

CS for EHB 1804

1 THE STATE SENATE
2 Tuesday, April 10, 2007

3 Committee Substitute for
4 ENGROSSED

5 House Bill No. 1804

6 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1804 - By:
7 TERRILL, SULLIVAN, KEY, DUNCAN, BANZ, COODY, COOKSEY, DANK, DERBY,
8 FAUGHT, HICKMAN, INMAN, JOHNSON (Rob), KERN, LIEBMANN, MARTIN
9 (Scott), MARTIN (Steve), McCULLOUGH, McDANIEL (Randy), MURPHEY,
10 PETERSON (Ron), PROCTOR, SEARS, TIBBS, WORTHEN, JOHNSON (Dennis) and
11 PETERSON (Pam) of the House and WILLIAMSON, SYKES, CORN, IVESTER,
12 ADELSON and BROGDON of the Senate.

13 An Act relating to illegal immigration; creating the
14 Oklahoma Taxpayer and Citizen Protection Act of 2007;
15 stating legislative purpose; making certain acts unlawful;
16 preserving assistance for certain care and services;
17 providing penalties; amending 21 O.S. 2001, Section 1550.42,
18 which relates to identification documentation; requiring
19 issuance of identification documents to certain persons;
20 providing exceptions; stating period of validity; providing
21 for renewal under certain circumstances; providing exception
22 for certain document; providing presumption of validity for
23 renewal, duplication or reissuance of driver license;
24 requiring determination of citizenship status for persons
25 charged with certain crime; requiring verification of
26 persons determined to be a foreign national; providing time
27 limitation for verification; requiring notification to
28 certain entities; providing rebuttable presumption that
29 certain persons are a flight risk; defining terms; requiring
30 participation in certain verification system; prohibiting
31 certain persons from entering into contracts after certain
32 dates; providing exception; establishing certain
33 discriminatory practice; providing exception; limiting
34 certain cause of action; requiring agencies and political
35 subdivisions to verify lawful presence of persons applying
36 for certain benefits; providing for nondiscriminatory
37 treatment; excluding verification under certain
38 circumstances; requiring execution of affidavit; requiring
39 certain applicant to receive benefits through the Systematic
40 Alien Verification for Entitlement Program; making certain

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

31 BE IT ENACTEDBY THE PEOPLE OF THE STATE OF OKLAHOMA

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

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

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

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

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

22 A. It shall be unlawful for any person to transport, move, or
23 attempt to transport in the State of Oklahoma any alien knowing or

1 in reckless disregard of the fact that the alien has come to,
2 entered, or remained in the United States in violation of law, in
3 furtherance of the illegal presence of the alien in the United
4 States.

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

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

15 D. Any person violating the provisions of subsections A or B of
16 this section shall, upon conviction, be guilty of a felony
17 punishable by imprisonment in the custody of the Department of
18 Corrections for not less than one (1) year, or by a fine of not less
19 than One Thousand Dollars (\$1,000.00), or by both such fine and
20 imprisonment.

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

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

7 1. Businesses, companies, corporations, service organizations
8 and federal, state and local governmental agencies for employee
9 identification which is designed to identify the bearer as an
10 employee;

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

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

20 4. Any public school or state or private educational
21 institution, as defined by Sections 1-106, 21-101 or 3102 of Title
22 70 of the Oklahoma Statutes, to identify the bearer as an
23 administrator, faculty member, student or employee;

1 5. Any professional organization or labor union to identify the
2 bearer as a member of the professional organization or labor union;
3 and

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

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

9 C. The provisions of subsection B of this section shall not
10 apply when an applicant presents, in person, valid documentary
11 evidence of:

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

14 2. A pending or approved application for asylum in the United
15 States;

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

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

19 5. Approved deferred action status; or

20 6. A pending application for adjustment of status to legal
21 permanent residence status or conditional resident status.

