

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3725 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Jim Shaw

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 PROPOSED POLICY
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3725

By: Shaw

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8 PROPOSED POLICY COMMITTEE SUBSTITUTE

9 An Act relating to labor; enacting the Oklahoma
10 Workforce Protection Act; requiring employers to use
11 e-verification; defining terms; defining
12 requirements; directing Department of Labor to
13 implement online portal system; directing Department
14 to publish annual reports; implementing penalties;
15 providing for exceptions; requiring automatic repeal
16 under certain circumstances; providing for
17 codification; and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 201 of Title 40, unless there is
21 created a duplication in numbering, reads as follows:

22 This act shall be known and may be cited as the "Oklahoma
23 Workforce Protection Act".

24 SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 201.1 of Title 40, unless there
is created a duplication in numbering, reads as follows:

1 A. As used in this act, "status verification system" or "e-
2 verification" means an electronic system operated by the federal
3 government, through which an authorized official of an agency of the
4 State of Oklahoma or of a political subdivision therein may make an
5 inquiry, by exercise of authority delegated pursuant to 8 U.S.C.,
6 Section 1373, to verify or ascertain the citizenship or immigration
7 status of any individual within the jurisdiction of the agency for
8 any purpose authorized by subsection B of this section. The status
9 verification system shall be deemed to include:

10 1. The E-Verify program of the Illegal Immigration Reform and
11 Immigrant Responsibility Act of 1996, P.L. 104-208, Division C,
12 Section 403(a), 8 U.S.C., Section 1324a, and operated by the United
13 States Department of Homeland Security, known as the E-Verify
14 program;

15 2. Any equivalent federal program designated by the United
16 States Department of Homeland Security or any other federal agency
17 authorized to verify the work eligibility status of newly hired
18 employees, pursuant to the Immigration Reform and Control Act of
19 1986, P.L. 99-603; or

20 3. Any other independent, third-party system with an equal or
21 higher degree of reliability as the programs, systems, or processes
22 described in this subsection.

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1 B. Every employer registered to do business in the State of
2 Oklahoma shall utilize a status verification system for new hires,
3 including full-time, part-time, and seasonal new hires.

4 C. This section does not apply to the following:

5 1. Independent contractors;

6 2. Returning seasonal employees if rehired within twelve (12)
7 months if the employee was already authorized under the status
8 verification system. This provision is void if the employer falsely
9 classifies an employee as a seasonal employee for purposes of this
10 section or fails to complete the original certification; and

11 3. Individuals not classified as employees.

12 D. Agricultural employers may designate qualified third
13 parties, including cooperatives, farm bureaus, payroll service
14 providers, or licensed employer agents to submit status verification
15 system checks on their behalf.

16 E. An employer that utilizes the E-Verify program, or utilizes
17 a qualified third party as described in subsection D of this
18 section, operated by the United States Department of Homeland
19 Security, or any successor program formally designated by the
20 federal government for employment eligibility verification under the
21 Immigration Reform and Control Act of 1986, shall be presumed to be
22 in compliance with the requirements of this section, absent evidence
23 of intentional or knowing violation. Use of any alternative status
24 verification system, or a qualified third party as described in

1 subsection D of this section, shall not diminish an employer's
2 obligations under federal law nor negate the procedural protections
3 afforded under federal employment eligibility verification
4 requirements.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 201.2 of Title 40, unless there
7 is created a duplication in numbering, reads as follows:

8 A. The Oklahoma Commissioner and Department of Labor shall
9 create a centralized online portal maintaining all forms,
10 instructions, multilingual guidance, and training modules relevant
11 to status verification systems and requirements. Employers with
12 fifty or more employees shall begin using a status verification
13 system within ninety (90) days, and all other employers shall begin
14 using a status verification system within one hundred eighty (180)
15 days after the Department finalizes and provides access to the
16 online portal. All new businesses organized in this state after the
17 effective date of this act shall utilize a status verification
18 system at the time of organization.

