

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2613

By: Calvey

COMMITTEE SUBSTITUTE

An Act relating to state government; creating the Financial Assistance Immigration Reporting Act; stating legislative intent; requiring public employees to verify certain information; providing for writs of mandamus; defining terms; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-1.22 of Title 74, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Financial Assistance Immigration Reporting Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-1.23 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Legislature recognizes and celebrates the essential contributions made by immigrants from foreign countries to Oklahoma. The cultural heritage of Oklahoma has been greatly enriched by the active presence of such immigrants. Moreover, the economy of Oklahoma has been improved by the contributions of immigrants, many of whom are entrepreneurs. The majority of immigrants to Oklahoma make a positive contribution to our state. Oklahoma welcomes law-abiding immigrants who contribute to our culture and economy.

But not all those who move to Oklahoma from other countries make a net contribution to our state. Some of those from other countries, who deliberately enter the United States and Oklahoma

illegally, seek not to contribute, but rather to sap public resources from Oklahoma. Such illegal entrants seek government benefits at the expense of Oklahoma taxpayers, including taxpayers who themselves are legal immigrants.

To provide government benefits for those who deliberately violate the immigration laws of our nation is not fair, either to hard-working, taxpaying legal immigrants, or to Oklahoma taxpayers in general.

Moreover, Oklahoma cannot possibly afford to provide government benefits for those who come here illegally. To do so would be to make Oklahoma the welfare state for the entire world. If any and all persons can come to Oklahoma illegally and live off the public largesse, Oklahoma could be inundated with more people living off the taxpayers. Oklahoma taxpayers cannot possibly bear this burden.

Therefore, it is the will of the people of Oklahoma, through their elected representatives, to prevent those who are residing illegally in Oklahoma from receiving government benefits.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-1.24 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Unless expressly prohibited by federal law, each public employee, at the time a person applies for a government service, shall verify the immigration status of the person requesting the government service and, if such person is a minor, of the parent or legal guardian of the person. A valid Oklahoma driver license, Oklahoma identification card, or a military identification card shall be acceptable for this purpose. If a person and the parent or legal guardian of the person, if such person is a minor, are unable to provide the public employee with proof of legal residence, the public employee shall report the person to the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security within seven (7) days. This provision shall not

apply to emergency medical services or to treatment provided by the Department of Mental Health and Substance Abuse Services.

B. If any public employee fails or neglects to perform any duty required by the Financial Assistance Immigration Reporting Act, any person may petition the district court for a writ of mandamus to require the public employee to perform such duty.

C. As used in this section:

1. "Government service" means any service provided to a particular member of the public by a public employee. This term does not apply to calls to the nine-one-one (911) emergency number or to law enforcement or fire protection services or to hospital emergency room services. With respect to public schools, this term shall apply only to annual enrollment; and

2. "Public employee" means any employee of the State of Oklahoma, any of its political subdivisions including, but not limited to, counties, cities, and school districts, and employees of government contractors that administer the taking of applications for government services. With respect to school districts, "public employee" refers only to the district superintendent.

SECTION 4. This act shall become effective November 1, 2006.

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