

THE HOUSE OF REPRESENTATIVES
Monday, February 23, 2009

Committee Substitute for
House Bill No. 1384

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1384 - By: MCDANIEL (RANDY)
of the House and LEFTWICH of the Senate.

An Act relating to labor; amending 40 O.S. 2001, Sections 2-207, as amended by Section 9, Chapter 452, O.S.L. 2002, 2-405, as last amended by Section 6, Chapter 176, O.S.L. 2006, 2-408, 2-418, 2-606, as amended by Section 5, Chapter 102, O.S.L. 2004, 2-723, 3-106, as last amended by Section 7, Chapter 354, O.S.L. 2007, 3-806, as amended by Section 12, Chapter 354, O.S.L. 2007 and 4-508, as last amended by Section 15, Chapter 354, O.S.L. 2007 (40 O.S. Supp. 2008, Sections 2-207, 2-405, 2-606, 3-106, 3-806 and 4-508), which relate to the Employee Security Act of 1980; modifying wage requirement during base period; modifying good cause for voluntarily leaving work; modifying disqualification to receive benefits; modifying determination of suitable work; modifying the duties of the Board of Review on appeal; modifying overpayments, restitution, offset, and recoupment; modifying relief from benefit wages charged; modifying payment in lieu of contributions; modifying information to be kept confidential; providing for codification; and providing an effective date.

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

1 SECTION 1. AMENDATORY 40 O.S. 2001, Section 2-207, as amended by
2 Section 9, Chapter 452, O.S.L. 2002 (40 O.S. Supp. 2008, Section 2-207), is amended to
3 read as follows:

4 Section 2-207. WAGE REQUIREMENT DURING BASE PERIOD.

5 A. The unemployed individual, during the individual's base period, shall have been
6 paid wages for insured work of not less than:

- 1 1. One Thousand Five Hundred Dollars (\$1,500.00); and
2 2. One and one-half (1 1/2) times the amount of wages during that quarter of the
3 individual's base period in which such wages were highest.

4 Notwithstanding the preceding provision, an individual with base period wages
5 equal to or more than the highest annual amount of taxable wages that applies to any
6 calendar year in which the claim for unemployment benefits was filed shall be eligible for
7 benefits.

8 B. 1. If an individual lacks sufficient base period wages under subsection A of this
9 section to establish a claim for benefits, any wages paid in the individual's alternative
10 base period shall be considered as the individual's base period wages.

11 2. If the Commission has not received wage information from the individual's
12 employer for the most recent calendar quarter of the alternative base period, the
13 Commission shall accept an affidavit from the individual supported by wage information
14 such as check stubs, deposit slips, or other supporting documentation to determine wages
15 paid.

16 3. A determination of benefits based on an alternative base period shall be adjusted
17 when the quarterly wage report is received from the employer, if the wage information in
18 the report differs from that reported by the individual.

19 4. If alternative base period wages are established by affidavit of the individual, the
20 employer to which the wages are attributed will have the right to protest the wages
21 reported. If a protest is made, the employer must provide documentary evidence of

1 wages paid to the individual. The Commission will determine the wages paid based on
2 the preponderance of the evidence presented by each party.

3 5. Provided, no wages used to establish a claim under an alternative base period
4 shall be subsequently used to establish a second benefit year.

5 ~~6. Provided, in any calendar year in which the balance in the Unemployment~~
6 ~~Compensation Fund is below the amount required to initiate conditional factors pursuant~~
7 ~~to the provisions of Section 3-113 of this title, this subsection shall not apply and no~~
8 ~~alternative base period shall be available.~~

9 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma
10 Statutes as Section 2-210 of Title 40, unless there is created a duplication in numbering,
11 reads as follows:

12 In addition to the eligibility provisions provided by this act, an individual shall be
13 eligible to receive unemployment benefits, if monetarily and otherwise eligible, if the
14 claimant was separated from work due to compelling family circumstances. For purposes
15 of this section “compelling family circumstances” means:

16 1. If the claimant was separated from employment with the employer because of
17 the illness or disability of the claimant and, based on available information, the
18 Oklahoma Employment Security Commission finds that it was medically necessary for
19 the claimant to stop working or change occupations;

20 2. The claimant was separated from work due to the illness or disability of an
21 immediate family member. The terms “immediate family” and “illness or disability”, as

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~~Strike thru~~ language denotes deletion from present Statutes.

