

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 135

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO WELFARE; AMENDING SECTION 56-203, IDAHO CODE, TO PROVIDE FOR THE
2 REQUIREMENTS OF LAWFUL PRESENCE; AMENDING SECTION 67-7903, IDAHO CODE,
3 TO REMOVE PROVISIONS REGARDING VERIFICATION REQUIREMENTS, TO REMOVE
4 CERTAIN SOCIAL AND HEALTH CARE BENEFITS, AND TO MAKE TECHNICAL CORREC-
5 TIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 56-203, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 56-203. POWERS OF STATE DEPARTMENT. The state department shall have
11 the power to:

12 (1) Enter into contracts and agreements with the federal government
13 through its appropriate agency or instrumentality whereby the state of Idaho
14 shall receive federal grants-in-aid or other benefits for public assistance
15 or public welfare purposes under any act or acts of congress heretofore or
16 hereafter enacted;

17 (2) Cooperate with the federal government in carrying out the purposes
18 of any federal acts pertaining to public assistance or welfare services, and
19 in other matters of mutual concern;

20 (3) Cooperate with county governments and other branches of government
21 and other agencies, public or private, in administering and furnishing pub-
22 lic welfare services;

23 (4) Enter into reciprocal agreements with other states relative to the
24 provisions of public assistance and welfare services to residents and non-
25 residents;

26 (5) Initiate and administer public assistance and social services for
27 persons with physical or mental disabilities;

28 (6) Establish such requirements of residence for public assistance un-
29 der this chapter as may be deemed advisable, subject to any limitations im-
30 posed in this chapter, including the requirements of lawful presence pur-
31 suant to section 67-7903, Idaho Code;

32 (7) Define persons entitled to medical assistance in such terms as will
33 meet requirements for federal financial participation in medical assistance
34 payments;

35 (8) Accept the legal custody of children committed to it by district
36 courts of this state under the child protective act, to provide protective
37 supervision as defined therein, to place children for adoption when such
38 children are in the legal custody of the state department and are legally
39 available for adoption, and to exercise consent to adoption when the author-
40 ity to do so is vested in the department by court order or legally authorized
41 parental relinquishment;

1 (9) Determine the amount, duration and scope of care and services to be
2 purchased as medical assistance on behalf of needy eligible individuals;

3 (10) Manage and operate the southwest Idaho treatment center at Nampa,
4 Idaho; and

5 (11) Manage and operate state hospital north at Orofino, Idaho; state
6 hospital south at Blackfoot, Idaho; and state hospital west at Nampa, Idaho.

7 SECTION 2. That Section 67-7903, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 67-7903. VERIFICATION OF LAWFUL PRESENCE -- EXCEPTIONS -- REPORT-
10 ING. (1) Except as otherwise provided in subsection (3) of this section ~~or~~
11 ~~where exempted by federal law~~, each agency or political subdivision of this
12 state shall verify the lawful presence in the United States of each natural
13 person eighteen (18) years of age or older who applies for state or local
14 public benefits or for federal public benefits for the applicant.

15 (2) This section shall be enforced without regard to race, religion,
16 gender, ethnicity or national origin.

17 (3) Verification of lawful presence in the United States shall not be
18 required:

19 ~~(a) For any purpose for which lawful presence in the United States is~~
20 ~~not required by law, ordinance or rule;~~

21 ~~(b) (a) For obtaining health care items and services that are necessary~~
22 ~~for the treatment of an emergency medical condition of the person in-~~
23 ~~olved and that are not related to an organ transplant procedure;~~

24 ~~(c) (b) For short-term, noncash, in-kind emergency disaster relief; or~~

25 ~~(d) For public health assistance for immunizations with respect to im-~~
26 ~~munizable diseases and testing and treatment of symptoms of communica-~~
27 ~~ble diseases whether or not such symptoms are caused by a communicable~~
28 ~~disease;~~

29 ~~(e) (c) For programs, services, or assistance, such as soup kitchens,~~
30 ~~crisis counseling and intervention and short-term shelter specified by~~
31 ~~federal law or regulation at short-term shelters that:~~

32 (i) Deliver in-kind services at the community level, including
33 services through public or private nonprofit agencies;

34 (ii) Do not condition the provision of assistance, the amount of
35 assistance provided, or the cost of assistance provided on the in-
36 dividual recipient's income or resources; and

37 (iii) Are necessary for the protection of life or public safety.

