

MINUTES
SENATE STATE AFFAIRS COMMITTEE

- DATE:** Monday, February 16, 2015
- TIME:** 8:00 A.M.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman McKenzie, Senators Davis, Hill, Winder, Siddoway, Lakey, Johnson (Lodge), Stennett and Buckner-Webb
- 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 McKenzie** called the Senate State Affairs Committee (Committee) to order at 8:00 a.m.
- PRESENTATION: Pioneering Work on Idaho Adoption Laws Informational Hearing on Adoption.**
- Senator Grant Ipsen** discussed the success of the six adoption bills introduced since 1999. The Safe Haven Act, passed in 2001, had the most significant impact on adoption. It granted parents a responsible alternative to the abandonment of a child under the age of 30 days without the fear of prosecution and with the assurance of anonymity. He said 25 children have benefited from this law. **Senator Ipsen** provided a detailed explanation of the Safe Haven Act. He listed the safe haven providers and how it affects those parents that rely on them.
- Senator Ipsen** said awareness of the Safe Haven Act was not widespread within the State. He expressed the need to increase public knowledge of adoption. He said adoption rates have improved in Idaho as a result of these bills. The Safe Haven Act has served as a blueprint for other states when implementing similar acts.
- Theresa Marcroft** told the Committee about her personal experience with adoption which led her to found Unplanned Good, an adoption advocacy organization. She said the organization's purpose is to raise the awareness level of adoption as an alternative in the face of an unplanned pregnancy. **Ms. Marcroft** talked about the statistics of unplanned teen pregnancies. There has been a steady decline in the United States, it still has the highest rate of teen pregnancy in the western world; about six percent of all teens get pregnant each year. Abortion or parenting are choices that are presented to them; adoption is generally not discussed. **Ms. Marcroft** started three focus groups comprised of: 1) her friends, 2) high school teachers, and 3) youth group leaders. They confirmed that no one is talking about adoption. **Ms. Marcroft** said she found that young women need to be inspired, motivated and shown what adoption would look like in order to chose an adoption plan. It is not a popular option.
- Ms. Marcroft** noted that more than 1 million couples in this country are waiting to adopt a child, and nationally, over 1 million babies are aborted. Over 1 million babies are born to teens. She indicated that the cost to taxpayers in Idaho for teen childbearing was \$50 million in 2010. Over the last 2 decades, the teen birth rate in Idaho has declined 39 percent.

Adoption has not had a good history. It started in the 1800s when children were taken out of orphanages in eastern seaboard cities and transported by train to the West to be adopted by farmers and in many instances, used as farmhands or for other types of labor. Later, adoptions were very secretive and neither the parents or the children had the opportunity to reunite. Times have changed, and open adoption in some form is the norm today.

Ms. Marcroft explained that she came before the Committee not to ask for any specific action during this Session, but to propose that the discussions begin about developing a campaign similar to "Go On Idaho" around adoption awareness. **Ms. Marcroft** closed by telling how Unplanned Good came by its name.

Edmund Bogart Jr. testified about the importance of educating teens about adoption. He said the conflict between promoting conservative values and the promotion of a multifaceted adoption education campaign was understandable. However, the focus should be to provide teens the opportunity to make a well informed decision. He gave his personal experience with the adoption of his three children; two in California and one in Idaho.

H 3

Relating to Qualifications for Election of State Representatives and Senators.

Tim Hurst, Chief Deputy, Secretary of State's office, explained that **H 3** amends Idaho statute to be the same as the Idaho Constitution relating to the residency qualifications for Representatives and Senators. The change appears on line 16 of the bill where "resided" is deleted and the words "been a registered elector" are inserted. The Idaho Constitution requires that a candidate be an elector in the district, not just a resident of the district. Article 6, Section 2, of the Idaho Constitution defines a qualified elector as "if registered as provided by law". **Mr. Hurst** stated that they thought the best way to address the difference was to clarify in statute that the age, citizenship and a registered elector for one year preceding the election requirements must be met. Judge Steven Hippler, Fourth Judicial District Court, said to bring this legislation to the Legislature when he dismissed Caleb Hansen vs Ysursa. **Mr. Hurst** asked for approval of **H 3**.

Senator Werk liked the change but expressed his concern with "within the legislative district one (1) year preceding the next general election". Idaho has same day registration at elections and often, general elections are less than a year apart. **Mr. Hurst** stated that the discrepancy occurred as a result of the same day voter registration. He acknowledged that a change to the Idaho Constitution would be difficult.

Chairman McKenzie questioned another part of the code section that is not being changed in this bill. Under Article 2, Section 6, a person must be at least 18 years old to be qualified as an elector. Article 3, Section 6 doesn't have an age reference but, historically, there has been a 21 years old age requirement to be elected. He asked if there was a potential conflict. **Mr. Hurst** explained that at the time Section 34-614 was written the voting age was 21. That did not change when the voting age was dropped. **Chairman McKenzie** expressed that there may be a potential conflict between what is in the Idaho Constitution and Idaho Statute. **Mr. Hurst** said he would be happy to address it with other legislation.

Senator Davis suggested that the bill could go to the Amending Order to add that segment. **Mr. Hurst** noted that it would fix this section but the 21 years old language is consistent throughout statute for all the statewide elected officers. They should all be changed if one is changed.

Caleb Hansen, representing himself, offered testimony on how the misinterpretation of the word "elector" affected his ability to run for office. He stressed the importance of aligning legislation with the Idaho Constitution to avoid further misinterpretation and future litigation. He did not believe the bill should be passed as written. **Mr. Hansen** provided verbiage that he thought would solve the problem.

Senator Davis asked Mr. Hurst if the term "qualified " could be used instead of "registered". **Mr. Hurst** said the bill attempted to clarify the requirement by using the words "qualified elector" because, in the Dredge Mining Case, it indicated that a "qualified elector" and an "elector" were synonymous. If they meet the qualifications to vote, then they meet the qualifications to run for office.

Senator Lakey asked what the difference was between a registered elector and a qualified elector. **Mr. Hurst** responded that the objective is to make the statute clear so people can understand and know what the qualifications are when they run for office.

Senator Siddoway said the suggested amendments appear to complicate the candidacy requirements. **Mr. Hurst** said the emphasis on the word "registered" was to clarify that a person must be registered to vote in order to meet candidacy qualifications; all other qualifications remain the same.

Senator Nicole LeFavour , representing herself, said the application of the requirement to be a qualified elector as opposed to merely an elector was an incorrect interpretation of the Idaho Constitution. She said the statute for legislative candidacy was the only office in which the Secretary of State has made this distinction.

Senator Hill acknowledged the validity of Mr. Hansen's concerns. He said the Idaho Constitution did not reference the term "registered elector", it only uses "elector". Therefore, he could not support the amendment.

MOTION: **Chairman McKenzie** asked for other comments from the Committee and called for a motion. The bill failed for lack of a motion.

RS 23602: **A Senate Joint Memorial to the President of the United States.**

Chairman McKenzie stated that the U.S. Congress issued the Water Resources Reform and Development Act (Act) in June of 2014. It authorized funds to be used for the prevention and monitoring of invasive aquatic species. **RS 23602** requests the expedited release of federal funds under the Act to support efforts in the Pacific Northwest to combat the spread of invasive mussel species.

MOTION: **Senator Siddoway** moved to send **RS 23602** to print. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: **Chairman McKenzie** adjourned the meeting at 9:33 a.m.

Senator McKenzie
Chair

Twyla Melton, Secretary

Jenny Smith, Assistant Secretary