

**2015 SENATE HUMAN SERVICES**

**SCR 4006**

# 2015 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Red River Room, State Capitol

SCR 4006  
2/16/2015  
23889

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A concurrent resolution directing the Legislative Management to study the impact to North Dakotans of the marriage penalty within the supplementary security income program under the Social Security Act and encouraging the North Dakota Congressional Delegation to address this issue within the Social Security laws.

## Minutes:

Attach #1: Testimony by Cally Musland  
Attach #2: Testimony by Christine Hogan

Senator Tim Mathern introduced SCR 4006 to the Senate Human Services Committee. This bill is to find out the financial impact when receiving SSI and they marry. In this situation, the combined benefit goes down about 25%. With reduction of 25%, it impacts paying bills, so it becomes a decision of whether to marry. This resolution is to figure out what is the impact across the state; the number of individuals, the financial impact, and then we can make a decision. Some states pay the differential. In addition to the study, the remainder part of this bill is to encourage congress to review this issue.

**Cally Musland**, Executive Director of The Arc of North Dakota, testified IN FAVOR of SCR 4006 (Attach #1) (4:06-6:50)

**Senator Howard Anderson, Jr.** when this was passed at federal level, the adage was that two individuals could live cheaper than one individual. Is that not true anymore, or why is there trouble with this.

**Ms. Musland** stated that the poverty level is different in North Dakota. Ms. Musland provided example of a couple in Bismarck who are impacted by the 25%.

**Senator Howard Anderson, Jr.** asked how they would go about studying this issue. Is this available from social security to get the information or does confidentiality rules prohibit us from getting this information?

**Ms. Musland** answered that's a good question. The state is better equipped to study the issue. Ms. Musland indicated that provider agencies may have information. There are some who do not get married because of the reduction.

**Senator Dever** asked if the same circumstance apply to people who don't have disabilities?

**Ms. Musland** answered as far as SSI, it is low income individuals with disabilities or over age 65. Study would cover the whole population.

**Chairman Judy Lee** indicated it sounds like they are not looking at the marriage penalty with all of social security. Ms. Musland confirmed, only with SSI.

**V. Chairman Oley Larsen** will the study expand and see the people who have Medicaid expansion that they aren't getting married and they have to combine incomes as well.

**Ms. Musland** that would be possibility. Looking at poverty level in North Dakota, that could be used and looked at for other programs.

**Chairman Judy Lee** stated the problem is that most programs are geared to the federal poverty levels and one size fits all - it doesn't mean it does, but that's the federal rules. State may be able to adapt based on information accumulated that it could resolve some of the issues for residents of North Dakota.

**Ms. Musland** agrees, saying it makes sense to study the issue, it is a barrier to those who want to get married.

**Chairman Judy Lee** encouraged Ms. Musland not to be apologetic in regards to visiting with people about if they are willing to share information about their income and expenses, it will be important information to assemble for this study. That's a business deal, and they may be willing to be part of the data collection to do things like this study.

**Ms. Musland** they do have wide network of resources and would like to provide information.

**Ms. Musland** reviewed the Justin and Anna Neis story - they both work at the ARC Thrift Store. (part of attach #1).

**Anna Neis** testified IN FAVOR of SCR 4006. She has been married since July 2013. Justin's parents live in the basement, so that helps them through financial. Anna provided her personal testimony (time ends 16:06)

Chairman Judy Lee identified that they may want to visit with the prescription drug assistance program through the Department of Insurance because many of the manufacturers have pre-reduced priced drugs for people of low income.

**Christine Hogan**, attorney for protection and advocacy, testified IN FAVOR of SCR 4006. (16:53-18:25) (attach #2)

**Chairman Judy Lee** asked if she had any idea of how many people are impacted.

**Ms. Hogan** indicated nationally 24% of people with disabilities who are recipients and are married. We don't know how many are deterred from being married. There are 7,000+ SSI recipients in North Dakota.

**Senator Dever** clarified 7,650 SSI recipients in North Dakota in the resolution.

OPPOSITION TO SCR 4006

No opposing testimony

NEUTRAL TO SCR 4006

No neutral testimony

Closed Public Hearing

**Senator Axness** moved a DO PASS for SCR 4006 from the Senate Human Services Committee. The motion was seconded by **Senator Warner**. No Discussion.

Roll Call Vote

6 Yes, 0 No, 0 Absent. Motion passed.

**Senator Axness** will carry SCR 4006 to the floor.

Date: 02/16 2015  
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SCR 4006

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Axness Seconded By Wanner

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)	✓		Senator Tyler Axness	✓	
Senator Oley Larsen (V-Chair)	✓		Senator John M. Warner	✓	
Senator Howard C. Anderson, Jr.	✓				
Senator Dick Dever	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Axness

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SCR 4006: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4006 was placed on the  
Eleventh order on the calendar.

**2015 HOUSE POLITICAL SUBDIVISIONS**

**SCR 4006**

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Prairie Room, State Capitol

SCR 4006  
3/26/2015  
24566

- Subcommittee  
 Conference Committee

*Amanda Muscia*

### Explanation or reason for introduction of bill/resolution:

Directing Legislative Management to study the impact to North Dakotans of the marriage penalty within the supplementary security income program under the Social Security Act and encouraging the North Dakota Congressional Delegation to address this issue within the Social Security laws.

