

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL 1804

6 By: Terrill, Sullivan, Key,  
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13 McDaniel (Randy), Murphey,  
14 Peterson (Ron), Proctor,  
15 Sears, Tibbs and Worthen of  
16 the House

17 and

18 Williamson, Sykes, Corn and  
19 Ivester of the Senate

20 COMMITTEE SUBSTITUTE

21 An Act relating to illegal immigration; creating the  
22 Oklahoma Taxpayer and Citizen Protection Act of 2007;  
23 stating legislative purpose; making certain acts  
24 unlawful; preserving assistance for certain care and  
services; providing penalties; amending 21 O.S. 2001,  
Section 1550.42, which relates to identification  
documentation; requiring issuance of identification  
documents to certain persons; providing exceptions;  
stating period of validity; providing for renewal  
under certain circumstances; providing exception for  
certain document; providing presumption of validity  
for renewal, duplication or reissuance of driver  
license; requiring determination of citizenship  
status for persons charged with certain crime;  
requiring verification of persons determined to be a  
foreign national; providing time limitation for  
verification; requiring notification to certain  
entities; providing rebuttable presumption that  
certain persons are a flight risk; defining terms;

1 requiring participation in certain verification  
2 system; prohibiting certain persons from entering  
3 into contracts after certain dates; providing  
4 exception; establishing certain discriminatory  
5 practice; providing exception; limiting certain cause  
6 of action; requiring agencies and political  
7 subdivisions to verify lawful presence of persons  
8 applying for certain benefits; providing for  
9 nondiscriminatory treatment; excluding verification  
10 under certain circumstances; requiring execution of  
11 affidavit; requiring certain applicant to receive  
12 benefits through the Systematic Alien Verification  
13 for Entitlement Program; making certain actions  
14 subject to certain criminal penalties; authorizing  
15 adoption of variations to stated requirements;  
16 requiring certain entities to submit an annual  
17 compliance report; requiring certain entities to  
18 monitor certain program; requiring publication of  
19 annual report and certain recommendations; requiring  
20 certain entities to submit a report of errors to  
21 certain agency; requiring the withholding of  
22 percentage of state income tax under certain  
23 circumstances; providing for tax liability for  
24 noncompliance; preventing certain misinterpretation;  
directing Attorney General to negotiate terms of  
certain memorandum; requiring certain signatures;  
prohibiting certain actions by government entities;  
authorizing private right of action under certain  
circumstances; providing that certain persons shall  
not be eligible for postsecondary education benefits  
or resident tuition; providing exception;  
establishing a Fraudulent Documents Identification  
Unit within the Department of Public Safety subject  
to availability of funding; stating purpose; stating  
duties; providing for employment of sufficient  
employees; amending Section 1, Chapter 210, O.S.L.  
2003 (70 O.S. Supp. 2006, Section 3242), which  
relates to eligibility for enrollment and resident  
tuition; requiring graduation from certain school;  
requiring satisfaction of certain admission  
standards; requiring presentation of certain  
documentation or filing of certain affidavit;  
requiring presentation of certain documents after  
filing of certain affidavit; requiring maintenance of  
documentation in certain records; providing for  
codification; providing for noncodification; and  
providing an effective date.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law not to be  
3 codified in the Oklahoma Statutes reads as follows:

4 This act shall be known and may be cited as the "Oklahoma  
5 Taxpayer and Citizen Protection Act of 2007".

6 SECTION 2. NEW LAW A new section of law not to be  
7 codified in the Oklahoma Statutes reads as follows:

8 The State of Oklahoma finds that illegal immigration is causing  
9 economic hardship and lawlessness in this state and that illegal  
10 immigration is encouraged when public agencies within this state  
11 provide public benefits without verifying immigration status. The  
12 State of Oklahoma further finds that when illegal immigrants have  
13 been harbored and sheltered in this state and encouraged to reside  
14 in this state through the issuance of identification cards that are  
15 issued without verifying immigration status, these practices impede  
16 and obstruct the enforcement of federal immigration law, undermine  
17 the security of our borders, and impermissibly restrict the  
18 privileges and immunities of the citizens of Oklahoma. Therefore,  
19 the people of the State of Oklahoma declare that it is a compelling  
20 public interest of this state to discourage illegal immigration by  
21 requiring all agencies within this state to fully cooperate with  
22 federal immigration authorities in the enforcement of federal  
23 immigration laws. The State of Oklahoma also finds that other

24

1 measures are necessary to ensure the integrity of various  
2 governmental programs and services.

