

**TESTIMONY**  
**Senate Judiciary Committee**  
**SB 2236**  
**January 25, 2023**  
**Senator Kathy Hogan**

Chair Larson and Members of the Judiciary Committee, for the record my name is Kathy Hogan and I represent District 21 which is central Fargo with a small corner of West Fargo.

Senate Bill 2236 was introduced on behalf of a colleague from Grand Forks, who worked for a nonprofit developmental disabilities provider after an extremely contentious litigation that did not find any liability for employees named in the suit. She will provide testimony about the situation.

In NDCC 32-12.1 Governmental Liability, one of the categories of protected organizations is "public nonprofit corporations", which is defined as a nonprofit that performs a governmental function and is funded primarily by the state. This is true of DD Providers, who provide similar services to those provided by the Life Skills and Transition Center in Grafton (both ICF/IDD homes and HCBS services). It contains the same limitations on liability as the above chapter, and in section 32-12.1-04 extends those limitations to employees as well. These are the same protections that state employees have. This bill is designed to clarify the employee liability limitations for public nonprofit corporations.

In this time of many recruitment and retention problems for nonprofit organizations, clarification of this issue is critical to retain staff and services for those vulnerable individuals served by this system of care.

Thank you for your consideration and I would be more than willing to answer any questions.