

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3067

By: Hamilton

4  
5  
6 AS INTRODUCED

7 An Act relating to immigration; providing legislative  
8 intent; amending 21 O.S. 2001, Section 1550.42, as  
9 amended by Section 4, Chapter 112, O.S.L. 2007 (21  
10 O.S. Supp. 2007, Section 1550.42), which relates to  
11 creating identification documents; deleting certain  
12 document issuance requirements and exceptions;  
13 deleting certain presumption and verification  
14 requirements; prohibiting state agencies and business  
15 entities conducting business with the State of  
16 Oklahoma from also conducting business with certain  
17 companies; prohibiting business activities with  
18 companies whose facilities in Mexico do not abide by  
19 certain laws in effect within this state; prohibiting  
20 business activities with companies whose facilities  
21 in Mexico do not abide by certain rules; repealing  
22 Sections 1 and 2, Chapter 112, O.S.L. 2007, which  
23 relate to the creation of the Oklahoma Taxpayer and  
24 Citizen Protection Act of 2007; repealing Section 3,  
Chapter 112, O.S.L. 2007 (21 O.S. Supp. 2007, Section  
446), which relates to unlawful transportation of  
aliens; repealing Section 5, Chapter 112, O.S.L. 2007  
(22 O.S. Supp. 2007, Section 171.2), which relates to  
citizenship verification of arrested persons;  
repealing Sections 6 and 7, Chapter 112, O.S.L. 2007  
(25 O.S. Supp. 2007, Sections 1312 and 1313), which  
relate to status verification of citizenship or  
immigration status by employers; repealing Section 8,  
Chapter 112, O.S.L. 2007 (56 O.S. Supp. 2007, Section  
71), which relates to the Oklahoma Indigent Health  
Care Act; repealing Section 9, Chapter 112, O.S.L.  
2007 (68 O.S. Supp. 2007, Section 2385.32), which  
relates to state income tax withholding rate for  
certain employers; repealing Section 10, Chapter 112,  
O.S.L. 2007 (74 O.S. Supp. 2007, Section 20j), which  
relates to a Memorandum of Understanding between the

1 State of Oklahoma and the United States Department of  
2 Justice; repealing Section 12, Chapter 112, O.S.L.  
3 2007 (74 O.S. Supp. 2007, Section 151.2), which  
4 relates to the Fraudulent Documents Identification  
5 Unit of the Department of Public Safety; providing  
6 for codification; providing for noncodification; and  
7 declaring an emergency.

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

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

11 The Legislature finds that according to United States Department  
12 of Labor statistics, wages in both Mexico and the United States have  
13 fallen since the ratification of the North American Free Trade  
14 Agreement (NAFTA). Most labor unions in Mexico are either owned  
15 outright by the employing entity, or controlled by the Mexican  
16 government. This conflict of interest has resulted in labor unions  
17 that have failed to protect the human and labor rights of people who  
18 work for American corporations in Mexico. American corporate plants  
19 in Mexico pay substandard wages, and then many times engage in a  
20 practice of deducting fees from these wages for various services on  
21 an involuntary basis. This makes it impossible for people to live  
22 on what they are paid by these corporations.

23 The Legislature finds that American corporate plants in Mexico  
24 have engaged in abuses which have been documented by human rights  
groups which violate the basic human rights of their workers,

1 especially their female workers. According to the American Center  
2 on Hemispheric Affairs, this long-standing exploitation of the labor  
3 pool in Mexico is directly related to the influx of illegal  
4 immigrants into the United States. The influx of low-cost labor in  
5 the form of illegal immigrants into the United States benefits  
6 domestic business interests directly by giving them a supply of  
7 laborers who dare not agitate for decent wages and working  
8 conditions. This, in turn, lowers wages for the American worker.

9 The Legislature finds that legislation which seeks to pit low-  
10 paid workers against one another, rather than seeking to address the  
11 corporate abuses resulting from NAFTA which have created the problem  
12 of illegal immigration are not only doomed to failure, they are  
13 destructive to the larger community and to the belief in justice and  
14 equality on which the United States of America is founded.

15 The Legislature further finds that laws which scapegoat specific  
16 groups of people and which hamper their free exercise of basic human  
17 rights such as access to health care, education and redress under  
18 the law for illegal acts committed against them, are in direct  
19 contradiction of the founding statements of our Democracy as  
20 elucidated in the Declaration of Independence. If such laws are  
21 allowed to stand, they would create a culture of discrimination and  
22 inequality which would harm not only Oklahomans who must live under  
23 them today but future generations, as well.

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1           Therefore, the Legislature finds that it is necessary to repeal  
2 the provisions in law listed in this act and implement the sections  
3 below to establish legislation which will bring the people of this  
4 great state together in a search for just and humane ways of dealing  
5 with the problem of illegal immigration and which will address and  
6 seek to end the causes of the problem themselves.