### Minutes:

Testimony 1, 2

Chairman Klemin: Opened hearing on SCR 4006

Senator Mathern: I am here to ask you to pass this SCR. We have many provisions in law that assign benefits to individuals whom change whether one is single or married. One of the benefit levels relate to the supplement security income. We have had bills in the past. What happens is if a person is single they save \$100. If they become married they get 25% less. That is what happens in the supplement security income. If we were providing enough assistance to people who are not employed to meet all their needs, there would be some rational for this. There are many benefits that relate to marriage. Many of you have experienced the benefit of marriage. People with disabilities want to experience that benefit but when they get married their income is reduced to where they can't live properly. This bill addresses the issues by asking us to study the actual impact in terms of the number of people in ND. Some states fund this penalty by state dollars. We do not and it may be something we should. We don't know what that would cost from the state. Many legislatures and citizens are supportive of marriage but people financially are forced to live together if they want to be together but not be married. This bill does two things. It helps us get a handle on how many people are involved here and how much it would cost. The second thing is that it asks Congress to make a change in the programming. It is essentially something that comes from federal policy. I ask for a do pass. There are benefits of marriage and let's let everyone experience that benefit without losing their financially ability of taking care of themselves.

Representative Koppelman: I think this is the first time I have seen a study that both calls for a study and issues a statement to Congress- this does both and I think it is creative. We don't have fiscal notes on resolutions but do you know what the cost nationally would be if Congress were to fix this?

Senator Mathern: I am not sure and that is one of the reasons for the study. Some states do provide some extra benefit to address this and others don't. It is also not just cash, some programs offer a housing, food, or medical benefit. Out state does provide Medicaid benefit for these individuals. As we looked at this, we found it was more complicated than a straight dollar amount on the federal level. There are many states looking at this and I hope we can bring data together in the interim to address your question.

Representative Koppelman: With respect to the marriage penalty with regard to income tax, is there also a marriage penalty in the social security income side?

Senator Mathern: Yes there is. I am focusing on this because the people that are covered by supplemental security income are on the lowest end of the ability to accommodate that kind of problem. In my situation where I am still able to be employed, we will deal with this too in terms of our social security. Fortunately neither of us is disabled where we can't create some additional income outside of social security. Generally we are talking about people whose disability makes employment impossible. This is something that is across different programming in our federal and state policies.

Chairman Klemin: Supplementary security income program-is it for disabled only, or does it cover others?

Senator Mathern: Yes, it depends by what you mean by disability. Generally it is limited to people who have condition where employment will not be possible.

Linda Wurtz: Testimony 1

Representative Kretschmar: What is the approximate amount of money that these people get from SSI or does that vary with their situations?

Linda Wurtz: It varies because they are the poorest of the poor. They probably will not be able to work full time. There is a maximum of 11 hundred dollars a month but it may be less than that depending on their eligibility. It does vary from each person.

Representative Klein: Do you know of any state that has this program and how it works?

Linda Wurtz: There are four states that do something but I haven't been able to get answers from them.

Anna Neis: Testimony attached to Linda's (testimony 1)

Representative Koppelman: I have an amendment (attachment 2) to broaden the focus. I think we should also look at retirement benefits. I move the amendments.

Representative Kelsh: I don't know if that is true but Senator Mathern said but if two people get married do they lose their social security benefits?

Representative Koppelman: I am not sure and Senator Mathern said there is a penalty there too.

Representative Anderson: Second

Representative Maragos: What is your reasoning for the overstrike of disabilities Representative Koppelman? (line 11)

Representative Koppelman: If we add on the line above and say (line 8) both of whom receive supplementary security income benefits and have no other income benefits ect... and retirement- so we have added the language on line 10 to say and retirement benefits may be reduced for married couples. It is inclusive of both disability and retired couples there. With disabilities is too narrow. It would be which provides a financial incentive for some people to forgo marriage. It would be some people on disability and some who are retired. You could add with disabilities and who are retired if you'd like.

Representative Maragos: When we pass the amendment we will further amend.

Representative Zubke: I understand where you are going with this but I will oppose the amendment because there is an acute problem with disabilities and the supplemental security income and I think that is where the focus should be.

Representative Anderson: I don't know if this is what Representative Koppelman is getting at but there is a problem when you have two people older and living on the poverty level. If the husband dies the widow is in terrible position. I don't know if there is a way we can cover that. I understand what you are saying Representative Zubke but this is a huge issue for married people living in poverty and one dies. We have widows in poverty because of the social security inequity. On the other side you can make all the money in the world and as long as you are married for ten years and you get divorced, the women or man, when they get to be retirement age, you can have 4 or 5 women getting the maximum on social security. The whole system is a mess and I am concerned about the old people in poverty.

Chairman Klemin: It is a federal program.

