

MINUTES  
**SENATE JUDICIARY & RULES COMMITTEE**

**DATE:** Wednesday, March 10, 2021

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Lakey, Vice Chairman Ricks, Senators Lodge, Lee, Anthon, Thayn, Zito, Burgoyne, and Wintrow

**ABSENT/  
EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Lakey** called the meeting of the Senate Judiciary and Rules Committee (Committee) to order at 1:35 p.m.

**RS 28749** **Senate Joint Memorial. Senator Riggs**, District 3, explained this joint memorial requests that the President of the United States and the U.S. Congress respect the 10th Amendment of the United States Constitution and avoid federalizing crime policy by withholding state funding as a penalty for state policy choices. He stated It reaffirms state sovereignty in dealing with matters related to prisons and crime.

**DISCUSSION:** **Senator Burgoyne** expressed his concern with the bill language referring to the Biden administration; he questioned, when the administration changes in the future, whether the sponsor intends for the bill to cease or remain. **Senator Riggs** said he noted Senator Burgoyne's point.

**MOTION:** **Senator Thayn** moved to send **RS 28749** to print. **Senator Zito** seconded the motion. The motion carried by **voice vote**.

**RS 28755** **Relating to Employment Security Law. Senator Zito** explained this bill would change the employment security law benefit formula so it would be depend on the overall health of the economy to determine the number of weeks an applicant receives unemployment. This bill would take effect July 2022.

**DISCUSSION:** **Senator Burgoyne** inquired if this bill would cut unemployment benefits. **Senator Zito** responded that it would limit the number of weeks an individual could receive benefits, protecting the insurance pool fund, and encouraging people to find employment.

**MOTION:** **Senator Lee** moved to send **RS 28755** to print. **Senator Lodge** seconded the motion. The motion carried by **voice vote**, with **Senators Burgoyne and Wintrow** requesting that they be recorded as voting nay.

**Chairman Lakey** announced to the Committee that due to limited time schedules, he was going to rearrange the agenda's order.

**H 191** **Relating to Domestic Relations. Representative Sage Dixon**, District 1, described this bill as dealing with temporary care givers and temporary care assistance programs used to help families in crisis before they need to enter the foster care system. He further advised that these programs are completely voluntary and parental driven.

**DISCUSSION:** **Senator Wintrow** and **Representative Dixon** discussed changes and how they will benefit children, and how the already existing program is being codified in statute.

**Senator Burgoyne** and **Representative Dixon** discussed the process for the qualification system that ensures the safety of the children in the program.

**TESTIMONY:** **Christine Denova**, Executive Director, IdaHope Families, testified virtually about the services their nonprofit organization provided to the northern Idaho community. She then fielded general questions from the Committee.

**Jessica Ruehrwein**, District Director, Lutheran Community Services Northwest, testified virtually that her nonprofit organization operates the Safe Families program in the Treasure Valley. She informed the Committee they support both the families in need and host families before the children need to go into foster care. She discussed child abuse prevention in times of crisis.

**Dr. Karen Bergstrom**, National Regional Director, Safe Families for Children, testified virtually that the average stay for placed children is 44 days, and beyond 90 days is rare. She would not oppose adding to the bill that temporary guardianship would be limited to a maximum of six months. She fielded questions from the Committee.

**Representative Dixon** concluded testimony about the bill and answered various Committee questions that had previously arisen regarding religious affiliation, background checks, the health and welfare system, and protection of the caregiver infrastructure.

**MOTION:** **Senator Lee** moved to send **H 191** to the 14th Order of Business for amendment. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

**H 59** **Relating to Birth Certificates and Adoption Records.** **Representative Julianne Young**, District 31, informed the Committee that the bill was built upon the premise that adoptees ought to have equal access to their birth records as adults who have not been adopted. She indicated the two primary policy changes relate to adoptions that will take place on or after July 1, 2021. **H 59** allows the Idaho Vital Statistics to accurately record, with a number or letter designation, the relationship of the birth parents to the child, and details how the information may be obtained by the adoptee. The second issue it covers is foreign adoption birth certificates. **Representative Young** stated this bill does not affect the existing adoption registry. The predominant difference is that a parent would no longer have a veto over an adult adoptee's request to access their own birth records compiled by the adoption registry. She discussed the strong support for this bill within the adoption community.

**DISCUSSION:** **Senator Burgoyne** and **Representative Young** discussed whether this bill would disincentivize adoptions. **Representative Young** pointed out that adoption is no longer something to be ashamed of in our society.

**TESTIMONY:** **Kirk Adams**, from Middleton, Idaho, noted he was adopted and testified in opposition to the bill with one request. He asked the Committee's page to distribute a letter he had written to his birth mother (see Attachment 1). He clarified that his civil rights as an adoptee do not supersede his mother's right for privacy. He stated his belief that legislators should add a birth mother's consent provision to the bill.

**Representative John McCrostie**, District 16, testified as an adoptee and why adoptees need their original birth certificate. He further testified the joy he found finding his birth family and important medical information. He is in favor of this bill to give other adoptees in Idaho the chance to learn about their birth family.

**Steven Keyser**, from Boise, testified in favor of this bill, supporting adoptees' rights.

**MOTION:** **Senator Wintrow** moved to send **H 59** to the floor with a do pass recommendation. **Senator Thayne** seconded the motion.

**DISCUSSION:** **Chairman Lakey** expressed that he supported the ability of adoptees to access medical records at 18 years old; and noted that the birth mother needed to consent to being identified.

**Senator Anthon** stated that he thought a woman would be more likely to give up her child for adoption with the certainty that her identity would be concealed if she did so.

**Senator Burgoyne** explained that the issue of consent to identity disclosure may mislead young women into the belief that their identify will be kept private. DNA sites make that impossible. He supports the bill in its current form.

**ROLL CALL VOTE:** **Chairman Lakey** called for a roll call vote. **Senators Lee, Zito, Burgoyne,** and **Wintrow** voted aye. **Senators Lodge, Anthon, Vice Chairman Ricks,** and **Chairman Lakey** voted nay. Senator Thayne was absent/excused. The motion failed.

**MOTION:** **Senator Lodge** moved that **H 59** be sent to the 14th Order of Business for amendment. **Senator Lee** seconded the motion.

**DISCUSSION:** **Senator Lodge** expressed her concern about access to adoptees' medical records, even before they turn 18 years old.

**Senator Wintrow** stated that she felt this bill will not have any affect on a woman's choice to have an abortion.

**VOICE VOTE:** The motion to send **H 59** to the 14th Order of Business for possible amendment passed by **voice vote**.

**Chairman Lakey** stated the Committee will take up the remaining bills on the agenda on Monday, March 15, 2021.

**ADJOURNED:** There being no further business at this time, **Chairman Lakey** adjourned the meeting at 3:15 p.m.

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Senator Lakey  
Chair

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Sharon Pennington  
Secretary

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Erin Miller  
Assistant Secretary