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 446 of Title 21, unless there is  
5 created a duplication in numbering, reads as follows:

6 A. It shall be unlawful for any person to transport, move, or  
7 attempt to transport in the State of Oklahoma any alien knowing or  
8 in reckless disregard of the fact that the alien has come to,  
9 entered, or remained in the United States in violation of law, in  
10 furtherance of the illegal presence of the alien in the United  
11 States.

12 B. It shall be unlawful for any person to conceal, harbor, or  
13 shelter from detection any alien in any place within the State of  
14 Oklahoma, including any building or means of transportation, knowing  
15 or in reckless disregard of the fact that the alien has come to,  
16 entered, or remained in the United States in violation of law.

17 C. Nothing in this section shall be construed so as to prohibit  
18 or deny assistance for health care items and services that are  
19 necessary for the treatment of an emergency medical condition, as  
20 defined in 42 U.S.C. Section 1396b(v)(3), of the alien involved and  
21 are not related to an organ transplant procedure.

22 D. Any person violating the provisions of subsections A or B of  
23 this section shall, upon conviction, be guilty of a felony  
24 punishable by imprisonment in the custody of the Department of

1 Corrections for not less than one (1) year, or by a fine of not less  
2 than One Thousand Dollars (\$1,000.00), or by both such fine and  
3 imprisonment.

4 SECTION 4. AMENDATORY 21 O.S. 2001, Section 1550.42, is  
5 amended to read as follows:

6 Section 1550.42 A. The following entities may create, publish  
7 or otherwise manufacture an identification document, identification  
8 card, or identification certificate and may possess an engraved  
9 plate or other such ~~device~~ device for the printing of such  
10 identification; provided, the name of the issuing entity shall be  
11 clearly printed upon the face of the identification:

12 1. Businesses, companies, corporations, service organizations  
13 and federal, state and local governmental agencies for employee  
14 identification which is designed to identify the bearer as an  
15 employee;

16 2. Businesses, companies, corporations and service  
17 organizations for customer identification which is designed to  
18 identify the bearer as a customer or member;

19 3. Federal, state and local government agencies for purposes  
20 authorized or required by law or any legitimate purpose consistent  
21 with the duties of such an agency, including, but not limited to,  
22 voter identification cards, ~~driver's~~ driver licenses, ~~nondriver's~~  
23 nondriver identification cards, passports, birth certificates and  
24 social security cards;

1 4. Any public school or state or private educational  
2 institution, as defined by Sections 1-106, 21-101 or 3102 of Title  
3 70 of the Oklahoma Statutes, to identify the bearer as an  
4 administrator, faculty member, student or employee;

5 5. Any professional organization or labor union to identify the  
6 bearer as a member of the professional organization or labor union;  
7 and

8 6. Businesses, companies or corporations which manufacture  
9 medical-alert identification for the wearer thereof.

10 B. All identification documents as provided for in paragraphs 3  
11 or 4 of subsection A of this section shall be issued only to United  
12 States citizens, nationals and legal permanent resident aliens.