Representative Anderson: I think we can do something

Representative Koppelman: I agree with Representative Anderson but with respect to Representative Zubke's point, the point is that we haven't taken any of that away. We have just said if there is discrimination with this amendment or in the social security program whether it be among those disabled we have highlighted that. The resolution doesn't just say with the amendment in the social security program which might lead you to think about the retirement. It outlines the SSI but it also says retirement.

Representative Kelsh: Before we vote on this could we look at Representative Maragos's further amendments?

Representative Koppelman: I have no disagreement with it.

Representative Maragos: We would just remove the overstrike on line 11.

Representative Oversen: Representative Koppelman, on line 21, should we instead of just removing supplemental security income should we also then add retirement benefits like we did above?

Representative Koppelman: I have no objection. I don't think we should single out the disabilities because as I just explained there is some discrimination that might provide a financial incentive for some people to forego marriage who are retired as well as who are disabled. That was the reason I had but you could but both in and do the same thing.

Representative Maragos: I think disability needs to be put in.

Chairman Koppelman: Let's vote on Representative Koppelman's amendment the ways it is and if you want to change anything we can do it afterwards.

A Voice Vote Was Taken: Motion carries

Representative Maragos: I move to further amend by removing the overstrike on page 1 line 11.

Representative Zubke: Second

Representative Koppelman: I don't oppose the amendment but I wonder if Representative Maragos would consider a friendly amendment instead of removing the overstrike to say after removing the overstrike to add and who are retired. Then it would keep in the flow.

A Voice Vote Was Taken: Motion carries

Representative Koppelman: I think I have another amendment that would encompass what Representative Oversen was aiming at. If we change the word on line 21 from penalty to penalties I think we accomplish it. I move the amendments.

Chairman Klemin: We would be retaining the overstrike on the words within the supplemental security.

Representative Koppelman: Yes. It would reflect the numerous penalties that may exist.

Representative Becker: Second

Representative Oversen: I am fine with the amendment and I don't think it will cause too many problems but we could be opening a door to something much broader than we want.

A Voice Vote Was Taken: Motion carries

Representative Maragos: I move a do pass as amended

Representative Strinden: Second

A Roll Call Vote Was Taken: Yes 13, No 0, Absent 1 (Beadle)

Motion Carries

Representative Strinden will carry the bill

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee

Prairie Room, State Capitol

SCR 4006

3/27/2015

25554

Subcommittee

Conference Committee

*Annemola Muscha*

### Explanation or reason for introduction of bill/resolution:

Directing Legislative Management to study the impact to North Dakotans of the marriage penalty within the supplementary security income program under the Social Security Act and encouraging the North Dakota Congressional Delegation to address this issue within the Social Security laws.

### Minutes:

Chairman Klemin: Opened discussion on SCR 4006. Anita and Tessa worked together to fix technical errors on this resolution. They kept the same intent but they had to fix errors like supplementary security income and changing it to supplemental security income because supplementary security income is not correct. I have been advised about the changes and believe they keep our intent because they simply make terms correct technically.

Representative Koppelman: I move we reconsider the action for the purpose of technical amendments

Representative Hatlestad: Second

A Voice Vote Was Taken: Motion carries

Representative Maragos: I move to adoption of the new amendments

Representative Koppelman: Second

A Voice Vote Was Taken: Motion carries

Representative Maragos: I move a do pass as amended

Representative Koppelman: Second

A Roll Call Vote Was Taken: Yes 14, No 0, Absent 0

House Political Subdivisions Committee

SCR 4006

3/27/2015

Page 2

Motion carries

Representative Strinden will carry the bill

**Proposed Amendments to SCR 4006 from Representative Koppelman**

Page 1, line 2, after program, insert "and retirement benefits"

Page 1, line 6, after "poverty" insert ", and social security retirement income is depended upon by many older North Dakotans"

Page 1, line 10, after the comma, insert "and retirement benefits may be reduced for married couples,"

Page 1, line 11, overstrike "with disabilities"

Page 1, line 14, after "income" insert "and social security retirement"

Page 1, line 17, after "income" insert "and social security retirement"

Page 1, line 21, overstrike "within the supplemental security income program"

March 26, 2015

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*102*  
*3-26-15*

PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4006

Page 1, line 1, remove "to North"

Page 1, line 2, remove "Dakotans"

Page 1, line 2, replace "supplementary" with "supplemental"

Page 1, line 2, after "program" insert "and the impact of the marriage penalty on retirement benefits"

Page 1, line 3, remove "this"

Page 1, line 4, replace "issue" with "the impact"

Page 1, line 5, replace "supplementary" with "supplemental"

Page 1, line 5, after "rescues" insert "from poverty"

Page 1, line 5, replace "people" with "individuals"

Page 1, line 6, replace "North Dakota from poverty" with "this state"

Page 1, after line 6, insert:

**"WHEREAS**, many older residents depend on social security benefits for retirement income; and"

Page 1, line 8, replace "the" with "a"

Page 1, line 8, replace the comma with a semicolon

Page 1, line 8, after "and" insert **"WHEREAS**,

Page 1, line 8, replace "supplementary" with "supplemental"

Page 1, line 9, remove "benefits"

Page 1, line 10, replace ", which provides" with "; and"