19 B. The Commissioner and Department of Labor shall work with the
20 Office of the Attorney General to create and publish an annual
21 statewide report identifying compliance rates, enforcement actions,
22 high-risk industries, and recommended amendments.

23 C. Any report published pursuant to this section shall present
24 data in aggregate form and shall not disclose the identity of any

1 specific employer unless an enforcement action has become final at
2 the Department level.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 201.3 of Title 40, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The Office of the Attorney General shall oversee the
7 enforcement of the provisions of the Oklahoma Workforce Protection
8 Act.

9 B. A fine of not less than One Hundred Dollars (\$100.00) nor
10 more than Five Hundred Dollars (\$500.00) for each offense shall be
11 incurred for any employer who knowingly violates the requirements of
12 the Oklahoma Workforce Protection Act. Clerical errors, isolated
13 data entry mistakes, and system-caused inconsistency shall not be
14 considered violations.

15 1. An employer with fifty or more employees shall begin
16 incurring fines under this subsection beginning after the ninety-day
17 grace period described in subsection A of Section 3 of this act to
18 implement a status verification system. If the employer implements
19 a status verification system within ninety (90) days after the first
20 ninety (90) days expires, then fines shall be waived.

21 2. An employer with fewer than fifty employees shall begin
22 incurring fines under this subsection beginning after the one-
23 hundred-eighty-day grace period described in subsection A of Section
24 3 of this act to implement a status verification system. If the

1 employer implements a status verification system within one hundred
2 eighty (180) days after the first one hundred eighty (180) days
3 expires, then fines shall be waived.

4 C. An employer who repeatedly violates Section 2 of this act
5 shall receive the following fines on the following occurrences:

6 1. A fine of Five Thousand Dollars (\$5,000.00) for every month
7 an employer continues employing an individual after receiving
8 nonconfirmation through a status verification system, provided the
9 employer complies with all federal notice and procedural
10 requirements; and

11 2. A fine of not less than One Thousand Dollars (\$1,000.00) for
12 every repeat offense of subsection A of this section.

13 D. An employer shall not be considered in violation of the
14 Oklahoma Workforce Protection Act for continuing to employ an
15 individual during the period in which the individual is lawfully
16 contesting or resolving a tentative nonconfirmation through a status
17 verification system, provided the employer complies with all federal
18 notice and procedural requirements. Enforcement actions and
19 penalties under this section shall apply only after a final
20 nonconfirmation has been issued and all applicable appeal or
21 correction procedures have been exhausted.

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 201.4 of Title 40, unless there
24 is created a duplication in numbering, reads as follows:

1 A. If the data points being verified within a status
2 verification system extend beyond their scope on the effective date
3 of this act or the purpose of the system extends beyond the United
4 States Immigration and Customs Enforcement and workforce
5 authorization, then the following shall occur:

6 1. The Office of the Attorney General shall suspend enforcement
7 for no less than six (6) months and up to twelve (12) months from
8 the date the status verification system is updated to reevaluate the
9 impact;

10 2. The Office of the Attorney General shall inform all members
11 of the Oklahoma House of Representatives, Oklahoma State Senate, and
12 the Office of the Governor that the program is suspended; and

13 3. The Legislature shall consider and pass statutory amendments
14 required to update the scope of requirements before sine die
15 adjournment of the first regular session occurring after the
16 triggering event described in this section.

17 B. The Oklahoma Workforce Protection Act shall cease to have
18 the force and effect of law if the Legislature does not take action
19 pursuant to paragraph 3 of subsection A of this section.

20 C. If the E-Verify, or federal equivalent program as allowed in
21 this act, is inaccessible due to a system failure or federal
22 government shutdown, this act will cease to be enforced during such
23 time period and employers will not be restricted in hiring new
24 employees. Once the system is available again, all new employees

1 hired during this time period shall be processed as required by this
2 act and the enforcement of this act shall resume.

3 SECTION 6. This act shall become effective November 1, 2026.

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