

## **SENATE HUMAN SERVICES COMMITTEE**

**Sixty-seventh Legislative Assembly of North Dakota**

**H.B. 1326**

**March 3, 2021**

Greetings, Chairman Lee and members of the Committee. I am Mandy Dendy, a legal assistant with the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency that acts to protect persons with disabilities from abuse, neglect, and exploitation, and one that advocates for the human, civil, and legal rights of persons with disabilities.

American philosopher John Dewey said, “A problem well stated is a problem half solved”. I will attempt to be well stated today. I bring before you both a problem and a proposed solution. House Bill 1326 is a bill to exempt from consideration as income or resources federal coronavirus stimulus funds for two groups of people. The first group is residents who live in basic care facilities. The second group is participants in the service payments for elderly and disabled (SPED) program. This program serves older or physically disabled individuals who have difficulty completing tasks that enable them to live independently at home.

On its face, the bill accomplishes its goal. To understand where the problem comes in, we need to briefly look at what brought us to this point. In May 2020, Governor Burgum announced an emergency rule change which exempted from consideration as income or resources federal coronavirus stimulus funds issued pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act for SPED program participants and residents of basic care.

Then additional stimulus funds were issued pursuant to the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 in December 2020. Because the administrative rule change only referred to CARES Act stimulus funds, House Bill 1326 came about to extend the exemption. Now additional stimulus funds are being considered under the American Rescue Plan Act of 2021. Because that law is not mentioned in the administrative rule change, nor is it mentioned in this bill, and there is not a “catch-all” provision exempting future stimulus monies arising out of the COVID-19 federal emergency, the concern is that future stimulus monies will not be exempted as consideration of income or resources for SPED participants or basic care residents.

If I’ve been well stated thus far, here’s my attempt at a solution. I’m asking you to amend House Bill 1326 to include the American Rescue Plan Act of 2021 and a “catch-all” provision referring to any other legislation which authorizes stimulus funds pursuant to the COVID-19 federal emergency declaration. I have attached proposed amended language for your consideration. I believe amending House Bill 1326 to include the American Rescue Plan Act of 2021 as well as a future “catch-all” provision will put this issue to rest once and for all.

Thank you for your time. I’m happy to answer any questions.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1326

Page 1, line 9, before “are” insert “and American Rescue Plan Act of 2021 or any other law authorizing stimulus funds as a result of the federal coronavirus pandemic emergency declaration”

Renumber accordingly