LEGISLATURE OF THE STATE OF IDAHO
Sixty-seventh Legislature Second Regular Session - 2024

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 615

BY HEALTH AND WELFARE COMMITTEE

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

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

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

56-203. POWERS OF STATE DEPARTMENT. The state department shall have
the power to:
(1) Enter into contracts and agreements with the federal government
through its appropriate agency or instrumentality whereby the state of Idaho
shall receive federal grants-in-aid or other benefits for public assistance
or public welfare purposes under any act or acts of congress heretofore or
hereafter enacted;
(2) Cooperate with the federal government in carrying out the purposes
of any federal acts pertaining to public assistance or welfare services, and
in other matters of mutual concern;
(3) Cooperate with county governments and other branches of government
and other agencies, public or private, in administering and furnishing pub-
lic welfare services;
(4) Enter into reciprocal agreements with other states relative to the
provisions of public assistance and welfare services to residents and non-
residents;
(5) Initiate and administer public assistance and social services for
persons with physical or mental disabilities;
(6) Establish such requirements of residence for public assistance un-
der this chapter as may be deemed advisable, subject to any limitations im-
posed in this chapter, including the requirements of lawful presence pur-
suant to section 67-7903, Idaho Code;
(7) Define persons entitled to medical assistance in such terms as will
meet requirements for federal financial participation in medical assistance
payments;
(8) Accept the legal custody of children committed to it by district
courts of this state under the child protective act, to provide protective
supervision as defined therein, to place children for adoption when such
children are in the legal custody of the state department and are legally
available for adoption, and to exercise consent to adoption when the author-
ity to do so is vested in the department by court order or legally authorized
parental relinquishment;
(9) Determine the amount, duration and scope of care and services to be purchased as medical assistance on behalf of needy eligible individuals;

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

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

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

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

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

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

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

(b) (a) For obtaining health care items and services that are necessary for the treatment of an emergency medical condition of the person involved and that are not related to an organ transplant procedure;

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

(d) For public health assistance for immunizations with respect to immunizable diseases and testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease;

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

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

(ii) Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and

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

(f) For prenatal care;

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

(h) For food assistance for a dependent child under eighteen (18) years of age;

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

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

(b) Requiring the applicant to provide:

(i) An Idaho driver's license or an Idaho identification card issued pursuant to section 49-2444, Idaho Code;
(ii) A valid driver's license or similar document issued for the
purpose of identification by another state or territory of the
United States, if such license or document contains a photograph
of the individual or such other personal identifying information
relating to the individual that the director of the department of
health and welfare or, with regard to unemployment compensation
benefits, the director of the department of labor finds, by rule,
sufficient for purposes of this section;
(iii) A United States military card or a military dependent's
identification card;
(iv) A United States coast guard merchant mariner card;
(v) A native American tribal document;
(vi) A copy of an executive office of immigration review, immi-
gration judge or board of immigration appeals decision, granting
asylee status;
(vii) A copy of an executive office of immigration review, immi-
gration judge or board of immigration appeals decision, indicat-
ing that the individual may lawfully remain in the United States;
(vii) Any United States citizenship and immigration service-iss-
ued document showing refugee or asylee status or that the indi-
vidual may lawfully remain in the United States;
(ix) Any department of state or customs and border protection-iss-
ued document showing the individual has been permitted entry into
the United States on the basis of refugee or asylee status, or on
any other basis that permits the individual to lawfully enter and
remain in the United States; or
(x) A valid United States passport; and
(c) Requiring the applicant to provide a valid social security number
that has been assigned to the applicant; and
(d) Requiring the applicant to attest, under penalty of perjury and on
a form designated or established by the agency or the political subdivi-
sion, that:
(i) The applicant is a United States citizen or legal permanent
resident; or
(ii) The applicant is otherwise lawfully present in the United
States pursuant to federal law.
(5) Notwithstanding the requirements of subsection (4)(b) of this sec-
tion, the agency or political subdivision may establish by appropriate legal
procedure such rules or regulations to ensure that certain individuals law-
fully present in the United States receive authorized benefits including,
but not limited to, homeless state citizens.
(6) For an applicant who has attested pursuant to subsection (4)(d) of
this section stating that the applicant is an alien lawfully present in the
United States, verification of lawful presence for federal public benefits
or state or local public benefits shall be made through the federal system-
atric alien verification of entitlement program, which may be referred to as
the "SAVE" program, operated by the United States department of homeland se-
curity or a successor program designated by the United States department of
homeland security. Until such verification of lawful presence is made, the
attestation may be presumed to be proof of lawful presence for purposes of this section.

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

(b) Agencies or political subdivisions may adopt variations of the requirements of subsection (4)(d) of this section to improve efficiency or reduce delay in the verification process or to provide for adjudication of unique individual circumstances in which the verification procedures in this section would impose unusual hardship on a legal resident of this state; except that the variations shall be no less stringent than the requirements of subsection (4)(d) of this section.

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

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

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

(7) An agency or political subdivision may accept as prima facie evidence of an applicant's lawful presence in the United States the information required in subsection (4) of this section, as may be modified by subsection (5) of this section, when issuing a professional license or a commercial license.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.