Date: June 26, 2024

Call to Order: Facilitator, Theresa Baldry

Roll Call

Present: Theresa Baldry, Cathy Murphy, Kathleen Magone, and John Pavao

Absent: Mitch Bohn

Those present were asked for their approval before recording; approval granted by all committee members present.

Three members of the public, Marsha Goetting (Professor and Extension Family Economics Specialist, Montana State University), Jordyn Rogers (Executive Director at Rural Dynamics, Incorporated), and Ann-Margaret Periman (Disability Resource Coordinator at Rural Dynamics Incorporated) were admitted to the meeting.

Theresa also notified the public members that committee members were asked for their approval to record the meeting for the purpose of capturing the minutes and that the recording is not intended to be posted.

Minutes: Ryan Bonser

Review and Approval of Previous Meeting Notes

Committee members received a draft of the agenda via email prior to this meeting. Committee members were given the opportunity to review the agenda and provide comments. Kathleen commented that the agenda seemed ambitious and moved for approval as is. Cathy seconded the motion. Committee members voted. Agenda unanimously approved.

Committee members received a draft of the minutes from the meeting held May 28, 2024, via email prior to this meeting. Committee members were given an opportunity to review the minutes from the last meeting. Kathleen moved to approve the previous minutes. John seconded. Committee members voted. Minutes unanimously approved.

Cathy will add the review and approval of previous meeting minutes to the meeting agenda as regular agenda items moving forward, placed directly after the roll call.

Theresa advised that for the purpose of this meeting, the public comments will take place at the end of the meeting. She also stated that if items are being voted on or recommended to the Developmental Disabilities Program it is possible public comment may be taken at that time and recorded along with each item. Theresa also reminded committee members it is not appropriate for members to comment on the public comment.

Old Business

Goals/Responsibility of Committee

Prior Meeting Minutes/Notes

The availability of past committee meeting agendas and minutes from the previous Chair, Jon Bennion, was discussed. Theresa spoke with Jon, and he advised he does not have any of these in his possession. Jon is a former state employee and advised the items may be in his old emails or records from DOJ from 2018 and 2019. However, IT would need be consulted to determine if obtaining these items would be possible. Cathy advised she would reach out to IT to determine if it would be possible to obtain any information from his or former Bureau Chief, Novalene Martin’s, time with the committee.

Kathleen suggested we post our minutes in a way that would make them available to members moving forward. John Pavao suggested posting these items on the DDP ABLE website. Placement of the agenda and minutes were discussed, and Theresa advised she would like to see the meetings listed by date moving forward. She suggested we post the draft agenda for the meeting, then once approved we post the approved content, ultimately showing the approved agenda and approved minutes under each meeting date. Theresa advised we will not post the draft minutes.

Jon was also asked about the structure of the committee. Jon functioned as the Chair, though elections were not held in the past. Theresa’s recommendation to the committee is to follow the structure of the membership, powers, and duties of the oversight committee as written in the administrative code, including electing a Chair and Vice Chair. Kathleen nominated Theresa as the Chair. Cathy seconded the nomination. Nomination unanimously approved. Theresa nominated Kathleen as Vice Chair. Cathy seconded the nomination. Nomination unanimously approved. These terms according to code are for one year. Elections will be held each June moving forward.

New Business

Amendments to MCA and/or ARMs (previously disseminated)

Jon was also asked about the language of the bills and if he knew of any items that needed consideration or cleaning up. Jon suggested we consider whether to change the incentives or the tax deduction based on growth for the accounts. If so, this would require a change to the Administrative Rules. Jon also suggested we consider whether we would want to address Medicaid claw back withing the department and if there were issues or roadblocks impacting the accounts or the process. Jon advised this is either something the department can look at as cleaning up language and they have a way they can do that in the process internally, or we can reach out to a holdover senator who could obtain a spot on upcoming legislative session. Theresa advised she will reach out to her local senator, Senator Bogner, a holdover Senator and veteran.

Cathy advised there have been federal changes and suggested this committee may need to review our current language to see if we need to change anything. Cathy advised she will find the federal code that talks about the age change to age 46 (ABLE Age Adjustment Act) and send out to the committee.