13 C. The provisions of subsection B of this section shall not  
14 apply when an applicant presents, in person, valid documentary  
15 evidence of:

16 1. A valid, unexpired immigrant or nonimmigrant visa status for  
17 admission into the United States;

18 2. A pending or approved application for asylum in the United  
19 States;

20 3. Admission into the United States in refugee status;

21 4. A pending or approved application for temporary protected  
22 status in the United States;

23 5. Approved deferred action status; or  
24

1       6. A pending application for adjustment of status to legal  
2 permanent residence status or conditional resident status.  
3 Upon approval, the applicant may be issued an identification  
4 document provided for in paragraphs 3 or 4 of subsection A of this  
5 section. Such identification document shall be valid only during  
6 the period of time of the authorized stay of the applicant in the  
7 United States or, if there is no definite end to the period of  
8 authorized stay, a period of one (1) year. Any identification  
9 document issued pursuant to the provisions of this subsection shall  
10 clearly indicate that it is temporary and shall state the date that  
11 the identification document expires. Such identification document  
12 may be renewed only upon presentation of valid documentary evidence  
13 that the status by which the applicant qualified for the  
14 identification document has been extended by the United States  
15 Citizenship and Immigration Services or other authorized agency of  
16 the United States Department of Homeland Security.

17       The provisions of subsection B of this section shall not apply  
18 to an identification document described in paragraph 4 of subsection  
19 A of this Section that is only valid for use on the campus or  
20 facility of that educational institution and includes a statement of  
21 such restricted validity clearly and conspicuously printed upon the  
22 face of the identification document.

23       D. Any driver license issued to a person who is not a United  
24 States citizen, national or legal permanent resident alien for which

1 an application has been made for renewal, duplication or reissuance  
2 shall be presumed to have been issued in accordance with the  
3 provisions of subsection C of this section; provided that, at the  
4 time the application is made, the driver license has not expired, or  
5 been cancelled, suspended or revoked. The requirements of  
6 subsection C of this section shall apply, however, to a renewal,  
7 duplication or reissuance if the Department of Public Safety is  
8 notified by a local, state or federal government agency of  
9 information in the possession of the agency indicating a reasonable  
10 suspicion that the individual seeking such renewal, duplication or  
11 reissuance is present in the United States in violation of law. The  
12 provisions of this subsection shall not apply to United States  
13 citizens, nationals or legal permanent resident aliens.

14 SECTION 5. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 171.2 of Title 22, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. When a person charged with a felony or with driving under  
18 the influence pursuant to Section 11-902 of Title 47 of the Oklahoma  
19 Statutes is confined, for any period, in the jail of the county, any  
20 municipality or a jail operated by a regional jail authority, a  
21 reasonable effort shall be made to determine the citizenship status  
22 of the person so confined.

23 B. If the prisoner is a foreign national, the keeper of the  
24 jail or other officer shall make a reasonable effort to verify that



1 the prisoner has been lawfully admitted to the United States and, if  
2 lawfully admitted, that such lawful status has not expired. If  
3 verification of lawful status can not be made from documents in the  
4 possession of the prisoner, verification shall be made within forty-  
5 eight (48) hours through a query to the Law Enforcement Support  
6 Center of the United States Department of Homeland Security or other  
7 office or agency designated for that purpose by the United States  
8 Department of Homeland Security. If the lawful immigration status  
9 of the prisoner cannot be verified, the keeper of the jail or other  
10 officer shall notify the United States Department of Homeland  
11 Security.

12 C. For the purpose of determining the grant of or issuance of  
13 bond, it shall be a rebuttable presumption that a person whose  
14 citizenship status has been verified pursuant to subsection B of  
15 this section to be a foreign national who has not been lawfully  
16 admitted to the United States is at risk of flight.

17 SECTION 6. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1312 of Title 25, unless there  
19 is created a duplication in numbering, reads as follows:

20 As used in Sections 6 and 7 of this act:

21 1. "Status Verification System" means an electronic system  
22 operated by the federal government, through which an authorized  
23 official of an agency of the State of Oklahoma or of a political  
24 subdivision therein may make an inquiry, by exercise of authority

1 delegated pursuant to Section 1373 of Title 8 of the United States  
2 Code, to verify or ascertain the citizenship or immigration status  
3 of any individual within the jurisdiction of the agency for any  
4 purpose authorized by Section 7 of this act. The Status  
5 Verification System shall be deemed to include:

