

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 510

By: Adelson

AS INTRODUCED

An Act relating to labor; creating the Oklahoma Fair Employment Act; providing short title; defining terms; stating certain findings; providing certain exceptions to act; making certain discharge of employees an unfair trade practice; authorizing a certain cause of action; prohibiting certain compensation as certain tax deductions; requiring suspension of certain certificates of incorporation under certain circumstances; requiring participation in certain program as condition for certain contracts or grants; construing act; 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 205 of Title 40, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Fair Employment Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 205.1 of Title 40, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Basic Pilot Program" shall mean the electronic verification of work authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, P.L 104-208, Division C, Section 403(a); 8 U.S.C. 1324a, and operated by the United States Department of Homeland Security.

2. "Employee" shall mean any person performing or applying for work or service of any kind or character for hire.

3. "Employer" shall mean any person employing or seeking to employ any person for hire.

4. "Employment" shall mean the act of employing or state of being employed, engaged or hired.

5. "Illegal laborer," "unauthorized alien" or "illegal alien" shall mean any person that is an undocumented immigrant who is in this country illegally and is performing or applying for work or service of any kind or character for hire;

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 205.2 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. The State of Oklahoma hereby finds that employers in this state who use illegal laborers have systematically distorted the labor market of this state by reducing wages, adversely affecting working conditions and evading taxes. Employment of unauthorized illegal laborers should be viewed as any other illegal business practice, that is, a means to exploit others and to gain an advantage over law-abiding competitors.

B. The State of Oklahoma further finds that the United States has established and maintains a national program for the electronic verification of work authorization, the Basic Pilot Program, which enables employers to promptly and accurately verify the employment eligibility of all job applicants.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 205.3 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. This act shall not apply to any business domiciled in this state which:

1. Has enrolled and participates in the Basic Pilot Program; or
2. Is exempt from compliance with federal employment verification procedures under federal law which makes the employment of unauthorized aliens unlawful.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 205.4 of Title 40, unless there is created a duplication in numbering, reads as follows:

The discharge of any United States citizen or permanent resident alien employee by an employer of this state, who, on the date of the discharge employed an unauthorized alien, shall be an unfair trade practice as defined in Section 752 of Title 15 of the Oklahoma Statutes. The discharged employee shall have a private cause of action for such unfair trade practice.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 205.5 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. Compensation, both in money or in kind or in services, provided to any illegal alien shall not be allowed as a business expense deduction from any income or business taxes of this state.

B. Any corporation operating in this state in violation of this act shall have its certificate of incorporation suspended.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 205.6 of Title 40, unless there is created a duplication in numbering, reads as follows:

The State of Oklahoma shall require, as a condition of the award of a contract or a grant to any business or enterprise, that the business or enterprise shall enroll and participate in the Basic Pilot Program.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 205.7 of Title 40, unless there is created a duplication in numbering, reads as follows:

The provisions of this act shall be construed so as to be fully consistent with federal immigration law.

SECTION 9. This act shall become effective November 1, 2005.

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