

SB 1699

1 THE STATE SENATE  
2 Tuesday, February 16, 2010

3 Senate Bill No. 1699  
4 As Amended

5 SENATE BILL NO. 1699 - By: Rice of the Senate and Cox of the House.

6 An Act relating to poor persons; amending Section 8, Chapter  
7 112, O.S.L. 2007 (56 O.S. Supp. 2009, Section 71), which  
8 relates to the Oklahoma Indigent Health Care Act; adding  
9 persons not subject to certain verification; and providing  
10 an effective date.

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

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

15 Section 71. A. Except as provided in subsection C of this  
16 section or where exempted by federal law, every agency or a  
17 political subdivision of this state shall verify the lawful presence  
18 in the United States of any natural person fourteen (14) years of  
19 age or older who has applied for state or local public benefits, as  
20 defined in 8 U.S.C., Section 1621, or for federal public benefits,  
21 as defined in 8 U.S.C., Section 1611, that is administered by an  
22 agency or a political subdivision of this state.

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

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

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

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

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

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

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

21 6. For programs, services, or assistance such as soup kitchens,  
22 crisis counseling and intervention, and short-term shelter specified  
23 by the United States Attorney General, in the sole and unreviewable

1 discretion of the United States Attorney General after consultation  
2 with appropriate federal agencies and departments which:

3 a. deliver in-kind services at the community level,  
4 including through public or private nonprofit  
5 agencies,

6 b. do not condition the provision of assistance, the  
7 amount of assistance provided, or the cost of  
8 assistance provided on the income or resources of the  
9 individual recipient, and

10 c. are necessary for the protection of life or safety.

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

15 1. He or she is a United States citizen; or

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

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

21 E. For any applicant who has executed the affidavit described  
22 in paragraph 2 of subsection D of this section, eligibility for  
23 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.

1 H. It shall be unlawful for any agency or a political  
2 subdivision of this state to provide any state, local, or federal  
3 benefit, as defined in 8 U.S.C., Section 1621, or 8 U.S.C., Section  
4 1611, in violation of the provisions of this section.

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

18 SECTION 2. This act shall become effective November 1, 2010.

19 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated  
20 2-11-10 - DO PASS, As Amended and Coauthored.