

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, February 19, 2025

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chair VanOrden, Vice Chairman Bjerke, Senators Harris, Zuiderveld, Lenney, Shippy, Blaylock, Keyser, 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: **Chair VanOrden** called the meeting of the Senate Health and Welfare Committee (Committee) to order at 3:16 p.m.

NOTE: **Chair VanOrden** noted that due to time, the Agency Update by Beth Cunningham would be held until Tuesday, February 25th.

MINUTES APPROVAL: **Senator Lenney** moved to approve the Minutes of February 11, 2025. **Senator Zuiderveld** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Shippy** moved to approve the Minutes of February 13, 2025. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

H 26 **ABLE ACCOUNTS - Amends and adds to existing law to provide for ABLE accounts in the state and to establish an ABLE account advisory council.** **Julie Ellsworth**, State Treasurer, stated **H 26** enabled Idaho to join a multi-state consortium offering ABLE accounts, tax-advantaged savings for individuals with disabilities. Previously, Idaho lacked such programs due to high costs, but new legislation allowed for efficient management and lower fees. It also allowed Idaho to retain fees for State use and established a voluntary advisory council with uncompensated members.

TESTIMONY: **Lisa Anderson, Richelle Tierney, Brittany Shipley, Ian Bott, and Dwight Johnson** testified in support of **H 26** because it allowed Idahoans with disabilities increased independence through access to savings.

Tara Rowe, Twin Falls, ID, highlighted the challenges of managing an out-of-state account based in Tennessee with a bank located in Boston, Massachusetts. The money saved in the ABLE account allowed her to repair her washer and dryer without exceeding the \$2,000 cap for Medicaid.

DISCUSSION: **Vice Chair Bjerke** asked for clarification on the \$2,000 limit. **Ms. Rowe** stated she would lose State benefits if her bank account exceeded \$2,000 which was why saving money in an ABLE account was so important.

Senator Zuiderveld asked Treasurer Ellsworth if the funds in ABLE accounts returned to medicaid upon an individual's death. **Treasurer Ellsworth** affirmed that while clawbacks such as this were not popular, returning the funds to the State afforded Idaho additional oversight of medicaid services. **Senator Wintrow** noted they could discuss clawbacks at a later time.

Treasurer Ellsworth explained the bill increased the age of ABLE accounts from 27 to 46 years old which aimed at assisting veterans. She discussed examples of

individuals throughout Idaho that benefited from this program and reiterated the importance of protecting Idaho citizens through access to these accounts.

MOTION: **Senator Shippy** moved to send **H 26** to the floor with a **do pass** recommendation. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

S 1058 **IDAHO SAFE HAVEN ACT - Amends existing law to revise provisions regarding the placement of an abandoned child.** **Senator Nichols** presented that this bill updated Idaho's Safe Haven Act to expedited placing of abandoned babies with adoptive families instead of entering the foster care system. The bill included immediate notification to the tribe if the child was of Native American descent and cemented Idaho as a national leader in adoption legislation.

TESTIMONY: **Cara Walsh, Terri Marcroft, and Tim Olson** testified in favor of **S 1058** for the following reasons: placing an infant in a secure home was vital to healthy development, it tightened collaboration with the Department of Health and Welfare (Department), and ensured Native American children remained within the tribe.

Whitney Wonderlich opposed **S 1058** because it circumvented the foster care system and did not address paternal rights. She explained that foster parents received specialized training to accommodate the unknown medical history of an abandoned baby and worried adoptive parents would not be sufficiently prepared.

DISCUSSION: **Senator Wintrow** asked Ms. Wonderlich to explain why circumventing the foster care system was a concern. **Ms. Wonderlich** iterated that foster care parents were trained for these situations and if the State reduced the waiting period between foster placement to adoption from six to two months, it would still be possible to quickly place Safe Haven babies in a secure home.

TESTIMONY: **Tyrel Stevenson**, Legislative Director, Coeur d'Alene Tribe, supported **S 1058** for being in line with the Indian Child Welfare Act of 1978 to keep Native American families together.

DISCUSSION: **Senator Wintrow** asked how one identified children as Native American and whether there was a statute of limitations for receiving tribal identity information. **Mr. Stevenson** noted the bill allowed mothers to volunteer identity information while protecting anonymity. The bill was in line with the Haaland versus Brackeen Supreme Court decision of 2023 which detailed Native American child placement.

TESTIMONY: **Blake Youde**, Shoshone- Bannock tribes, supported **S 1058** because it specified provisions related to Native American children placed in a safe haven location.

DISCUSSION: **Chair VanOrden** noted the Department and tribes worked back-and-forth to ensure proper wording. **Mr. Youde** added that the language in the bill came from the Bureau of Indian Affairs' guidelines.

Senator Nichols closed the debate, stating the bill provided a clear, compassionate solution for parents in crisis and strengthened Idaho's position as a leader in adoption legislation.

MOTION: **Senator Keyser** moved to send **S 1058** to the floor with a **do pass** recommendation. **Senator Bjerke** seconded the motion.

DISCUSSION: **Senator Wintrow** voiced concern about the safety of Safe Haven Laws and wondered if some babies were abandoned due to underlying issues like violence, coercions, or shame. She advocated for strengthening social services to both address this issue and support parents in decision-making.

VOICE VOTE: The motion carried by **voice vote**. **Senator Wintrow** requested to be recorded as voting nay.

ADJOURNED: There being no further business at this time, **Chair VanOrden** adjourned the meeting at 4:12 p.m.

Senator VanOrden
Chair

Rebecca Kozlowski
Secretary