22 Upon approval, the applicant may be issued an identification
23 document provided for in paragraphs 3 or 4 of subsection A of this

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

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

19 D. Any driver license issued to a person who is not a United
20 States citizen, national or legal permanent resident alien for which
21 an application has been made for renewal, duplication or reissuance
22 shall be presumed to have been issued in accordance with the
23 provisions of subsection C of this section; provided that, at the

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

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

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

20 B. If the prisoner is a foreign national, the keeper of the
21 jail or other officer shall make a reasonable effort to verify that
22 the prisoner has been lawfully admitted to the United States and, if
23 lawfully admitted, that such lawful status has not expired. If

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

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

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

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

19 1. "Status Verification System" means an electronic system
20 operated by the federal government, through which an authorized
21 official of an agency of the State of Oklahoma or of a political
22 subdivision therein may make an inquiry, by exercise of authority
23 delegated pursuant to Section 1373 of Title 8 of the United States

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

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

1 subcontractor registers and participates in the Status Verification
2 System to verify information of all new employees.

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

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

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

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

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

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

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

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

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

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

1 4. For public health assistance for immunizations with respect
2 to diseases and for testing and treatment of symptoms of
3 communicable diseases whether or not such symptoms are caused by a
4 communicable disease; or

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

- 10 a. deliver in-kind services at the community level,
11 including through public or private nonprofit
12 agencies,
- 13 b. do not condition the provision of assistance, the
14 amount of assistance provided, or the cost of
15 assistance provided on the income or resources of the
16 individual recipient, and
- 17 c. are necessary for the protection of life or safety.

18 D. Verification of lawful presence in the United States by the
19 agency or political subdivision required to make such verification
20 shall require that the applicant execute an affidavit under penalty
21 of perjury that:

- 22 1. He or she is a United States citizen; or

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

3 The agency or political subdivision providing the state or local
4 public benefits shall provide notary public services at no cost to
5 the applicant.

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

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

1 G. Agencies or political subdivisions of this state may adopt
2 variations to the requirements of the provisions of this section
3 which demonstrably improve the efficiency or reduce delay in the
4 verification process, or to provide for adjudication of unique
5 individual circumstances where the verification procedures in this
6 section would impose unusual hardship on a legal resident of
7 Oklahoma.

8 H. It shall be unlawful for any agency or a political
9 subdivision of this state to provide any state, local, or federal
10 benefit, as defined in 8 U.S.C., Section 1621, or 8 U.S.C., Section
11 1611, in violation of the provisions of this section.

12 I. Each state agency or department which administers any
13 program of state or local public benefits shall provide an annual
14 report to the Governor, the President Pro Tempore of the Senate and
15 the Speaker of the House of Representatives with respect to its
16 compliance with the provisions of this section. Each agency or
17 department shall monitor the Systematic Alien Verification for
18 Entitlements Program for application verification errors and
19 significant delays and shall provide an annual public report on such
20 errors and significant delays and recommendations to ensure that the
21 application of the Systematic Alien Verification of Entitlements
22 Program is not erroneously denying benefits to legal residents of

1 Oklahoma. Errors shall also be reported to the United States
2 Department of Homeland Security by each agency or department.

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

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

18 B. Any contracting business entity who fails to comply with the
19 withholding requirements of this subsection shall be liable for the
20 taxes required to have been withheld unless such contracting
21 business entity is exempt from federal withholding with respect to
22 such individual pursuant to a properly filed Internal Revenue
23 Service Form 8233 or its equivalent.

1 C. Nothing in this section is intended to create, or should be
2 construed as creating, an employer-employee relationship between a
3 contracting business entity and an individual independent
4 contractor.

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

8 A. The Attorney General is authorized and directed to negotiate
9 the terms of a Memorandum of Understanding between the State of
10 Oklahoma and the United States Department of Justice or the United
11 States Department of Homeland Security, as provided by Section
12 1357(g) of Title 8 of the United States Code, concerning the
13 enforcement of federal immigration and custom laws, detention and
14 removals, and investigations in the State of Oklahoma.

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

19 C. No local government, whether acting through its governing
20 body or by an initiative, referendum, or any other process, shall
21 enact any ordinance or policy that limits or prohibits a law
22 enforcement officer, local official, or local government employee

1 from communicating or cooperating with federal officials with regard
2 to the immigration status of any person within this state.

3 D. Notwithstanding any other provision of law, no government
4 entity or official within the State of Oklahoma may prohibit, or in
5 any way restrict, any government entity or official from sending to,
6 or receiving from, the United States Department of Homeland
7 Security, information regarding the citizenship or immigration
8 status, lawful or unlawful, of any individual.

