

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1592

By: Schulz of the Senate

3 and

4 Wright (Harold) of the  
5 House

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7  
8 ( labor - Southwestern Oklahoma State University -  
9 effective date -

10 emergency )

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13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
14 entire bill and insert

15 "( labor - Southwestern Oklahoma State University -  
16 effective date -

17 emergency )

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

21 SECTION 1. AMENDATORY 40 O.S. 2001, Section 4-508, as  
22 last amended by Section 15, Chapter 354, O.S.L. 2007 (40 O.S. Supp.  
23 2009, Section 4-508), is amended to read as follows:

24 Section 4-508.

1 INFORMATION TO BE KEPT CONFIDENTIAL - DISCLOSURE.

2 A. Except as otherwise provided by law, information obtained  
3 from any employing unit or individual pursuant to the administration  
4 of the Employment Security Act of 1980, and determinations as to the  
5 benefit rights of any individual shall be kept confidential and  
6 shall not be disclosed or be open to public inspection in any manner  
7 revealing the individual's or employing unit's identity. Any  
8 claimant or employer or agent of such person as authorized in  
9 writing shall be supplied with information from the records of the  
10 Oklahoma Employment Security Commission, to the extent necessary for  
11 the proper presentation of the claim or complaint in any proceeding  
12 under the Employment Security Act of 1980, with respect thereto.

13 B. Upon receipt of written request by any employer who  
14 maintains a Supplemental Unemployment Benefit (SUB) Plan, the  
15 Commission or its designated representative may release to such  
16 employer information regarding weekly benefit amounts paid its  
17 workers during a specified temporary layoff period, provided such  
18 Supplemental Unemployment Benefit (SUB) Plan requires benefit  
19 payment information before Supplemental Unemployment Benefits can be  
20 paid to such workers. Any information disclosed under this  
21 provision shall be utilized solely for the purpose outlined herein  
22 and shall be held strictly confidential by the employer.

23 C. The provisions of this section shall not prevent the  
24 Commission from disclosing the following information and no

1 liability whatsoever, civil or criminal, shall attach to any member  
2 of the Commission or any employee thereof for any error or omission  
3 in the disclosure of such information:

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

7 2. The disclosure of information to any person for a purpose as  
8 authorized by the taxpayer or claimant pursuant to a waiver of  
9 confidentiality. The waiver shall be in writing and shall be  
10 notarized;

11 3. The Oklahoma Department of Commerce may have access to data  
12 obtained pursuant to the Employment Security Act of 1980 pursuant to  
13 rules promulgated by the Commission. The information obtained shall  
14 be held confidential by the Department and any of its agents and  
15 shall not be disclosed or be open to public inspection. The  
16 Oklahoma Department of Commerce, however, may release aggregated  
17 data, either by industry or county, provided that such aggregation  
18 meets disclosure requirements of the Commission;

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

21 5. The disclosing of information or evidence to the Attorney  
22 General or any district attorney when the information or evidence is  
23 to be used by the officials or other parties to the proceedings to  
24 prosecute or defend allegations of violations of the Employment

1 Security Act of 1980. The information disclosed to the Attorney  
2 General or any district attorney shall be kept confidential by them  
3 and not be disclosed except when presented to a court in a  
4 prosecution of a violation of Section 1-101 et seq. of this title,  
5 and a violation by the Attorney General or district attorney by  
6 otherwise releasing the information shall be a felony;

7 6. The furnishing, at the discretion of the Commission, of any  
8 information disclosed by the records or files to any official person  
9 or body of this state, any other state or of the United States who  
10 is concerned with the administration of assessment of any similar  
11 tax in this state, any other state or the United States;

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

15 8. The release to employees of the Department of Transportation  
16 of information required for use in federally mandated regional  
17 transportation planning, which is performed as a part of its  
18 official duties;

19 9. The release to employees of the State Treasurer's office of  
20 information required to verify or evaluate the effectiveness of the  
21 Oklahoma Small Business Linked Deposit Program on job creation;

22 10. The release to employees of the Attorney General, the State  
23 Insurance Fund, the Department of Labor, the Workers' Compensation  
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1 Court, and the Insurance Department for use in investigation of  
2 workers' compensation fraud;