**WHEREAS**, social security benefits may be reduced for married couples; and

**WHEREAS**, such circumstances provide"

Page 1, line 11, replace "people" with "retired individuals and individuals"

Page 1, line 12, replace "North Dakota" with "this state"

Page 1, line 12, after "marriage" insert a semicolon

Page 1, after line 12, insert:

**"WHEREAS**, an"

Page 1, line 13, replace the second "of" with "that"

Page 1, line 13, after "penalty" insert "has"

Page 1, line 13, replace "supplementary" with "supplemental"

*JSS*  
*2012*

Page 1, line 14, after "income" insert "program and the social security"

Page 1, line 14, replace the first comma with a semicolon

Page 1, line 14, replace the second comma with "by the marriage penalty;"

Page 1, line 14, after "impact" insert "of the marriage penalty"

Page 1, line 14, replace the third comma with "; the"

Page 1, line 15, after "recipients" insert "in this state"

Page 1, line 15, replace "the cost of" with "their"

Page 1, line 15, remove "for North Dakota residents,"

Page 1, line 16, replace "assessing" with a semicolon

Page 1, line 16, after "whether" insert "the marriage penalty holds"

Page 1, line 16, remove "are held"

Page 1, line 16, replace "North Dakota," with "this state;"

Page 1, line 17, replace "policies in states that subsidize supplementary security income for their residents" with "the manner in which other states address the impact of the marriage penalty"

Page 1, line 20, remove "to North Dakotans"

Page 1, line 21, replace "supplementary" with "supplemental"

Page 1, line 21, after "program" insert "and the impact of the marriage penalty on retirement benefits"

Page 2, line 3, replace "them" with "members of the Congressional Delegation"

Renumber accordingly

2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SCR 4006

House Political Subdivisions Committee

- Subcommittee  Conference Committee

Amendment LC# or Description: Koppelman Amendment 1

- Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Other Actions:  Reconsider

Motion Made By Koppelman Seconded By Anderson

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin			Rep. Pamela Anderson		
Vice Chair Patrick R. Hatlestad			Rep. Jerry Kelsh		
Rep. Thomas Beadle			Rep. Kylie Oversen		
Rep. Rich S. Becker			Rep. Marie Strinden		
Rep. Matthew M. Klein					
Rep. Kim Koppelman					
Rep. William E. Kretschmar					
Rep. Andrew G. Maragos					
Rep. Nathan Toman					
Rep. Denton Zubke					

VOICE  
 VOTE MOTION  
 COPIES

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent 1 (Beadle)

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 3-26-15  
 Roll Call Vote #: 2

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SCR 4006**

House Political Subdivisions Committee

Subcommittee  Conference Committee

Amendment LC# or Description: maragos amendments

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By maragos Seconded By Zubke

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin			Rep. Pamela Anderson		
Vice Chair Patrick R. Hatlestad			Rep. Jerry Kelsh		
Rep. Thomas Beadle	—		Rep. Kylie Oversen		
Rep. Rich S. Becker			Rep. Marie Strinden		
Rep. Matthew M. Klein					
Rep. Kim Koppelman					
Rep. William E. Kretschmar					
Rep. Andrew G. Maragos					
Rep. Nathan Toman					
Rep. Denton Zubke					

*voice vote  
 motion carries*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent 1 (Beadle)

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 3-26-15  
 Roll Call Vote #: 3

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. SCR 4006**

House Political Subdivisions Committee

Subcommittee  Conference Committee

Amendment LC# or Description: Koppelman amendments 2  
 (line 21)

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Other Actions:  Reconsider

Motion Made By Koppelman Seconded By Becker

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin			Rep. Pamela Anderson		
Vice Chair Patrick R. Hatlestad			Rep. Jerry Kelsh		
Rep. Thomas Beadle			Rep. Kylie Oversen		
Rep. Rich S. Becker			Rep. Marie Strinden		
Rep. Matthew M. Klein					
Rep. Kim Koppelman					
Rep. William E. Kretschmar					
Rep. Andrew G. Maragos					
Rep. Nathan Toman					
Rep. Denton Zubke					

*VOICE  
 vote motion  
 carries*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 3-26-15  
Roll Call Vote #: 4

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SCR 4006

House Political Subdivisions Committee

Subcommittee  Conference Committee

Amendment LC# or Description: 15.3035.01001

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Maragos Seconded By Strinden

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin	X		Rep. Pamela Anderson	X	
Vice Chair Patrick R. Hatlestad	X		Rep. Jerry Kelsh	X	
Rep. Thomas Beadle	—		Rep. Kylie Oversen	X	
Rep. Rich S. Becker	X		Rep. Marie Strinden	X	
Rep. Matthew M. Klein	X				
Rep. Kim Koppelman	X				
Rep. William E. Kretschmar	X				
Rep. Andrew G. Maragos	X				
Rep. Nathan Toman	X				
Rep. Denton Zubke	X				

Total (Yes) 13 No 0

Absent 1 (Beadle)

Floor Assignment Strinden

If the vote is on an amendment, briefly indicate intent:

motion carries

Date: 3-27-15  
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SCR 4006

House Political Subdivisions Committee

Subcommittee  Conference Committee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Koppelman Seconded By Hatlestad