- 6 a. the electronic verification of work authorization  
7 program of the Illegal Immigration Reform and  
8 Immigration Responsibility Act of 1996, P.L. 104-208,  
9 Division C, Section 403(a); 8 U.S.C. 1324a, and  
10 operated by the United States Department of Homeland  
11 Security, known as the Basic Pilot Program, or
- 12 b. any equivalent federal program designated by the  
13 United States Department of Homeland Security or any  
14 other federal agency authorized to verify the work  
15 eligibility status of newly hired employees, pursuant  
16 to the Immigration Reform and Control Act of 1986  
17 (IRCA), D.L. 99-603, or
- 18 c. the Social Security Number Verification Service, or  
19 such similar online verification process implemented  
20 by the United States Social Security Administration,  
21 or
- 22 d. any other independent, third-party system with an  
23 equal or higher degree of reliability as the programs,  
24 systems, or processes described in this paragraph;

1        2. "Public employer" means every department, agency, or  
2 instrumentality of the state or a political subdivision of the  
3 state;

4        3. "Subcontractor" means a subcontractor, contract employee,  
5 staffing agency, or any contractor regardless of its tier; and

6        4. "Unauthorized alien" means an alien as defined in Section  
7 1324a(h)(3) of Title 8 of the United States Code.

8        SECTION 7.        NEW LAW        A new section of law to be codified  
9 in the Oklahoma Statutes as Section 1313 of Title 25, unless there  
10 is created a duplication in numbering, reads as follows:

11        A. Every public employer shall register and participate in a  
12 Status Verification System to verify the work eligibility status of  
13 all new employees.

14        B. 1. After July 1, 2008, no public employer shall enter into  
15 a contract for the physical performance of services within this  
16 state unless the contractor registers and participates in the Status  
17 Verification System to verify the work eligibility status of all new  
18 employees.

19        2. After July 1, 2008, no contractor or subcontractor who  
20 enters into a contract with a public employer shall enter into such  
21 a contract or subcontract in connection with the physical  
22 performance of services within this state unless the contractor or  
23 subcontractor registers and participates in the Status Verification  
24 System to verify information of all new employees.

1           3. The provisions of this subsection shall not apply to any  
2 contracts entered into prior to the effective date of this section  
3 even though such contracts may involve the physical performance of  
4 services within this state after July 1, 2008.

5           C. 1. It shall be a discriminatory practice for an employing  
6 entity to discharge an employee working in Oklahoma who is a United  
7 States citizen or permanent resident alien while retaining an  
8 employee who the employing entity knows, or reasonably should have  
9 known, is an unauthorized alien hired after July 1, 2008, and who is  
10 working in Oklahoma in a job category that requires equal skill,  
11 effort, and responsibility, and which is performed under similar  
12 working conditions, as defined by 29 U.S.C. 206(d)(1), as the job  
13 category held by the discharged employee.

14           2. An employing entity which, on the date of the discharge in  
15 question, was currently enrolled in and used a Status Verification  
16 System to verify the employment eligibility of its employees in  
17 Oklahoma hired after July 1, 2008 shall be exempt from liability,  
18 investigation, or suit arising from any action under this section.

19           3. No cause of action for a violation of this subsection shall  
20 arise anywhere in Oklahoma law but from the provisions of this  
21 subsection.

22           SECTION 8.           NEW LAW           A new section of law to be codified  
23 in the Oklahoma Statutes as Section 71 of Title 56, unless there is  
24 created a duplication in numbering, reads as follows:

1       A. Except as provided in subsection C of this section or where  
2 exempted by federal law, every agency or a political subdivision of  
3 this state shall verify the lawful presence in the United States of  
4 any natural person fourteen (14) years of age or older who has  
5 applied for state or local public benefits, as defined in 8 U.S.C.,  
6 Section 1621, or for federal public benefits, as defined in 8  
7 U.S.C., Section 1611, that is administered by an agency or a  
8 political subdivision of this state.

9       B. The provisions of this section shall be enforced without  
10 regard to race, religion, gender, ethnicity, or national origin.

