

SB 833

THE STATE SENATE
Thursday, February 17, 2000

Senate Bill No. 833

SENATE BILL NO. 833 - By: MONSON of the Senate and COX of the House.

An Act relating to the Employment Security Act of 1980; amending 40 O.S. 1991, Section 4-508, as last amended by Section 15, Chapter 359, O.S.L. 1997 (40 O.S. Supp. 1999, Section 4-508), which relates to information to be kept confidential; clarifying reference; authorizing disclosure of certain information to public housing agencies; and declaring an emergency.

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

SECTION 1. AMENDATORY 40 O.S. 1991, Section 4-508, as last amended by Section 15, Chapter 359, O.S.L. 1997 (40 O.S. Supp. 1999, Section 4-508), is amended to read as follows:

Section 4-508. INFORMATION TO BE KEPT CONFIDENTIAL - DISCLOSURE.

A. Except as otherwise provided by law, information obtained from any employing unit or individual pursuant to the administration of the Employment Security Act of 1980, and determinations as to the benefit rights of any individual shall be kept confidential and shall not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or employer or agent of such person as authorized in writing shall be supplied with information from the records of the Oklahoma Employment Security Commission, to the extent necessary for

1 the proper presentation of the claim or complaint in any proceeding
2 under the Employment Security Act of 1980, Section 1-101 et seq. of
3 this title, with respect thereto.

4 B. Upon receipt of written request by any employer who
5 maintains a Supplemental Unemployment Benefit (SUB) Plan, the
6 Commission or its designated representative may release to such
7 employer information regarding weekly benefit amounts paid its
8 workers during a specified temporary layoff period, provided such
9 Supplemental Unemployment Benefit (SUB) Plan requires benefit
10 payment information before Supplemental Unemployment Benefits can be
11 paid to such workers. Any information disclosed under this
12 provision shall be utilized solely for the purpose outlined herein
13 and shall be held strictly confidential by the employer.

14 C. The provisions of this section shall not prevent the
15 Commission from disclosing the following information and no
16 liability whatsoever, civil or criminal, shall attach to any member
17 of the Commission or any employee thereof for any error or omission
18 in the disclosure of such information:

19 1. The delivery to taxpayer or claimant a copy of any report or
20 other paper filed by the taxpayer or claimant pursuant to the
21 Employment Security Act of 1980;

22 2. The disclosure of information to any person for a purpose as
23 authorized by the taxpayer or claimant pursuant to a waiver of

1 confidentiality. The waiver shall be in writing and shall be
2 notarized;

3 3. The Oklahoma Department of Commerce may have access to data
4 obtained pursuant to the Oklahoma Employment Security Act of 1980
5 pursuant to rules promulgated by the Oklahoma Employment Security
6 Commission. The information obtained shall be held confidential by
7 the Department and any of its agents and shall not be disclosed or
8 be open to public inspection. The Oklahoma Department of Commerce,
9 however, may release aggregated data, either by industry or county,
10 provided that such aggregation meets disclosure requirements of the
11 Oklahoma Employment Security Commission;

12 4. The publication of statistics so classified as to prevent
13 the identification of a particular report and the items thereof;

14 5. The disclosing of information or evidence to the Attorney
15 General or any district attorney when the information or evidence is
16 to be used by the officials or other parties to the proceedings to
17 prosecute or defend allegations of violations of the Employment
18 Security Act of 1980. The information disclosed to the Attorney
19 General or any district attorney shall be kept confidential by them
20 and not be disclosed except when presented to a court in a
21 prosecution of a violation of Section 1-101 et seq. of this title,
22 and a violation by the Attorney General or district attorney by
23 otherwise releasing the information shall be a felony;

1 6. The furnishing, at the discretion of the Commission, of any
2 information disclosed by the records or files to any official person
3 or body of this state, any other state or of the United States who
4 is concerned with the administration of assessment of any similar
5 tax in this state, any other state or the United States;

6 7. The furnishing of information to other state agencies for
7 the limited purpose of aiding in the collection of debts owed by
8 individuals to the requesting agencies;

9 8. The release to officials, employees, and agents of the
10 Oklahoma Department of Transportation of information required for
11 use in federally mandated regional transportation planning, which is
12 performed as a part of their official duties;

13 9. The release to officials, employees and agents of the State
14 Treasurer's office of information required to verify or evaluate the
15 effectiveness of the Oklahoma Small Business Linked Deposit Program
16 on job creation;

17 10. The release to officials, employees, and agents of the
18 Attorney General, the State Insurance Fund, the Department of Labor,
19 and the Workers' Compensation Court for use in investigation of
20 workers' compensation fraud;

21 11. The release to employees of the Oklahoma State Bureau of
22 Investigation or release to employees of the Oklahoma State Bureau
23 of Narcotics and Dangerous Drugs Control for use in criminal

1 investigations and the location of missing persons or fugitives from
2 justice;

3 12. The release to officials, employees, and agents of the
4 Center of International Trade, Oklahoma State University, of
5 information required for the development of International Trade for
6 employers doing business in the State of Oklahoma;

7 13. The release to officials, employees, and agents of the
8 Oklahoma State Regents for Higher Education of information required
9 for use in the default prevention efforts and/or collection of
10 defaulted student loans guaranteed by the Oklahoma Guaranteed
11 Student Loan Program. Any information disclosed under this
12 provision shall be utilized solely for the purpose outlined herein
13 and shall be held strictly confidential by the Oklahoma State
14 Regents for Higher Education;

15 14. The release to officials, employees, and agents of the
16 Center for Economic and Management Research of the University of
17 Oklahoma, of information required to identify economic trends. The
18 information obtained shall be kept confidential by the University
19 and any of its agents and shall not be disclosed or be open to
20 public inspection. The University of Oklahoma may release
21 aggregated data, provided that such aggregation meets disclosure
22 requirements of the Commission;

1 15. The release of income information to officials, employees,
2 and agents of a public housing agency, pursuant to 42 U.S.C.,
3 Section 503(i);

4 16. The release to officials, employees, and agents of the
5 Office of State Finance of information required to identify economic
6 trends. The information obtained shall be kept confidential by the
7 Office of State Finance and any of its agents and shall not be
8 disclosed or be open to public inspection. The Office of State
9 Finance may release aggregate data, provided that such aggregation
10 meets disclosure requirements of the Commission; or

11 ~~16.~~ 17. The release to officials, employees, and agents of the
12 Department of Mental Health and Substance Abuse Services of
13 information required to evaluate the effectiveness of mental health
14 and substance abuse treatment. The information obtained shall be
15 kept confidential by the Department, its employees and any of its
16 agents and shall not be disclosed or be open to public inspection.
17 The Department of Mental Health and Substance Abuse Services,
18 however, may release aggregated data, either by treatment facility
19 or larger aggregate units, provided that such aggregation meets
20 disclosure requirements of the Oklahoma Employment Security
21 Commission.

22 D. All subpoenas or court orders for production of documents
23 must provide a minimum of twenty (20) days from the date it is

1 served for the Commission to produce the documents. If the date on
2 which production of the documents is required is less than twenty
3 (20) days from the date of service, the subpoena or order shall be
4 considered void on its face as an undue burden or hardship on the
5 Commission.

6 E. Should any of the disclosures provided for in this section
7 require more than casual or incidental staff time, the Commission
8 may charge the cost of such staff time to the party requesting the
9 information.

10 F. It is further provided that the provisions of this section
11 shall be strictly interpreted and shall not be construed as
12 permitting the disclosure of any other information contained in the
13 records and files of the Commission.

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

18 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-14-00 -
19 DO PASS, As Coauthored.