1 used in this paragraph, will have the same meaning as that set out in U.S. Department
2 of Labor regulations;

3 3. If the spouse of the claimant was transferred or obtained employment in another
4 city or state, and the family is required to move to the location of that job that is outside
5 of commuting distance from the prior employment of the claimant, and the claimant
6 separates from employment in order to move to the new employment location of the
7 spouse;

8 4. If the claimant separated from employment due to domestic violence or abuse,
9 verified by any reasonable or confidential documentation, which causes the individual to
10 reasonably believe that the individual's continued employment would jeopardize the
11 safety of the individual or of any member of the individual's immediate family. The term
12 "immediate family", as used in this paragraph, will have the same meaning as that set
13 out in U.S. Department of Labor regulations; or

14 5. If the claimant separated from employment to move with the claimant's spouse
15 to a new location, and if the spouse of the claimant:

- 16 a. was a member of the U.S. Military, the U.S. Military Reserve, or the
17 National Guard,
18 b. was on active duty within ninety (90) days of the date of discharge,
19 c. has a service-connected disability,
20 d. was discharged under honorable conditions from the military service,
21 and

1 e. takes up residence at a location more than fifty (50) miles away from
2 the claimant's former employer for the purpose of reentering civilian
3 life.

4 SECTION 3. AMENDATORY 40 O.S. 2001, Section 2-405, as last amended by
5 Section 6, Chapter 176, O.S.L. 2006 (40 O.S. Supp. 2008, Section 2-405), is amended to
6 read as follows:

7 Section 2-405. DETERMINING GOOD CAUSE.

8 Good cause for voluntarily leaving work under Section 2-404 of this title may
9 include, among other factors, the following:

10 1. A job working condition that had changed to such a degree it was so harmful,
11 detrimental, or adverse to the individual's health, safety, or morals, that leaving the
12 work was justified; or

13 2. If the claimant, pursuant to an option provided under a collective bargaining
14 agreement or written employer plan which permits waiver of his or her right to retain
15 the employment when there is a layoff, has elected to be separated and the employer has
16 consented thereto;

17 ~~3. If the claimant was separated from employment with the employer because a~~
18 ~~physician diagnosed or treated a medically verifiable illness or medical condition of the~~
19 ~~claimant or the minor child of the claimant, and based on available information, the~~
20 ~~Oklahoma Employment Security Commission finds that it was medically necessary for~~
21 ~~the claimant to stop working or change occupations;~~

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1 ~~4. If the spouse of the claimant was transferred or obtained employment in another~~
2 ~~city or state, and the family is required to move to the location of that job that is outside~~
3 ~~of commuting distance from the prior employment of the claimant, and the claimant~~
4 ~~separates from employment in order to move to the new employment location of the~~
5 ~~spouse. As used in this paragraph, "commuting distance" means a radius of fifty (50)~~
6 ~~miles from the prior work location of the claimant; or~~

7 ~~5. If the claimant separated from employment as part of a plan to escape domestic~~
8 ~~violence or abuse.~~

9 SECTION 4. AMENDATORY 40 O.S. 2001, Section 2-408, is amended to read
10 as follows:

11 Section 2-408. SUITABLE WORK. (1) In determining whether or not any work is
12 suitable for an individual, there shall be considered among other factors and in addition
13 to those enumerated in Section 2-409 the length of his unemployment, his prospects for
14 obtaining work in his customary occupation, the distance of available work from his
15 residence and prospects for obtaining local work.

16 (2) Suitable work shall be defined as employment in an occupation in keeping with
17 the individual's prior work experience, education or training, or having no prior work
18 experience, special education or training for occupations available in the general area
19 then, employment for which the individual would have the physical and mental ability to
20 perform.

21 (3) Upon receipt of fifty percent (50%) of his benefits, suitable work shall not be
22 limited to his customary or registered occupation.

1 (4) If the majority of the weeks of work in an individual's base period include part-
2 time work, the individual shall not be denied unemployment benefits under any
3 provisions of this act relating to availability for work, active search for work, or failure to
4 accept work, solely because the individual is seeking only part-time work. The term
5 "part-time work", as used in this subsection, will have the same meaning as that set out
6 in U.S. Department of Labor regulations.

7 SECTION 5. AMENDATORY 40 O.S. 2001, Section 2-418, is amended to read
8 as follows:

9 Section 2-418. SEEK AND ACCEPT WORK - INDEFINITE DISQUALIFICATION.

10 A. An individual shall be disqualified to receive benefits for the full period of
11 unemployment next ensuing after the individual shall have failed to do any of the
12 following:

- 13 1. Accept an offer of work from an employer including any former employer;
- 14 2. Apply for or accept work when so directed by the Employment Office of the
15 Commission; or
- 16 3. Accept employment pursuant to a hiring hall agreement when so offered.

17 Such disqualification shall continue until the individual has become reemployed and has
18 earned wages equal to or in excess of ten (10) times his or her weekly benefit amount.

19 B. Any individual who shall have failed in any of the requirements of subsection A
20 of this section due to illness, death of a family member or other extenuating circumstance
21 beyond his or her control shall be disqualified for regular benefits under this section only
22 for the week of the occurrence of such circumstance beyond his or her control. ~~Any~~

1 individual who is disqualified under this subsection only for the week of the occurrence of
2 such circumstance beyond his or her control shall not thereafter be or become eligible for
3 extended benefits for the purposes of Sections 2-701 through 2-724 of Title 40 of the
4 Oklahoma Statutes until such individual has become reemployed and has earned wages
5 equal to at least ten times his or her weekly benefit amount.