11       C. Verification of lawful presence under the provisions of this  
12 section shall not be required:

13       1. For any purpose for which lawful presence in the United  
14 States is not restricted by law, ordinance, or regulation;

15       2. For assistance for health care items and services that are  
16 necessary for the treatment of an emergency medical condition, as  
17 defined in 42 U.S.C., Section 1396b(v)(3), of the alien involved and  
18 are not related to an organ transplant procedure;

19       3. For short-term, noncash, in-kind emergency disaster relief;

20       4. For public health assistance for immunizations with respect  
21 to diseases and for testing and treatment of symptoms of  
22 communicable diseases whether or not such symptoms are caused by a  
23 communicable disease; or  
24

1           5. For programs, services, or assistance such as soup kitchens,  
2 crisis counseling and intervention, and short-term shelter specified  
3 by the United States Attorney General, in the sole and unreviewable  
4 discretion of the United States Attorney General after consultation  
5 with appropriate federal agencies and departments which:

6           a. deliver in-kind services at the community level,  
7 including through public or private nonprofit  
8 agencies,

9           b. do not condition the provision of assistance, the  
10 amount of assistance provided, or the cost of  
11 assistance provided on the income or resources of the  
12 individual recipient, and

13           c. are necessary for the protection of life or safety.

14           D. Verification of lawful presence in the United States by the  
15 agency or political subdivision required to make such verification  
16 shall require that the applicant execute an affidavit under penalty  
17 of perjury that:

18           1. He or she is a United States citizen; or

19           2. He or she is a qualified alien under the federal Immigration  
20 and Nationality Act and is lawfully present in the United States.

21           The agency or political subdivision providing the state or local  
22 public benefits shall provide notary public services at no cost to  
23 the applicant.

1 E. For any applicant who has executed the affidavit described  
2 in paragraph 2 of subsection D of this section, eligibility for  
3 benefits shall be made through the Systematic Alien Verification for  
4 Entitlements (SAVE) Program operated by the United States Department  
5 of Homeland Security or a successor program designated by the United  
6 States Department of Homeland Security. Until such eligibility  
7 verification is made, the affidavit may be presumed to be proof of  
8 lawful presence for the purposes of this section.

9 F. Any person who knowingly and willfully makes a false,  
10 fictitious, or fraudulent statement of representation in an  
11 affidavit executed pursuant to subsection D of this section shall be  
12 subject to criminal penalties applicable in this state for  
13 fraudulently obtaining public assistance program benefits. If the  
14 affidavit constitutes a false claim of U.S. citizenship under 18  
15 U.S.C., Section 911, a complaint shall be filed by the agency  
16 requiring the affidavit with the United States Attorney General for  
17 the applicable district based upon the venue in which the affidavit  
18 was executed.

19 G. Agencies or political subdivisions of this state may adopt  
20 variations to the requirements of the provisions of this section  
21 which demonstrably improve the efficiency or reduce delay in the  
22 verification process, or to provide for adjudication of unique  
23 individual circumstances where the verification procedures in this  
24

1 section would impose unusual hardship on a legal resident of  
2 Oklahoma.

3 H. It shall be unlawful for any agency or a political  
4 subdivision of this state to provide any state, local, or federal  
5 benefit, as defined in 8 U.S.C., Section 1621, or 8 U.S.C., Section  
6 1611, in violation of the provisions of this section.

7 I. Each state agency or department which administers any  
8 program of state or local public benefits shall provide an annual  
9 report to the Governor, the President Pro Tempore of the Senate and  
10 the Speaker of the House of Representatives with respect to its  
11 compliance with the provisions of this section. Each agency or  
12 department shall monitor the Systematic Alien Verification for  
13 Entitlements Program for application verification errors and  
14 significant delays and shall provide an annual public report on such  
15 errors and significant delays and recommendations to ensure that the  
16 application of the Systematic Alien Verification of Entitlements  
17 Program is not erroneously denying benefits to legal residents of  
18 Oklahoma. Errors shall also be reported to the United States  
19 Department of Homeland Security by each agency or department.

