

BOISE, TUESDAY, JANUARY 29, 2019 AT 9:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

BRENT REGAN, a qualified elector)
of the State of Idaho,)
)
Petitioner,)
v.)
)
LAWRENCE DENNEY, Secretary of)
State of the State of Idaho, in his official)
capacity,)
)
Respondent.)

Docket No. 46545

Original Filing.

Bryan D. Smith, Idaho Falls, for petitioner.

Hon. Lawrence G. Wasden, Idaho Attorney General, Boise, for petitioner.

In the November 6, 2018 election, the Idaho electorate passed a ballot initiative to expand Medicaid in Idaho. The initiative, known as Proposition 2, expanded Medicaid coverage in Idaho to cover citizens who are under 65 years of age, whose modified gross income is 133% of the federal poverty level or below, and who are not otherwise eligible for Medicaid coverage under the existing state plan. On November 20, 2018, the Acting Governor issued a proclamation that Proposition 2 had passed, and subsequently the Idaho Code was amended to add Section 56-267. On November 21, 2018, Petitioner Brent Regan filed a “Petition for Review” with this Court and seeks a declaration that Section 56-267 is unconstitutional. Regan contends Section 56-267 is unconstitutional because it delegates future lawmaking authority to the federal government. The crux of Regan’s argument is centered on a portion of Section 56-267 which states “in accordance with sections 1902(a)(10)(A)(i)(VIII) and 1902(e)(14) of the Social Security Act.” Regan contends that the federal government could change provisions in those sections of the Social Security Act, and that Idaho would be bound by such changes. Thus, Regan contends the Section 56-267 is unconstitutional.