

**Testimony in Support of SB 449**  
**House Taxation Committee**  
**April 3, 2018**

**Chairman Johnson and members of the Committee:**

My name is Jawanda Mast. It was my honor and distinct privilege to work for over eight years to help pass the Federal Achieving a Better Life Experience (ABLE) Act legislation on several occasions. I was also pleased to be able to work with Rep. Erin Davis and other Kansas legislators when the Kansas ABLE Savings Plan was introduced several years ago. I first testified before the Kansas House Children and Seniors committee in 2015.

After eight years of hard work on the federal level I was eager to get to testify in support of the ***Kansas Achieving a Better Life Experience Act***. That day, I was upstaged not by Congressman Kevin Yoder who also spoke but my daughter Rachel who, at the time, was a 15-year-old sophomore at Olathe South. She is also my greatest inspiration.

Rachel is now 18 and will graduate from Olathe South in May. She is an amazing young woman who has touched so many people in our community in positive ways. Rachel is frequently invited to speak, represent and advocate. She always says, "I love my life." She and I are honored and blessed to be able to be the voice for so many people who are affected by disability and the laws, rules and regulations that impact these individuals. I consider the opportunity to share with you today an important and unique opportunity to be a voice for many of these people and not just Rachel. In fact, she opened Kansas first ABLE Savings Account in January 2017.



The ABLE Act was passed with the promise of a step forward for individuals with disabilities and their families. ABLE accounts are supposed to allow individuals with disabilities to save a little money to be able to assist with the disability related expenses. ABLE Accounts are a needed step toward helping individuals with disabilities live independently and not rely on disability welfare.

In December the federal government passed two ABLE improvement acts as part of the larger Tax Package. With the passage of those bills, individuals who have 529 College Savings Accounts can now transfer monies from that account into an ABLE account. Additionally, some other changes were made including increasing the contribution limit.

We want ABLE accounts to accomplish the purpose for which they were created. However, there are some barriers that SB 440 can remove. As of January 1, there is a legal process for families to “work around” two of these barriers. Families can open a 529 account, take advantage of the tax benefits of making a deductible contribution and then transfer to ABLE accounts when needed. The 529 account is not subject to the Medicaid “clawback” provision. ABLE Accounts are currently subject to the Medicaid clawback provision

SB449 would remove this barrier and would also allow families the same tax deduction as regular 529. ABLE accounts currently do not get the benefit of a tax deduction for contributions. This will have a minimal fiscal impact on the State of Kansas but will help ABLE to do what it was created to do without adding more burden to families.

I speak with many families and the number one reason I am given for not open a Kansas ABLE Account is the Medicaid clawback provision. Families of individuals with disabilities are already forced to work with many complex systems including but not limited to special education process in the school system, adult service providers, the Social Security Administration, and KanCare. In other words, they have to jump through a lot of hoops and they have extra financial consideration, too. By making the Kansas ABLE Accounts more attractive and less burdensome, SB449 sends a message that the Kansas legislature does care about individuals with disabilities and their families and want to help make things less complex.

I encourage you to pass SB449, remove these unnecessary barriers and send a strong message to individuals with disabilities and their families that you truly care about them.

Respectfully submitted

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