



# Department of Public Health and Human Services

Developmental Services Division ♦ Developmental Disabilities Program ♦ 111 N. Sanders Rm 305

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Steve Bullock, Governor

Richard H. Opper, Director

January 15, 2016

## ABLE Act Oversight Committee

**Developmental Services Division  
111 Sanders, PO Box 4210  
Helena, MT 59604**

### To Montana Financial Institutions:

In 2015, the Montana Legislature passed SB 399 (Thomas – Stevensville), which created a new program called the Montana Achieving a Better Life Experience (ABLE) Act. The ABLE Act, made possible through federal legislation, creates a unique partnership between the State of Montana, financial institutions, and individuals with disabilities. The Act allows individuals with disabilities to have qualifying accounts with financial institutions similar to 529 college education savings accounts. These accounts will not impact an individual's ability to access public benefits such as Medicaid services. The Montana legislation also allows a Montana resident who contributes to one or more accounts of a Montana resident in a tax year to reduce his/her adjusted gross income by the total amount of the contribution, but not more than \$3,000. The State, through the Department of Public Health and Human Services, acts as the program administrator and will promulgate administrative rules to implement the ABLE Act for Montana citizens.

The ABLE Act required the Governor to appoint individuals to the Montana ABLE Act Oversight Committee. The Oversight Committee members are Jon Bennion and Kat Patterson, both representing the public; Sheila Hogan representing the Montana Department of Administration; and Novelene Martin representing the Montana Department of Public Health and Human Services. The Oversight Committee is advising the Department of Public Health and Human Services on the implementation of the ABLE Act for Montana citizens.

As part of this public/private partnership benefitting individuals with disabilities, the Oversight Committee anticipates issuing a Request for Proposals (RFP) from financial institutions interested in providing ABLE accounts. The Oversight Committee is interested in any suggestions or input from Montana financial institutions on the implementation of the ABLE Act. Please email any suggestions or input to Novelene Martin at [nomartin@mt.gov](mailto:nomartin@mt.gov) or call her at (406)444-5662.

To read the entire ABLE Act and understand all components of this legislation go to: <http://leg.mt.gov/bills/2015/billhtml/SB0399.htm>. Further information on the ABLE Act and the work of the Oversight Committee can be found at: <http://dphhs.mt.gov/dsd/ddp>.

Information is also available on the proposed IRS regulations and Social Security reporting requirements. The links below can provide some helpful information however please check regularly for updates.

IRS Proposed Rule:

<https://www.federalregister.gov/articles/2015/06/22/2015-15280/guidance-under-section-529a-qualified-able-programs>

Interim Guidance on IRS Proposed Rule:

<https://www.irs.gov/uac/Newsroom/New-IRS-Guidance-to-Simplify-ABLE-Program-Administration>

Social Security Reporting Notice:

<https://www.federalregister.gov/articles/2015/12/14/2015-31351/advance-notification-regarding-reporting-by-state-able-programs-under-section-529a-of-the-internal>

If you are interested in receiving emails that include Oversight Committee minutes, meeting notifications, and meeting agendas, please email Novelene Martin at [nomartin@mt.gov](mailto:nomartin@mt.gov) and request to have your name and email added to the ABLE Act Interested parties list.

The Oversight Committee and the State of Montana are looking forward to implementing a robust ABLE Act program for the benefit of Montanans with disabilities. That goal cannot be achieved without participation from Montana financial institutions. If you have any questions, please contact Novelene Martin at the email address or telephone number listed above.

Respectfully,



Jon Bennion, Chairperson  
ABLE Oversight Committee



Novelene Martin  
Department of Public Health and Human Services  
ABLE Oversight Committee