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin			Rep. Pamela Anderson		
Vice Chair Patrick R. Hatlestad			Rep. Jerry Kelsh		
Rep. Thomas Beadle			Rep. Kylie Oversen		
Rep. Rich S. Becker			Rep. Marie Strinden		
Rep. Matthew M. Klein					
Rep. Kim Koppelman					
Rep. William E. Kretschmar					
Rep. Andrew G. Maragos					
Rep. Nathan Toman					
Rep. Denton Zubke					

VOICE  
VOTE  
MOTION  
CARRIES

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 3-27-15  
Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SCR 4006

House Political Subdivisions Committee

Subcommittee  Conference Committee

Amendment LC# or Description: revised amendments

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By maragos Seconded By koppelman

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin			Rep. Pamela Anderson		
Vice Chair Patrick R. Hatlestad			Rep. Jerry Kelsh		
Rep. Thomas Beadle			Rep. Kylie Oversen		
Rep. Rich S. Becker			Rep. Marie Strinden		
Rep. Matthew M. Klein					
Rep. Kim Koppelman					
Rep. William E. Kretschmar					
Rep. Andrew G. Maragos					
Rep. Nathan Toman					
Rep. Denton Zubke					

VOICE VOTE  
MOTION CARRIES

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 3-27-15  
Roll Call Vote #: 3

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SCR 4006

House Political Subdivisions Committee

Subcommittee  Conference Committee

Amendment LC# or Description: 15.3035.01001

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
Other Actions:  Reconsider

Motion Made By Maragos Seconded By Koppelman

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin	X		Rep. Pamela Anderson	X	
Vice Chair Patrick R. Hatlestad	X		Rep. Jerry Kelsh	X	
Rep. Thomas Beadle	X		Rep. Kylie Oversen	X	
Rep. Rich S. Becker	X		Rep. Marie Strinden	X	
Rep. Matthew M. Klein	X				
Rep. Kim Koppelman	X				
Rep. William E. Kretschmar	X				
Rep. Andrew G. Maragos	X				
Rep. Nathan Toman	X				
Rep. Denton Zubke	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Strinden

If the vote is on an amendment, briefly indicate intent:

Motion carries

**REPORT OF STANDING COMMITTEE**

**SCR 4006: Political Subdivisions Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4006 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to North"

Page 1, line 2, remove "Dakotans"

Page 1, line 2, replace "supplementary" with "supplemental"

Page 1, line 2, after "program" insert "and the impact of the marriage penalty on retirement benefits"

Page 1, line 3, remove "this"

Page 1, line 4, replace "issue" with "the impact"

Page 1, line 5, replace "supplementary" with "supplemental"

Page 1, line 5, after "rescues" insert "from poverty"

Page 1, line 5, replace "people" with "individuals"

Page 1, line 6, replace "North Dakota from poverty" with "this state"

Page 1, after line 6, insert:

**"WHEREAS**, many older residents depend on social security benefits for retirement income; and"

Page 1, line 8, replace "the" with "a"

Page 1, line 8, replace the comma with a semicolon

Page 1, line 8, after "and" insert "**WHEREAS**,"

Page 1, line 8, replace "supplementary" with "supplemental"

Page 1, line 9, remove "benefits"

Page 1, line 10, replace ", which provides" with "; and"

**WHEREAS**, social security benefits may be reduced for married couples;  
and

**WHEREAS**, such circumstances provide"

Page 1, line 11, replace "people" with "retired individuals and individuals"

Page 1, line 12, replace "North Dakota" with "this state"

Page 1, line 12, after "marriage" insert a semicolon

Page 1, after line 12, insert:

**"WHEREAS**, an"

Page 1, line 13, replace the second "of" with "that"

Page 1, line 13, after "penalty" insert "has"

Page 1, line 13, replace "supplementary" with "supplemental"

Page 1, line 14, after "income" insert "program and the social security"

Page 1, line 14, replace the first comma with a semicolon

Page 1, line 14, replace the second comma with "by the marriage penalty;"

Page 1, line 14, after "impact" insert "of the marriage penalty"

Page 1, line 14, replace the third comma with "; the"

Page 1, line 15, after "recipients" insert "in this state"

Page 1, line 15, replace "the cost of" with "their"

Page 1, line 15, remove "for North Dakota residents,"

Page 1, line 16, replace "assessing" with a semicolon

Page 1, line 16, after "whether" insert "the marriage penalty holds"

Page 1, line 16, remove "are held"

Page 1, line 16, replace "North Dakota," with "this state;"

Page 1, line 17, replace "policies in states that subsidize supplementary security income for their residents" with "the manner in which other states address the impact of the marriage penalty"

Page 1, line 20, remove "to North Dakotans"

Page 1, line 21, replace "supplementary" with "supplemental"

Page 1, line 21, after "program" insert "and the impact of the marriage penalty on retirement benefits"

Page 2, line 3, replace "them" with "members of the Congressional Delegation"

Renumber accordingly

**2015 TESTIMONY**

**SCR 4006**



SCR 4006  
02/16/2015  
Attach #1  
J# 23889

Senate Human Services Committee  
February 16, 2015  
SCR 4006

Chairman Lee and members of the senate human services committee, my name is Cally Musland. I am the executive director of The Arc of North Dakota, which includes all six Arc chapters in North Dakota: Bismarck, Bowman, Dickinson, Fargo, Grand Forks, and Valley City. Our mission is to improve the quality of life of people with intellectual and developmental disabilities and actively support their full inclusion and participation in the community.