20 SECTION 9. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 2385.32 of Title 68, unless  
22 there is created a duplication in numbering, reads as follows:

23 A. If an individual independent contractor, contracting for the  
24 physical performance of services in this state, fails to provide to



1 his or her contracting business entity appropriate documentation to  
2 verify his or her identity and work eligibility status pursuant to  
3 the Immigration Reform and Control Act of 1986 (IRCA), D.L. 99-603,  
4 the contracting business entity shall be required to withhold state  
5 income tax at the top marginal income tax rate as provided in  
6 Section 2355 of Title 68 of the Oklahoma Statutes as applied to the  
7 amount of compensation paid to such individual for the performance  
8 of such services within this state which the contracting business  
9 entity is required to report as income on United States Internal  
10 Revenue Service Form 1099.

11 B. Any contracting business entity who fails to comply with the  
12 withholding requirements of this subsection shall be liable for the  
13 taxes required to have been withheld unless such contracting  
14 business entity is exempt from federal withholding with respect to  
15 such individual pursuant to a properly filed Internal Revenue  
16 Service Form 8233 or its equivalent.

17 C. Nothing in this section is intended to create, or should be  
18 construed as creating, an employer-employee relationship between a  
19 contracting business entity and an individual independent  
20 contractor.

21 SECTION 10. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 20j of Title 74, unless there is  
23 created a duplication in numbering, reads as follows:

24

1           A. The Attorney General is authorized and directed to negotiate  
2 the terms of a Memorandum of Understanding between the State of  
3 Oklahoma and the United States Department of Justice or the United  
4 States Department of Homeland Security, as provided by Section  
5 1357(g) of Title 8 of the United States Code, concerning the  
6 enforcement of federal immigration and custom laws, detention and  
7 removals, and investigations in the State of Oklahoma.

8           B. The Memorandum of Understanding negotiated pursuant to  
9 subsection A of this section shall be signed on behalf of this state  
10 by the Attorney General and the Governor or as otherwise required by  
11 the appropriate federal agency.

12           C. No local government, whether acting through its governing  
13 body or by an initiative, referendum, or any other process, shall  
14 enact any ordinance or policy that limits or prohibits a law  
15 enforcement officer, local official, or local government employee  
16 from communicating or cooperating with federal officials with regard  
17 to the immigration status of any person within this state.

18           D. Notwithstanding any other provision of law, no government  
19 entity or official within the State of Oklahoma may prohibit, or in  
20 any way restrict, any government entity or official from sending to,  
21 or receiving from, the United States Department of Homeland  
22 Security, information regarding the citizenship or immigration  
23 status, lawful or unlawful, of any individual.

24

1 E. Notwithstanding any other provision of law, no person or  
2 agency may prohibit, or in any way restrict, a public employee from  
3 doing any of the following with respect to information regarding the  
4 immigration status, lawful or unlawful, of any individual:

- 5 1. Sending such information to, or requesting or receiving such  
6 information from, the United States Department of Homeland Security;
- 7 2. Maintaining such information; or
- 8 3. Exchanging such information with any other federal, state,  
9 or local government entity.

10 F. The provisions of this section shall allow for a private  
11 right of action by any natural or legal person lawfully domiciled in  
12 this state to file for a writ of mandamus to compel any  
13 noncooperating local or state governmental agency to comply with  
14 such reporting laws.

15 SECTION 11. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 3242.2 of Title 70, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. Except as otherwise provided in Section 3242 of Title 70 of  
19 the Oklahoma Statutes, an individual who is not lawfully present in  
20 the United States shall not be eligible on the basis of residence  
21 within the state for:

- 22 1. Any postsecondary education benefit, including, but not  
23 limited to, scholarships or financial aid; or
- 24 2. Resident tuition.

1 B. The provisions of subsection A of this section shall not  
2 apply to a student enrolled in a degree program at a postsecondary  
3 educational institution in Oklahoma during the 2006-2007 school year  
4 or any prior year.

