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SENATE MEMORIAL 47

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Gerald P. Ortiz y Pino

A MEMORIAL

REQUESTING CONGRESS TO REMOVE THE PENALTY ASSOCIATED WITH BEING  
A MARRIED INDIVIDUAL WITH A DISABILITY RECEIVING SUPPLEMENTAL  
SECURITY INCOME BENEFITS.

WHEREAS, in the past, individuals with disabilities were  
not expected to fully participate as equal members of their  
communities; and

WHEREAS, in the past, individuals with disabilities were  
not perceived as capable of developing loving relationships  
with others; and

WHEREAS, individuals with disabilities have the same need  
as people without disabilities to develop and maintain  
permanent loving relationships; and

WHEREAS, many individuals with disabilities hold religious  
and moral beliefs that preclude them from living together as

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1 husband and wife without being married; and

2 WHEREAS, individuals with disabilities want to marry and  
3 live as full members of their communities; and

4 WHEREAS, individuals with disabilities often depend on  
5 supplemental security income from federal social security and  
6 other governmental benefits for meeting their basic living  
7 requirements; and

8 WHEREAS, social security law places strict limits on the  
9 amount of resources that individuals with disabilities are  
10 allowed to hold; and

11 WHEREAS, when two individuals with disabilities each  
12 receiving supplemental security income get married, social  
13 security laws require that one of those individuals receive a  
14 reduced supplemental security income benefit as a marriage  
15 penalty; and

16 WHEREAS, two unmarried individuals with disabilities  
17 living in the same residence each receive the full federal  
18 benefit rate; and

19 WHEREAS, of the three major public income assistance  
20 programs, temporary assistance for needy families, food stamps  
21 and supplemental security income, supplemental security income  
22 is the only one to use marital status in determining the amount  
23 of an individual's benefit;

24 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
25 OF NEW MEXICO that the United States congress be requested to

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1 remove the penalty associated with being a married individual  
2 with a disability receiving supplemental security income  
3 benefits; and

4 BE IT FURTHER RESOLVED that copies of this memorial be  
5 transmitted to each member of New Mexico's congressional  
6 delegation.

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