Employees and volunteers of The Arc are well aware of the issue and impact of the marriage penalty in SSI (Supplemental Security Income). We have friends and work partners who are married and live in poverty due to the penalty. We know others who would like to be married, but don't feel they can subject the one they love to a life of poverty. We all believe that something needs to be done.

This should be a federal issue, and indeed, The Arc of the United States regularly addresses this issue with members of Congress. That answer seems very far away. The Arc of North Dakota is hoping that we can look at the issue from our perspective. North Dakotans value family, and we believe that people with disabilities should have the choice to marry.

We are asking for a study of the issue because there are many things we need to know in order to seek a practical resolution. We have anecdotal evidence of people who are affected, but we don't know the scope or magnitude of that impact across North Dakota. We know that 44 other states have addressed the issue of SSI, but we don't know the nature or extent of the remedies. There has been no comprehensive national study done.

Although we know people who are living in poverty, the cost of providing basic needs across North Dakota is not clearly defined. Housing is always an issue, but in some areas it is critical. We should also address whether policy issues here in our state are actually compounding the problem.

There may be a practical way to resolve the conflict this issue has with the family values of our state, but we must look for it. We are looking to our legislature for assistance in studying this issue. The legislature is better suited to interface with other state governments regarding this issue. An interim committee could better collect statewide information from stakeholders and state agencies, and collect economic data. An interim committee can bring to light the scope and magnitude of the problem, and discover the alternatives and conditions that will make change possible.

The Arc of North Dakota is asking for your Do-Pass recommendation for this resolution.



# Marriage Penalty in SSI

## FACT SHEET

SCR 4006 - Study the impact of the marriage penalty in SSI under the Social Security Act.

Barnes County | Bismarck | Cass County | Dickinson | Little Missouri | Upper Valley

1. First and foremost, this is an issue of family values.
2. We need the resources and influence of the legislature to thoroughly study the possibilities, both policy and fiscal options.
3. No comprehensive body of research exists to:
  - A. Quantify the impact on North Dakotans.
  - B. Identify people who cannot marry due to the marriage penalty or those who marry, and subsequently, live in poverty.
  - C. Define what other states do to alleviate the impact on their citizens while we wait for Congress to act.
  - D. Determine regulations in North Dakota Code that exacerbate the penalty and could be modified with policy amendments.
  - E. Outline unmet basic needs for married couples under the impact of the marriage penalty.
    - i. Poverty levels vary across the state.
    - ii. Housing issues.
    - iii. How far does the maximum level of \$1,100 go?
    - iv. How many couples actually receive the maximum?
4. Although the marriage penalty results from federal policy, it is in conflict with our commitment to the family structure.
5. The sanctity of marriage should be inclusive of people with disabilities.

# Marriage Penalty in SSI

## Justin and Anna Neis Story

SCR 4006 - Study the impact of the marriage penalty in SSI under the Social Security Act.

Barnes County | Bismarck | Cass County | Dickinson | Little Missouri | Upper Valley

Justin Neis and Anna Bankes met while working and volunteering at The Arc Thrift Store in Bismarck, North Dakota. Anna works full-time at the store as a cashier and Justin, having started as a volunteer, is now employed at the store and works eight hours per week. They fell in love.

Justin and Anna (Bankes) Neis were married on July 13, 2013. After they were united in marriage, Justin and Anna moved into a basement apartment that Justin's parents had prepared for the newlyweds in their own Mandan, North Dakota, home.



The problems started to compound soon after Justin and Anna became legally wed. Justin has a physical disability and uses a wheelchair. He relies on assistance in the form of SSI, food stamps, etc., to supplement his employment earnings. However, Justin lost various forms of assistance because his wife's modest income from the thrift store was used in determining his eligibility. The program where this impact is often felt is in Supplemental Security Income or SSI and is commonly referred to as the "marriage penalty."

Anna has health needs that require medicine. Anna and Justin often have to decide between buying Anna's medicine or buying groceries. The medicine always wins out over food.

Anna and Justin do pay rent to Justin's parents for their basement apartment, although much less than what many renters pay in the area. Anna has said that if they didn't live with Justin's parents, the couple wouldn't make ends meet.

Justin has a twin brother. His brother has expressed his desire to get married someday, too. Anna has said that she doesn't want to dampen her brother-in-law's spirit, but she desperately wants to tell him about their financial struggles and how the cost of marriage has affected their lives.



Jill Oland and David Stenslie have been dating for 10 years. Carrie Snyder / The Forum

# Fargo couple, both with Down syndrome, find love together

by [Helmut Schmidt](#) on Feb 13, 2015 at 9:57 p.m.

FARGO – Jill Oland and David Stenslie are in love.