5 SECTION 12. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 151.2 of Title 74, unless there  
7 is created a duplication in numbering, reads as follows:

8 Subject to the availability of funding, the Department of Public  
9 Safety shall establish a Fraudulent Documents Identification (FDI)  
10 Unit for the primary purpose of investigating and apprehending  
11 persons or entities that participate in the sale or distribution of  
12 fraudulent documents used for identification purposes. The unit  
13 shall additionally specialize in fraudulent identification documents  
14 created and prepared for persons who are unlawfully residing within  
15 the State of Oklahoma. The Department shall employ sufficient  
16 employees to investigate and implement an FDI Unit.

17 SECTION 13. AMENDATORY Section 1, Chapter 210, O.S.L.  
18 2003 (70 O.S. Supp. 2006, Section 3242), is amended to read as  
19 follows:

20 Section 3242. A. The Oklahoma State Regents for Higher  
21 Education ~~shall~~ may adopt a policy which allows a student to enroll  
22 in an institution within The Oklahoma State System of Higher  
23 Education and allows a student to be eligible for resident tuition  
24 if the student:

1 1. Graduated from a public or private high school in this state  
2 ~~or successfully completed the General Educational Development test~~  
3 ~~in this state; and~~

4 2. ~~Resided in this state with~~ Was enrolled at such high school  
5 by a parent or legal guardian and attended classes for at least two  
6 (2) years prior to:

7 a. graduation from that high school, ~~or~~

8 b. ~~successful completion of the General Educational~~  
9 ~~Development test.~~

10 B. To be eligible for the provisions of subsection A of this  
11 section, an eligible student shall:

12 1. Satisfy admission standards as determined by the Oklahoma  
13 State Regents for Higher Education for the appropriate type of  
14 institution and have secured admission to, and enrolled in, an  
15 institution within The Oklahoma State System of Higher Education;  
16 and

17 2. If the student is ~~without lawful immigration status~~  
18 enrolling in an institution within The Oklahoma State System of  
19 Higher Education after the effective date of this act and cannot  
20 present to the institution valid documentation of United States  
21 nationality or an immigration status permitting study at a  
22 postsecondary institution:

23 a. ~~file an affidavit with the institution stating that~~

24 ~~the student has filed an~~ provide to the institution a

1 copy of a true and correct application or has a  
2 petition pending filed with the Bureau of United  
3 States Citizenship and Immigration Services to  
4 legalize the student's immigration status, or

5 b. file an affidavit with the institution stating that  
6 the student will file an application to legalize his  
7 or her immigration status at the earliest opportunity  
8 the student is eligible to do so. ~~High school~~  
9 ~~counselors shall inform immigrant students that they~~  
10 ~~should apply for legal status as soon as possible to~~  
11 ~~enhance their opportunity for higher education in~~  
12 ~~Oklahoma, but in no case later than one year after the~~  
13 United States Citizenship and Immigration Services  
14 provide a formal process to permit children of parents  
15 without lawful immigration status to apply for lawful  
16 status without risk of deportation, and

17 c. if the student files an affidavit pursuant to  
18 subparagraph b of this paragraph, no later than one  
19 year after the United States Citizenship and  
20 Immigration Services provide such a formal process,  
21 present to the institution a copy of a true and  
22 correct application or petition filed with the United  
23 States Citizenship and Immigration Services, which  
24

1 copy shall be maintained in the institution's records  
2 for that student.

3 C. Any student who ~~meets~~ completes the required criteria  
4 prescribed in ~~subsections~~ subsection A ~~and B~~ of this section,  
5 paragraph 1 of subsection B of this section, and subparagraph a of  
6 paragraph 2 of subsection B of this section shall not be  
7 disqualified on the basis of the student's immigration status from  
8 any scholarships or financial aid provided by this state. Any  
9 student who enrolled in an institution within The Oklahoma State  
10 System of Higher Education prior to the effective date of this act  
11 pursuant to previously lawful provisions of this section shall not  
12 be required to meet any additional conditions to maintain enrollment  
13 at that institution.

14 SECTION 14. This act shall become effective November 1, 2007.

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