3 11. The release to employees of the Oklahoma State Bureau of  
4 Investigation or release to employees of the Oklahoma State Bureau  
5 of Narcotics and Dangerous Drugs Control for use in criminal  
6 investigations and the location of missing persons or fugitives from  
7 justice;

8 12. The release to employees of the Center of International  
9 Trade, Oklahoma State University, of information required for the  
10 development of International Trade for employers doing business in  
11 the State of Oklahoma;

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

19 14. The release to employees of the Center for Economic and  
20 Management Research of the University of Oklahoma, the Center for  
21 Economic and Business Development at Southwestern Oklahoma State  
22 University, or a center of economic and business research or  
23 development at a comprehensive or regional higher education  
24 institution within The Oklahoma State System of Higher Education of

1 information required to identify economic trends. The information  
2 obtained shall be kept confidential by the ~~University~~ higher  
3 education institution and shall not be disclosed or be open to  
4 public inspection. The ~~University of Oklahoma~~ higher education  
5 institution may release aggregated data, provided that such  
6 aggregation meets disclosure requirements of the Commission;

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

13 16. The release to employees of the Department of Mental Health  
14 and Substance Abuse Services of information required to evaluate the  
15 effectiveness of mental health and substance abuse treatment and  
16 state or local programs utilized to divert persons from inpatient  
17 treatment. The information obtained shall be kept confidential by  
18 the Department and shall not be disclosed or be open to public  
19 inspection. The Department of Mental Health and Substance Abuse  
20 Services, however, may release aggregated data, either by treatment  
21 facility, program or larger aggregate units, provided that such  
22 aggregation meets disclosure requirements of the Oklahoma Employment  
23 Security Commission;

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1        17. The release to employees of the Attorney General, the  
2 Oklahoma State Bureau of Investigation, and the Insurance Department  
3 for use in the investigation of insurance fraud and health care  
4 fraud;

5        18. The release to employees of public housing agencies for  
6 purposes of determining eligibility pursuant to 42 U.S.C., Section  
7 503(i);

8        19. The release of wage and benefit claim information, at the  
9 discretion of the Commission, to an agency of this state or its  
10 political subdivisions, or any nonprofit corporation that operates a  
11 program or activity designated as a partner in the Workforce  
12 Investment Act One-Stop delivery system pursuant to 29 U.S.C.A.,  
13 Section 2481 (b), based on a showing of need made to the Commission  
14 and after an agreement concerning the release of information is  
15 entered into with the entity receiving the information;

16        20. The release of information to the wage record interchange  
17 system, at the discretion of the Commission;

18        21. The release of information to the Bureau of the Census of  
19 the U.S. Department of Commerce for the purpose of economic and  
20 statistical research;

21        22. The release of employer tax information and benefit claim  
22 information to the Oklahoma Health Care Authority for use in  
23 determining eligibility for a program that will provide subsidies  
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1 for health insurance premiums for qualified employers, employees,  
2 self-employed persons, and unemployed persons;

3 23. The release of employer tax information and benefit claim  
4 information to the State Department of Rehabilitation Services for  
5 use in assessing results and outcomes of clients served; or

6 24. The release of information to any state or federal law  
7 enforcement authority when necessary in the investigation of any  
8 crime in which the Commission is a victim. Information that is  
9 confidential under this section shall be held confidential by the  
10 law enforcement authority unless and until it is required for use in  
11 court in the prosecution of a defendant in a criminal prosecution.

12 D. Subpoenas to compel disclosure of information made  
13 confidential by this statute shall not be valid, except for  
14 administrative subpoenas issued by federal, state, or local  
15 governmental agencies that have been granted subpoena power by  
16 statute or ordinance. Confidential information maintained by the  
17 Commission can be obtained by order of a court of record that  
18 authorizes the release of the records in writing. All  
19 administrative subpoenas or court orders for production of documents  
20 must provide a minimum of twenty (20) days from the date it is  
21 served for the Commission to produce the documents. If the date on  
22 which production of the documents is required is less than twenty  
23 (20) days from the date of service, the subpoena or order shall be

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1 considered void on its face as an undue burden or hardship on the  
2 Commission.

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

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

11 SECTION 2. This act shall become effective July 1, 2010.

12 SECTION 3. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval."

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1 Passed the House of Representatives the 12th day of April, 2010.

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4 Presiding Officer of the House of  
Representatives  
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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2010.

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9 Presiding Officer of the Senate  
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