38 ~~(f) For prenatal care;~~

39 ~~(g) For postnatal care not to exceed twelve (12) months; or~~

40 ~~(h) For food assistance for a dependent child under eighteen (18) years~~
41 ~~of age.~~

42 (4) An agency or a political subdivision shall verify the lawful pres-
43 ence in the United States of each applicant eighteen (18) years of age or
44 older for federal public benefits or state or local public benefits by:

45 (a) Employing electronic means to verify an applicant is legally
46 present in the United States; or

47 (b) Requiring the applicant to provide:

48 (i) An Idaho driver's license or an Idaho identification card
49 issued pursuant to section 49-2444, Idaho Code;

1 (ii) A valid driver's license or similar document issued for the
2 purpose of identification by another state or territory of the
3 United States, if such license or document contains a photograph
4 of the individual or such other personal identifying information
5 relating to the individual that the director of the department of
6 health and welfare or, with regard to unemployment compensation
7 benefits, the director of the department of labor finds, by rule,
8 sufficient for purposes of this section;

9 (iii) A United States military card or a military dependent's
10 identification card;

11 (iv) A United States coast guard merchant mariner card;

12 (v) A native American tribal document;

13 (vi) A copy of an executive office of immigration review, immi-
14 gration judge or board of immigration appeals decision, granting
15 asylee status;

16 (vii) A copy of an executive office of immigration review, immi-
17 gration judge or board of immigration appeals decision, indicat-
18 ing that the individual may lawfully remain in the United States;

19 (viii) Any United States citizenship and immigration service-is-
20 sued document showing refugee or asylee status or that the indi-
21 vidual may lawfully remain in the United States;

22 (ix) Any department of state or customs and border protection-is-
23 sued document showing the individual has been permitted entry into
24 the United States on the basis of refugee or asylee status, or on
25 any other basis that permits the individual to lawfully enter and
26 remain in the United States; or

27 (x) A valid United States passport; and

28 (c) Requiring the applicant to provide a valid social security number
29 that has been assigned to the applicant; and

30 (d) Requiring the applicant to attest, under penalty of perjury and on
31 a form designated or established by the agency or the political subdivi-
32 sion, that:

33 (i) The applicant is a United States citizen or legal permanent
34 resident; or

35 (ii) The applicant is otherwise lawfully present in the United
36 States pursuant to federal law.

37 (5) Notwithstanding the requirements of subsection (4) (b) of this sec-
38 tion, the agency or political subdivision may establish by appropriate legal
39 procedure such rules or regulations to ensure that certain individuals law-
40 fully present in the United States receive authorized benefits including,
41 but not limited to, homeless state citizens.

42 (6) For an applicant who has attested pursuant to subsection (4) (d) of
43 this section stating that the applicant is an alien lawfully present in the
44 United States, verification of lawful presence for federal public benefits
45 or state or local public benefits shall be made through the federal system-
46 atic alien verification of entitlement program, which may be referred to as
47 the "SAVE" program, operated by the United States department of homeland se-
48 curity or a successor program designated by the United States department of
49 homeland security. Until such verification of lawful presence is made, the

1 attestation may be presumed to be proof of lawful presence for purposes of
2 this section.

3 (a) Errors and significant delays by the SAVE program shall be reported
4 to the United States department of homeland security to ensure that the
5 application of the SAVE program is not wrongfully denying benefits to
6 legal residents of this state.

7 (b) Agencies or political subdivisions may adopt variations of the re-
8 quirements of subsection (4) (d) of this section to improve efficiency
9 or reduce delay in the verification process or to provide for adjudica-
10 tion of unique individual circumstances in which the verification pro-
11 cedures in this section would impose unusual hardship on a legal resi-
12 dent of this state; except that the variations shall be no less strin-
13 gent than the requirements of subsection (4) (d) of this section.

14 (c) A person who knowingly makes a false, fictitious or fraudulent
15 statement or representation in an attestation executed pursuant to
16 subsection (4) (d) or (6) (b) of this section or who knowingly provides
17 a social security number that has not been assigned to him pursuant to
18 subsection (4) (c) of this section shall be:

19 (i) Guilty of a misdemeanor for the first and second offense; and

20 (ii) Guilty of a felony for each subsequent offense.

21 (7) An agency or political subdivision may accept as prima facie evi-
22 dence of an applicant's lawful presence in the United States the information
23 required in subsection (4) of this section, as may be modified by subsection
24 (5) of this section, when issuing a professional license or a commercial li-
25 cense.

26 SECTION 3. An emergency existing therefor, which emergency is hereby
27 declared to exist, this act shall be in full force and effect on and after
28 July 1, 2025.