a Better Life Experience (ABLE) Act

Connecticut Public Act 15-80: AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING THE FEDERAL ACHIEVING A BETTER LIFE EXPERIENCE ACT.

Dear Senator Osten, Representative Walker, and members of the Appropriations Committee. My name is Brian Mulroy. PA 15-80 requires the state treasurer to (1) establish a federally qualified Achieving a Better Life Experience (ABLE) program and (2) administer individual ABLE accounts. The program must encourage and help eligible individuals and families save private funds to pay for qualifying expenses related to disability or blindness. To run the program, the act establishes the Connecticut ABLE Trust to receive and hold funds intended for ABLE accounts. It generally exempts money in the trust and interest earnings on it from state and local taxation. Under the act, funds invested in or distributed from an ABLE account must be disregarded when determining an individual's eligibility for assistance under federally funded assistance or benefit programs. The act also prohibits the state's public colleges and universities from considering funds invested in ABLE accounts when determining eligibility for need-based institutional aid.

At the federal level, Achieving a Better Life Experience (ABLE) Act (Public Law 113-295) was signed into law on December 19, 2014. Since then, Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wyoming have ***all*** implemented ABLE Programs. ***Connecticut, remains one of only a very small handful of states that hasn't implemented its own ABLE Plan (529a plan). Please fight for those who can't fight for themselves and fund this program!***

André Bumgardner, Outreach Coordinator for The Office of the State Treasurer was given the charge by State Treasurer Shawn Wooden to implement a program in 2019. According to The Office of the State Treasurer's website, here is the status of Connecticut's ABLE Program:

"During Fiscal Year 2018, the Office of the Treasurer and the ABLE Advisory Committee met to consider various options for structuring Connecticut's program, including an evaluation of responses to a request for information issued in April of 2017 for partnership with another state-sponsored plan. In October of 2017, the State of Oregon was named the preferred partner, and the Office of the Treasurer commenced contract negotiations soon thereafter.

Connecticut sought to negotiate agreements with Oregon's ABLE program administrator, a challenging endeavor given that ***no funds have been appropriated by the General Assembly to establish a Connecticut ABLE program*** (emphasis added). This funding challenge proved insurmountable, given that the Treasurer, as trustee of ABLE, bears a fiduciary responsibility to evaluate the program's investment options on behalf of Connecticut residents and would need resources in order to conduct this evaluation.

Consequently, Connecticut's ABLE Trust has not yet been formally established. There are no ABLE accounts within the Trust, there have been no contributions made or accepted and, as a result, no distributions. Connecticut residents may, however, open ABLE accounts with a program sponsored by another state."

I understand the state's continuing fiscal challenges and the difficult decisions facing legislators. At the same time, ***effective state government succeeds in finding creative solutions*** to these challenges. Thank you for your time and attention.

Sincerely, *Brian P. Mulroy*