

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2635

By: Kern

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5  
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.  
8 2001, Section 3111, which relates to restrictions on  
9 use of social security numbers; prohibiting  
10 disclosure of social security number to nonaffiliated  
11 third party; requiring certain information be  
12 provided when disclosure of social security number is  
13 requested; prohibiting entities from requiring,  
14 requesting or using biometric data except as provided  
15 by law; defining term; proscribing the denial of any  
16 right, benefit or privilege for refusing to disclose  
17 social security number; and providing an effective  
18 date.

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

20 SECTION 1. AMENDATORY 74 O.S. 2001, Section 3111, is  
21 amended to read as follows:

22 Section 3111. A. No state agency, board, commission or other  
23 unit or subdivision of state government shall request or require,  
24 except as otherwise required by law, that any person reveal the  
social security number of such person in order to obtain services or  
assistance, nor shall any state agency, board, commission or other  
unit or subdivision of state government use, for any purpose,  
numbers which correspond to the social security number of any person

1 or disclose the social security number of any person to a  
2 nonaffiliated third party, except as otherwise required by law. If  
3 disclosure of the social security number of the person is required,  
4 the requesting entity shall inform the person under what authority  
5 the social security number is being requested and whether such  
6 disclosure is mandatory or voluntary. Provided that any state  
7 agency, board, commission, unit or subdivision of state government  
8 using social security numbers for a particular purpose prior to  
9 January 1, 1974, may continue to use and require social security  
10 numbers for that purpose only and provided, further, that the  
11 provisions of Section 3101 et seq. of this title shall not be  
12 construed to prohibit the use or requirement of disclosure of one's  
13 social security number if the use of the number is related to the  
14 Social Security Administration or benefits thereunder, or, subject  
15 to the provisions of Section 1-311.1 of Title 63 of the Oklahoma  
16 Statutes, to prohibit the use or requirement of disclosure of the  
17 social security numbers of the mother and father by the Vital  
18 Records Section of the State Department of Health in the  
19 administration of the issuance of birth records.

20 B. The provisions of this section shall not be construed to  
21 prohibit the Oklahoma Tax Commission from requiring the disclosure  
22 by any person of his or her social security number in order to  
23 administer any state tax law, as defined by Section 202 of Title 68  
24 of the Oklahoma Statutes or in order for the State Treasurer to

1 administer any provision of the Uniform Unclaimed Property Act, if  
2 such administration requires the Tax Commission or State Treasurer  
3 to obtain the social security number of any person.

4 C. The provisions of this section shall not prohibit the State  
5 Department of Education or a board of education of a school district  
6 from requesting any student who wishes to enroll in or is enrolled  
7 in any public school in this state to disclose the social security  
8 account number of the student in order for the Department to  
9 administer any provision of the Oklahoma School Testing Program Act,  
10 for the collection of appropriate and necessary data pursuant to the  
11 Oklahoma Educational Indicators Program, for the purpose of  
12 determining student enrollment, to establish a mobility rate or for  
13 the allocation of State Aid Formula and midyear adjustment in  
14 funding for student growth. The State Department of Education or a  
15 board of education of a school district shall not deny to any  
16 student any right, benefit, or privilege provided by law because of  
17 the refusal by the student to disclose the social security account  
18 number of the student. If the State Department of Education or a  
19 board of education of a school district requests a student to  
20 disclose the ~~student's~~ social security account number of the  
21 student, the State Department of Education or a board of education  
22 of a school district shall inform the student by what statutory or  
23 other authority such number is solicited and what uses will be made  
24 of the number.

1 D. The State Board of Education is authorized to develop an  
2 alternative accountability system for tracking students to  
3 administer any provision of the Oklahoma School Testing Program Act,  
4 for the collection of appropriate and necessary data pursuant to the  
5 Oklahoma Educational Indicators Program, for the purpose of  
6 determining student enrollment, to establish a mobility rate or for  
7 the allocation of State Aid Formula and midyear adjustment in  
8 funding for student growth. The accountability system shall be  
9 developed only if, in the determination of the Board, the provisions  
10 of subsection C of this section are not sufficient to allow for the  
11 adequate implementation of the provisions of the Oklahoma School  
12 Testing Program Act or the Oklahoma Educational Indicators Program.

13 E. No state agency, board, commission or other unit or  
14 subdivision of state government shall request or require, except as  
15 otherwise required by law, any person to submit biometric data in  
16 order to obtain services or assistance, nor shall any state agency,  
17 board, commission or other unit or subdivision of state government  
18 use, for any purpose, biometric data, except as otherwise required  
19 by law.

20 For purposes of this subsection, "biometric data" includes, but  
21 is not limited to:

- 22 1. Facial feature pattern characteristics;
- 23 2. Voice data used for comparing live speech with a previously  
24 created speech model of the voice of a person;

1        3. Iris recognition data containing color or texture patterns  
2 or codes;

3        4. Retinal scans, reading through the pupil to measure blood  
4 vessels lining the retina;

5        5. Behavior characteristics of a handwritten signature, such as  
6 shape, speed, pressure, pen angle, or sequence;

7        6. Fingerprints, palm prints, and other methods for measuring  
8 or recording ridge pattern or fingertip characteristics;

9        7. Keystroke dynamics, measuring pressure applied to key pads;

10       8. Hand geometry, measuring hand characteristics, including the  
11 shape and length of fingers, in three (3) dimensions; and

12       9. Deoxyribonucleic acid (DNA) or ribonucleic acid (RNA).

13       F. No person shall be denied any right, benefit, or privilege  
14 provided by law because of the refusal by such person to disclose  
15 the social security number of the person, unless disclosure is  
16 required by law.

17       SECTION 2. This act shall become effective November 1, 2008.

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19       51-2-9492            GRS            01/14/08

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