The signs are easy to see.

Jill calls him “honey” and gently takes his hand and folds it into hers as they sit on a couch in her cozy south Fargo apartment.

When David looks at her, he stares transfixed. She becomes his world.

Neither Jill nor David can say how long they’ve been in love, just that they are. Friends

and family say they met seven or eight years ago. Maybe even 10.

1.6

They've each had their share of challenges in life.

Both were born with Down syndrome, so they've navigated this world with fewer gifts intellectually than most of us simply take for granted.

In a recent visit with the couple, David, 52 and rail thin, is nattily dressed in a black suit, a blue shirt and dark blue tie. Jill, 45, wears a tan sweater and tan pants.

He looks ready to step on the dance floor and talks of dancing on Friday nights with Jill in Fargo, or perhaps going to a dance in Grand Forks.

Jill playfully tweaks his nose. "Hey, mister!" she says.

And his attention is once again focused on her.

"I know David loves me, and I love him," she says.

"I love Jill a lot. I see her a lot," David agrees, adding. "We are getting married."

### **On the back burner**

Marriage is something Jill and David have discussed. But the idea was set aside a year ago.

Jill can't have children, so that wasn't an issue, family members said.

But marriage would cost the couple some social services benefits. David also had health issues crop up.

Each likes their current living setups. Jill has an apartment with a roommate, giving her a measure of independence. David lives in a group home.

They debate the what-ifs of getting married.

David would like a big church wedding, noting that his church, Bethel Church in Fargo,

He's even made a list of days on which he'd tie the knot with Jill.

Pick a holiday – Christmas Eve, Valentine's Day, Independence Day. David says they can top it off with a slice of wedding cake at Bethel Church.

'OK, honey,' Jill says. But then she adds that they could get married on her turf instead, with her roommates in attendance.

'You'd marry me on Valentine's Day,' she says.

Rebekah Schultz is Jill's case manager at CHI Friendship in Fargo. Friendship is an organization that helps people with developmental disabilities. Until a few months ago, Schultz was also David's case manager.

'They love spending time together. They love being together. And that's what we celebrate,' Schultz said. 'They just really love being together. Right now, they're happy being together, and being in love.'

### **Jill gets life'**

Jill and David's relatives support them.

'They're a cute couple. She really loves him,' said Rita Manikowski, the oldest girl among Jill's nine siblings.

'Jill gets life. She probably gets it better than a lot of people,' the Geneseo woman said. 'She has a lot of patience for him. He's a slow talker, and she's kind of boisterous. With us, she says, 'Get to the point!' With him, she's patient.'

Manikowski said Jill and David appear happy with sticking to engaged.

'She has a right to love someone,' Manikowski said. 'She takes it all serious. She's not not just for the glamour. She cares about people. I think it's sweet.'

Everybody has a right to be happy. He makes her happy. And she makes him happy," Manikowski said.

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David's mother, Janice Osowski, echoed those thoughts.

"We love it," said Osowski, who calls Grafton her summer home. "It's important for him to have a relationship. They are happy together, and it's a plus for both of them. It helps make their lives more meaningful."

Jill and David cook together. They regularly go dancing. They tour the area's Christmas lights.

"When they're together, they're just kind of glowing and smiling. I guess we could all learn something from them," Osowski said.

### **He's a gentleman'**

Jill works at a vocational training center in Fargo.

David is the entrepreneur, selling soda and candy at several Fargo-Moorhead area businesses.

He also holds down two outside jobs, working at Scratch Sandwich and Deli and the Penalty Box, both in Fargo.

"He treats me nice. He's a gentleman," Jill says.

"You want to marry me here?" she asks David.

"I do," David says.

Jill calls David "a good egg." But does she have other pet names for him, like sweetie pie?

At that question, her hands fly to her face and she giggles and blushes, rocking back.

The answer is "yes," by the way.

He then doubles back to talking about going to a dance in Grand Forks. Jill rubs her hands together, a glint of mischief in her eyes.

She then reaches over with both hands, cradling his neck and head, and pulls him over to plant a soft smooch on his cheek.

A few minutes later, she hugs him and puts her head on his shoulder as he continues to talk. And they stay like that for a time.

Contented.

Happy.

Together.

**Readers can reach Forum reporter Helmut Schmidt at (701) 241-5583**

ADVERTISEMENT

Senate Human Services Committee  
Senate Concurrent Resolution No. 4006  
February 16, 2015  
Red River Room  
Honorable Judy Lee, Chair

Attach #2  
SCR 4006  
02/16/15  
J# 23889

Chairman Lee and Members of the Committee, my name is **Christine Hogan**.

I am an attorney for the Protection and Advocacy Project [P&A]. The Protection & Advocacy Project is an independent state agency whose mission is to advocate for the disability-related rights of persons with disabilities. We also act to protect persons with disabilities from abuse, neglect, and exploitation. We support Senate Concurrent Resolution 4006.

People with disabilities fall in love and want to make a commitment to another person and become a family. People with disabilities want to get married. For many it is a religious choice to get married. Yet, too many people with disabilities in our state must choose between getting married and continuing to receive the benefits they need to live from federal programs such as Supplemental Security Income (SSI) and Medicaid. Too many have to struggle with this choice because of marriage penalties.