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

13 1. Sending such information to, or requesting or receiving such
14 information from, the United States Department of Homeland Security;

15 2. Maintaining such information; or

16 3. Exchanging such information with any other federal, state,
17 or local government entity.

18 F. The provisions of this section shall allow for a private
19 right of action by any natural or legal person lawfully domiciled in
20 this state to file for a writ of mandamus to compel any
21 noncooperating local or state governmental agency to comply with
22 such reporting laws.

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

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

8 1. Any postsecondary education benefit, including, but not
9 limited to, scholarships or financial aid; or

10 2. Resident tuition.

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

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

18 Subject to the availability of funding, the Department of Public
19 Safety shall establish a Fraudulent Documents Identification (FDI)
20 Unit for the primary purpose of investigating and apprehending
21 persons or entities that participate in the sale or distribution of
22 fraudulent documents used for identification purposes. The unit
23 shall additionally specialize in fraudulent identification documents

1 created and prepared for persons who are unlawfully residing within
2 the State of Oklahoma. The Department shall employ sufficient
3 employees to investigate and implement an FDI Unit.

4 SECTION 13. AMENDATORY Section 1, Chapter 210, O.S.L.
5 2003 (70 O.S. Supp. 2006, Section 3242), is amended to read as
6 follows:

7 Section 3242. A. The Oklahoma State Regents for Higher
8 Education ~~shall~~ may adopt a policy which allows a student to enroll
9 in an institution within The Oklahoma State System of Higher
10 Education and allows a student to be eligible for resident tuition
11 if the student:

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

15 2. ~~Resided in this state with~~ Was enrolled at such high school
16 by a parent or legal guardian and attended classes for at least two
17 (2) years prior to+

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

19 b. ~~successful completion of the General Educational~~
20 ~~Development test.~~

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

1 1. Satisfy admission standards as determined by the Oklahoma
2 State Regents for Higher Education for the appropriate type of
3 institution and have secured admission to, and enrolled in, an
4 institution within The Oklahoma State System of Higher Education;
5 and

6 2. If the student is ~~without lawful immigration status~~
7 enrolling in an institution within The Oklahoma State System of
8 Higher Education after the effective date of this act and cannot
9 present to the institution valid documentation of United States
10 nationality or an immigration status permitting study at a
11 postsecondary institution:

12 a. ~~file an affidavit with the institution stating that~~
13 ~~the student has filed an~~ provide to the institution a
14 copy of a true and correct application or ~~has a~~
15 petition ~~pending~~ filed with the ~~Bureau of~~ United
16 States Citizenship and Immigration Services to
17 legalize the student's immigration status, or

18 b. file an affidavit with the institution stating that
19 the student will file an application to legalize his
20 or her immigration status at the earliest opportunity
21 the student is eligible to do so. ~~High school~~
22 ~~counselors shall inform immigrant students that they~~
23 ~~should apply for legal status as soon as possible to~~

1 ~~enhance their opportunity for higher education in~~
2 ~~Oklahoma, but in no case later than one year after the~~
3 ~~United States Citizenship and Immigration Services~~
4 ~~provide a formal process to permit children of parents~~
5 ~~without lawful immigration status to apply for lawful~~
6 ~~status without risk of deportation, and~~
7 c. if the student files an affidavit pursuant to
8 subparagraph b of this paragraph, no later than one
9 year after the United States Citizenship and
10 Immigration Services provide such a formal process,
11 present to the institution a copy of a true and
12 correct application or petition filed with the United
13 States Citizenship and Immigration Services, which
14 copy shall be maintained in the institution's records
15 for that student.

16 C. Any student who ~~meets~~ completes the required criteria
17 prescribed in ~~subsections~~ subsection A ~~and B~~ of this section,
18 paragraph 1 of subsection B of this section, and subparagraph a of
19 paragraph 2 of subsection B of this section shall not be
20 disqualified on the basis of the student's immigration status from
21 any scholarships or financial aid provided by this state. Any
22 student who enrolled in an institution within The Oklahoma State
23 System of Higher Education prior to the effective date of this act

1 pursuant to previously lawful provisions of this section shall not
2 be required to meet any additional conditions to maintain enrollment
3 at that institution.

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

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-3-07 - DO PASS,
6 As Amended and Coauthored.