

1 ENGROSSED SENATE
2 BILL NO. 1699

By: Rice, Coates and Crain of
the Senate

3 and

4 Cox of the House
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7 An Act relating to poor persons; amending Section 8,
8 Chapter 112, O.S.L. 2007 (56 O.S. Supp. 2009, Section
9 71), which relates to the Oklahoma Indigent Health
Care Act; adding persons not subject to certain
verification; and declaring an emergency.
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY Section 8, Chapter 112, O.S.L.
14 2007 (56 O.S. Supp. 2009, Section 71), is amended to read as
15 follows:

16 Section 71. A. Except as provided in subsection C of this
17 section or where exempted by federal law, every agency or a
18 political subdivision of this state shall verify the lawful presence
19 in the United States of any natural person fourteen (14) years of
20 age or older who has applied for state or local public benefits, as
21 defined in 8 U.S.C., Section 1621, or for federal public benefits,
22 as defined in 8 U.S.C., Section 1611, that is administered by an
23 agency or a political subdivision of this state.
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1 B. The provisions of this section shall be enforced without
2 regard to race, religion, gender, ethnicity, or national origin.

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

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

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

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

12 4. For public health assistance for immunizations with respect
13 to diseases and for testing and treatment of symptoms of
14 communicable diseases whether or not such symptoms are caused by a
15 communicable disease; ~~or~~

16 5. For application of special volunteer health care licenses
17 that specify the eligible volunteer shall be either retired from
18 practice in this state or actively licensed with a clean record in
19 another state and that such eligible volunteer shall not receive or
20 have the expectation to receive any payment or compensation, either
21 direct or indirect, for any services rendered in this state under
22 the special volunteer license; or

23 6. For programs, services, or assistance such as soup kitchens,
24 crisis counseling and intervention, and short-term shelter specified

1 by the United States Attorney General, in the sole and unreviewable
2 discretion of the United States Attorney General after consultation
3 with appropriate federal agencies and departments which:

- 4 a. deliver in-kind services at the community level,
5 including through public or private nonprofit
6 agencies,
- 7 b. do not condition the provision of assistance, the
8 amount of assistance provided, or the cost of
9 assistance provided on the income or resources of the
10 individual recipient, and
- 11 c. are necessary for the protection of life or safety.

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

- 16 1. He or she is a United States citizen; or
- 17 2. He or she is a qualified alien under the federal Immigration
18 and Nationality Act and is lawfully present in the United States.

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

22 E. For any applicant who has executed the affidavit described
23 in paragraph 2 of subsection D of this section, eligibility for
24 benefits shall be verified through the Systematic Alien Verification

1 for Entitlements (SAVE) Program operated by the United States
2 Department of Homeland Security or an equivalent program designated
3 by the United States Department of Homeland Security. Until such
4 eligibility verification is made, the affidavit may be presumed to
5 be proof of lawful presence for the purposes of this section.

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

16 G. Agencies or political subdivisions of this state may adopt
17 variations to the requirements of the provisions of this section
18 which demonstrably improve the efficiency or reduce delay in the
19 verification process, or to provide for adjudication of unique
20 individual circumstances where the verification procedures in this
21 section would impose unusual hardship on a legal resident of
22 Oklahoma.

23 H. It shall be unlawful for any agency or a political
24 subdivision of this state to provide any state, local, or federal

1 benefit, as defined in 8 U.S.C., Section 1621, or 8 U.S.C., Section
2 1611, in violation of the provisions of this section.

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

16 SECTION 2. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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1 Passed the Senate the 8th day of March, 2010.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2010.

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9 Presiding Officer of the House
10 of Representatives