
DIGEST

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HB 538 Original

2015 Regular Session

Hodges

Abstract: Requires all agencies, departments, and political subdivisions of the state to verify lawful presence of any person applying for federal, state, or local public benefits.

Proposed law requires each state agency, department, and political subdivision, unless exempted by federal law, to verify the lawful presence in the U.S. of each person 18 years of age or older who applies for federal, state, or local public benefits.

Proposed law requires the agency, department, or political subdivision to require each applicant to provide any of the following to verify lawful presence:

- (1) Valid La. Driver's license or identification card.
- (2) U.S. Military identification card or military dependent's card, a U.S. Coast Guard Credential, or a Native American tribal identification card.
- (3) Execute and affidavit which states he is a citizen or legal permanent resident and is lawfully present in the U.S. in accordance with federal law.

Proposed law requires verification to be made through the Systematic Alien Verification for Entitlements (SAVE) Program, when an applicant executes an affidavit for verification purposes, and provides for reporting requirements for errors and delays made on part of the SAVE program.

Proposed law provides for violations for any person making a false, fictitious, or fraudulent statement or representation in an affidavit submitted for verification.

Proposed law allows for variations of the affidavit to improve efficiency or reduce delay in the verification process or to provide for adjudication in unique circumstances that may cause unusual hardship on a legal resident.

Proposed law prohibits any agency, department, or political subdivision from providing a benefit to a person who is not lawfully present in the U.S.

Proposed law provides for the following verification exemptions:

- (1) Where lawful presence is not required by state law or local ordinance or rule.

- (2) Obtaining healthcare items or services necessary for emergency medical treatment, excluding organ transplant procedures.
- (3) Short term, noncash in-kind emergency disaster relief.
- (4) Public health assistance for immunizations, testing, and treatment related to immunizable or communicable diseases.
- (5) Any program that provides food, counseling, short-term shelter and intervention services and meets certain requirements.

Proposed law provides that it is unlawful for the state agency, department, or political subdivision to provide benefits in violation of proposed law, or to discriminate when enforcing the provisions of proposed law.

Proposed law requires each agency, department, or political subdivision of the state to provide a compliance report annually to the Louisiana legislature on or before Jan. 1st of each year.

Proposed law provides for definitions and a severability clause.

(Adds R.S. 36:11)