*What is the marriage penalty?*

Often we think of the "marriage penalty," we think of the increase in taxes paid by married individuals when their combined income pushes them up into a higher tax bracket. Many of us care about this issue because we are concerned about financial/tax policies which provide a disincentive to marriage for couples who wish to marry. We care because these policies appear to be anti-family. Most of us think that people who want to get

married should be able to do so without incurring significant negative financial consequences.

But tax policy is not a concern of this Resolution. Rather, in the world of people who are low-income and have disabilities, the “marriage penalty” we are concerned about occurs when two SSI recipients marry each other—they will receive a benefit that is one quarter less than if they simply live together, but not as husband and wife. Under current SSI rules, an individual with a disability is better off not getting married, but simply living with his or her partner if he or she is also a recipient of SSI. Under current rules, each member of an SSI married couple is guaranteed an income level equal to only 75% of the federal benefit rate.

I would hope that, as a state, we would also care about policies that negatively affect the financial security of individuals with disabilities who want to get married. Shouldn't they be able to get married without suffering the loss of public benefits that help lift them out of poverty and help them to live successfully in the community? Should individuals with disabilities have to live alone (or live together without marriage) in order to receive 100% of the federal SSI rate?

If this looks like a simple issue of fairness, equity, and promotion of family values – that is because it is.

Shouldn't we, as a state, be concerned that if individuals with a disability are better off not married, but simply living together, that our public benefit rules are not very family-friendly? I hope your answer to this question will be “yes,” and that you will support a study of this policy issue.

In closing, I wish to ask for your support for Senate Concurrent Resolution 4006. This is an important policy issue for our state and for our citizens with disabilities. Obviously, loss of SSI or Medicaid benefits can be devastating and life changing to a person with disabilities. And that is why there is a national movement to get this marriage penalty changed. Marriage penalties are affecting real people in North Dakota. Thank you for your attention and for offering me this opportunity to appear before you on this important Resolution. I would be happy to try to address any questions you may have.



SCR 4006

3.26.15

1.1

## House Political Subdivisions Committee March 26, 2015 SCR 4006

Chairman Klemin and members of the House political subdivisions committee, my name is Linda Johnson Wurtz. I am board president of The Arc of North Dakota, which includes all six Arc chapters in North Dakota: Bismarck, Bowman, Dickinson, Fargo, Grand Forks, and Valley City. Our mission is to improve the quality of life for people with intellectual and developmental disabilities and actively support their full inclusion and participation in the community.

The marriage penalty addressed in this study resolution is a family issue. Employees and volunteers of The Arc along with people throughout the disability community are well aware of the impact of the marriage penalty in SSI (Supplemental Security Income). We have friends and work colleagues who are married and live in poverty due to the penalty. We know others who would like to be married, but don't feel they can subject the one they love to a life of such little promise. We all believe that something should be done.

This should be a federal issue, and indeed, The Arc of the United States regularly addresses this issue with members of Congress. That answer seems very far away. The Arc of North Dakota is hoping that we can look at the issue from a state perspective. North Dakotans value family, and we believe that people with or without a disability should have the choice to marry.

We are asking for a study of the issue because there are many things we need to know before we seek a practical resolution. We have anecdotal evidence of people who are affected, but we don't know the scope or magnitude of the impact across North Dakota. We know that 44 other states have addressed the issue of SSI, but we don't know the nature or extent of their remedies. There has been no comprehensive national study done.

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There may be a practical way to resolve the conflict this policy has with the family values of North Dakota. We are looking to our legislature for assistance in studying this issue. The legislature is better suited to interface with other state governments regarding this issue. An interim committee can better collect statewide information from stakeholders and state agencies and collect economic data. An interim committee can bring to light the scope and magnitude of the problem, and discover the alternatives and conditions that will make change possible.

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# Marriage Penalty in SSI

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SCR 4006 - Study the impact of the marriage penalty in SSI under the Social Security Act.

Barnes County | Bismarck | Cass County | Dickinson | Little Missouri | Upper Valley

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Justin has a twin brother. His brother has expressed his desire to get married someday, too. Anna has said that she doesn't want to dampen her brother-in-law's spirit, but she desperately wants to tell him about their financial struggles and how the cost of marriage has affected their lives.

### How do Justin and Anna live?

RENT	
GROCERIES	
HEALTHCARE	
<b>TOTAL</b>	
<b>MONTHLY SSI PAYMENT</b>	

SCR 4006

3.26.15

2.1

**Proposed Amendments to SCR 4006 from Representative Koppelman**

Page 1, line 2, after program, insert "and retirement benefits"

Page 1, line 6, after "poverty" insert ", and social security retirement income is depended upon by many older North Dakotans"

Page 1, line 10, after the comma, insert "and retirement benefits may be reduced for married couples,"

Page 1, line 11, overstrike "with disabilities"

Page 1, line 14, after "income" insert "and social security retirement"

Page 1, line 17, after "income" insert "and social security retirement"

Page 1, line 21, overstrike "within the supplemental security income program"