7           SECTION 2.           AMENDATORY           21 O.S. 2001, Section 1550.42, as  
8 amended by Section 4, Chapter 112, O.S.L. 2007 (21 O.S. Supp. 2007,  
9 Section 1550.42), is amended to read as follows:

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

16           1. Businesses, companies, corporations, service organizations  
17 and federal, state and local governmental agencies for employee  
18 identification which is designed to identify the bearer as an  
19 employee;

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

23           3. Federal, state and local government agencies for purposes  
24 authorized or required by law or any legitimate purpose consistent

1 with the duties of such an agency, including, but not limited to,  
2 voter identification cards, driver licenses, nondriver  
3 identification cards, passports, birth certificates and social  
4 security cards;

5 4. Any public school or state or private educational  
6 institution, as defined by Sections 1-106, 21-101 or 3102 of Title  
7 70 of the Oklahoma Statutes, to identify the bearer as an  
8 administrator, faculty member, student or employee;

9 5. Any professional organization or labor union to identify the  
10 bearer as a member of the professional organization or labor union;  
11 and

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

14 ~~B. All identification documents as provided for in paragraph 3~~  
15 ~~or 4 of subsection A of this section shall be issued only to United~~  
16 ~~States citizens, nationals and legal permanent resident aliens.~~

17 ~~C. The provisions of subsection B of this section shall not~~  
18 ~~apply when an applicant presents, in person, valid documentary~~  
19 ~~evidence of:~~

20 ~~1. A valid, unexpired immigrant or nonimmigrant visa status for~~  
21 ~~admission into the United States;~~

22 ~~2. A pending or approved application for asylum in the United~~  
23 ~~States;~~

24 ~~3. Admission into the United States in refugee status;~~

1       ~~4. A pending or approved application for temporary protected~~  
2 ~~status in the United States;~~

3       ~~5. Approved deferred action status; or~~

4       ~~6. A pending application for adjustment of status to legal~~  
5 ~~permanent residence status or conditional resident status.~~

6 ~~Upon approval, the applicant may be issued an identification~~

7 ~~document provided for in paragraph 3 or 4 of subsection A of this~~

8 ~~section. Such identification document shall be valid only during~~

9 ~~the period of time of the authorized stay of the applicant in the~~

10 ~~United States or, if there is no definite end to the period of~~

11 ~~authorized stay, a period of one (1) year. Any identification~~

12 ~~document issued pursuant to the provisions of this subsection shall~~

13 ~~clearly indicate that it is temporary and shall state the date that~~

14 ~~the identification document expires. Such identification document~~

15 ~~may be renewed only upon presentation of valid documentary evidence~~

16 ~~that the status by which the applicant qualified for the~~

17 ~~identification document has been extended by the United States~~

18 ~~Citizenship and Immigration Services or other authorized agency of~~

19 ~~the United States Department of Homeland Security.~~

20       ~~D. The provisions of subsection B of this section shall not~~

21 ~~apply to an identification document described in paragraph 4 of~~

22 ~~subsection A of this section that is only valid for use on the~~

23 ~~campus or facility of that educational institution and includes a~~

1 ~~statement of such restricted validity clearly and conspicuously~~  
2 ~~printed upon the face of the identification document.~~

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

18 SECTION 3. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 5017.8 of Title 74, unless there  
20 is created a duplication in numbering, reads as follows:

21 State agencies and business entities conducting business with  
22 the State of Oklahoma shall not buy products or receive services  
23 from, or engage in business activities of any kind with, companies  
24 engaging in any of the following activities:

- 1           1. Companies owning facilities in Mexico which pay workers less  
2 than the minimum wage currently in effect in the United States;
- 3           2. Companies owning facilities in Mexico that do not abide by  
4 the environmental rules and laws of this state;
- 5           3. Companies owning facilities in Mexico that do not abide by  
6 the rules established by the Occupational Safety and Health  
7 Administration; or
- 8           4. Companies owning facilities in Mexico that do not allow  
9 labor unions to exist within the facility that are not affiliated  
10 with the company or the Government of Mexico.

11           SECTION 4.           REPEALER           Sections 1 and 2, Chapter 112,  
12 O.S.L. 2007, are hereby repealed.

13           SECTION 5.           REPEALER           Section 3, Chapter 112, O.S.L. 2007  
14 (21 O.S. Supp. 2007, Section 446), is hereby repealed.

15           SECTION 6.           REPEALER           Section 5, Chapter 112, O.S.L. 2007  
16 (22 O.S. Supp. 2007, Section 171.2), is hereby repealed.

17           SECTION 7.           REPEALER           Sections 6 and 7, Chapter 112,  
18 O.S.L. 2007 (25 O.S. Supp. 2007, Sections 1312 and 1313), are hereby  
19 repealed.

20           SECTION 8.           REPEALER           Section 8, Chapter 112, O.S.L. 2007  
21 (56 O.S. Supp. 2007, Section 71), is hereby repealed.

22           SECTION 9.           REPEALER           Section 9, Chapter 112, O.S.L. 2007  
23 (68 O.S. Supp. 2007, Section 2385.32), is hereby repealed.

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1 SECTION 10. REPEALER Section 10, Chapter 112, O.S.L.  
2 2007 (74 O.S. Supp. 2007, Section 20j), is hereby repealed.

3 SECTION 11. REPEALER Section 12, Chapter 112, O.S.L.  
4 2007 (74 O.S. Supp. 2007, Section 151.2), is hereby repealed.

5 SECTION 12. It being immediately necessary for the preservation  
6 of the public peace, health and safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

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10 51-2-9181 GRS 01/17/08

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