Three items for consideration: tax incentives, Medicaid claw back, and issues or roadblocks to streamlining the process for individuals accessing their accounts.

Marsha briefly discussed the legislative increases for Montana Medical Care savings account, it includes an increase each year based on inflation. She advised Representative Jim Hamilton was in charge of that and the language that addresses the inflation factor. Kathleen suggested conferring with Representative Hamilton to potentially adapt the process for ABLE purposes.

Montanans with ABLE accounts outside of MT ABLE

Cathy has reached out to obtain information on other ABLE vendors across the country and is waiting to hear back. She will continue researching and provide more information to the committee once she has it. Kathleen suggested Cathy reach out to the ABLE National Resource Center for this information. <https://www.ablenrc.org>

Kathleen suggested that all committee members take the time to explore the ABLE NRC website for lots of valuable information.

What features do these account holders like that aren’t available with MT ABLE?

The ABLE National Resource Center has a tool allowing comparison of state programs that would be helpful.

Kathleen referred to Mont. Code Ann. 53-25-105 (6) (a), which states the “committee sha recommend financial institutions for approval by the department to act as the managers of accounts as provided in a53-25-112. Kathleen has had members of the public contact her with concerns about the bank that administers the MT ABLE accounts (Fifth Third Bank). As an example, on multiple individuals’ accounts, checks were issued with one client’s name but for another client’s account number, necessitating a request for new correct checks, a very laborious and time-consuming process. Other issues have also arisen across multiple MT ABLE accounts. Kathleen will ask for more examples and invite those people who have expressed concerns to attend a committee meeting.

Could Cathy contact the group administering MT’s ABLE accounts to bring the issues to their attention?

Review and edit MontGuide

Marsha has reached out to a few parents who have children with disabilities to obtain their feedback, as well as members of the State Bar of Montana’s BETTR Section. She is also seeking feedback from committee members and requested that members review the draft MontGuide outside of meeting time and provide comments to her by the end of July.

Updates from National ABLE Alliance

Online Entity Enrollment

National ABLE Savings Day – August 14

Cathy advised there was a National ABLE Alliance meeting on June 20th and explained they are working on setting up the account managers with only one login to work on multiple accounts. Some states have their child and family service division staff managing the ABLE accounts, so it was asked to have a process in place for a single online entity enrollment.

National ABLE savings day is August 14th. Cathy advised she was provided with some materials that could be posted publicly and will request that something be posted on the DDP ABLE site about National ABLE Savings Day. Theresa requested Cathy send her the materials as well so she can get them posted to the Transition and Employment page on Facebook and the Rural Institute page.

Kathleen suggested the Governor’s office might be willing to post the information about National Able Savings Day on the main Mt.gov webpage. Cathy will add that to her email follow up with Hannah.

Marketing Emails

Cathy advised there's a small work group as part of the ABLE alliance that works on marketing activities. The last marketing email that went out was specifically to people who have open ABLE accounts but have not contributed any funds yet this year. The previous marketing activity was to advise that people could contribute to others’ accounts. The next one coming out will be focused on National ABLE Savings Day.

SB4539 has been introduced to Federal Senate.

Cathy advised that a senator out of Pennsylvania and 10 other senators have signed on to introduce Senate Bill 4539. There are some ABLE components and provisions scheduled to sunset and this bill would make permanent those three sunsetting features.

Public Comment

“Hi, this is Jordyn Rogers, and I am with a nonprofit RDI Financial Wellness. And I just joined this call today for an educational aspect. We run the Montana Families Trust, an irrevocable special needs trust. And RDI is the trustee as the nonprofit entity. We often get confused with ABLE accounts and we want to be able to provide pathways for people that are more suited to what an ABLE account can do for them versus our Montana Families Trust account. So that's why I was on the call today and I just wanted to introduce myself for the record. I'm the Executive Director at the organization, and Ann-Margaret Periman is the Trust Program Manager that's also on this call.”

*Note: Jordan provided her email address and Margaret’s email address for communication purposes outside of this meeting.*

Next Meeting Date and Agenda Items

Next meeting to be held July 24, 2024, at 10:30am.

Kathleen moved to adjourn. John seconded.

Meeting adjourned at 11:35am.