6 SECTION 6. AMENDATORY 40 O.S. 2001, Section 2-606, as amended by
7 Section 5, Chapter 102, O.S.L. 2004 (40 O.S. Supp. 2008, Section 2-606), is amended to
8 read as follows:

9 Section 2-606. APPEALS FROM TRIBUNAL REFEREE DECISIONS TO BOARD
10 OF REVIEW.

11 The Board of Review shall review the record of an appeal filed by any of the parties
12 entitled to notice on a determination of an appeal tribunal referee. An appeal to the
13 Board of Review may be filed in any manner allowed by Section 1-224 of this title. On
14 ~~such further~~ appeal, the Board of Review may affirm, modify ~~or~~, reverse, or remand any
15 decision of an appeal tribunal referee on the basis of evidence previously submitted, or on
16 the basis of additional evidence as it may adduce, or, at its direction, received by an
17 appeal tribunal referee. The Board of Review may conduct a formal hearing upon a
18 request of a party or on its own motion. Any formal hearing shall be conducted by one or
19 more members of the Board of Review as it may determine or by a hearing officer
20 designated by the Board of Review. The Board of Review shall promptly notify the
21 parties of its findings and decision, and such decision shall be final unless within ten (10)

1 days after the mailing of notice thereof to the parties' last-known addresses, a proceeding
2 for judicial review is initiated.

3 SECTION 7. AMENDATORY 40 O.S. 2001, Section 2-723, is amended to read
4 as follows:

5 Section 2-723. OVERPAYMENTS - RESTITUTION, OFFSET AND
6 RECOUPMENT. The provisions of this act applicable to recovery of overpayments,
7 including restitution ~~and~~, offset, and recoupment shall apply to overpayments of
8 extended benefits. If there is recovery of extended benefits, that proportion of the
9 amount restored or offset which represents the federal share of the original payments
10 shall be restored to the appropriate federal account.

11 SECTION 8. AMENDATORY 40 O.S. 2001, Section 3-106, as last amended by
12 Section 7, Chapter 354, O.S.L. 2007 (40 O.S. Supp. 2008, Section 3-106), is amended to
13 read as follows:

14 Section 3-106. **BENEFIT WAGES CHARGED AND RELIEF THEREFROM.**

15 A. The Oklahoma Employment Security Commission shall give notice to each base
16 period employer of a claimant promptly after the claimant is issued his or her fifth week
17 of benefits by the Commission or promptly after the Commission receives notice of the
18 amounts paid as benefits by another state under a reciprocal arrangement. Notice shall
19 be deemed given under this subsection when the Commission deposits the same with the
20 United States Postal Service addressed to the employer at an address designated by the
21 employer to receive the notice or at the employer's last-known address. Notice shall be
22 presumed prima facie to have been given to the employer to whom addressed on the date

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1 stated in the written notice. This notice shall give the name and Social Security Number
2 of the claimant, the date the claim was filed, and the amount of benefit wages charged to
3 the employer in each quarter of the base period.

4 B. Within twenty (20) days from the date stated upon the notice provided for in
5 subsection A of this section, the employer may file with the Commission written
6 objections to being charged with the benefit wages upon one or more of the grounds for
7 objection set forth in subsection G of this section. The employer's written objection must
8 set forth specifically:

9 1. The date on which the employment was terminated;

10 2. Full particulars as to the circumstances of the termination including the reason
11 given by the individual for voluntarily leaving the employment, or the nature of the
12 misconduct for which discharged, as the case may be;

13 3. Full particulars as to the regular scheduled part-time or full-time employment of
14 the employee including the starting date, and ending date if any, of the continuous period
15 of such part-time or full-time employment; and

16 4. Such other information as called for by the notice.

17 C. Upon receipt of the employer's written objections, the Commission shall make a
18 determination as to whether or not the employer is entitled to be relieved from the
19 charging of benefit wages. The Commission shall promptly notify the employer of that
20 determination. Provided further, the twenty-day time period for filing written objections
21 with the Commission as provided for in subsection B of this section may be waived for
22 good cause shown.

1 D. Within fourteen (14) days after the mailing of the determination provided for in
2 subsection C of this section, the employer may file with the Commission or its
3 representative a written protest to the determination and request an oral hearing de
4 novo to present evidence in support of its protest. The Commission or its representative
5 shall, by written notice, advise the employer of the date of the hearing, which shall not be
6 less than ten (10) days from the date of mailing of the written notice. At the discretion of
7 the Commission, this hearing shall be conducted by the Commission or its representative
8 appointed by the Commission for this purpose. Pursuant to the hearing, the Commission
9 or its representative shall, as soon as practicable, make a written order setting forth its
10 findings of fact and conclusions of law, and shall send it to the employer.

11 E. If any employer fails to file a written protest within the period of fourteen (14)
12 days, as provided by subsection D of this section, then the determination shall be final,
13 and no appeal shall thereafter be allowed.

14 F. The employer or the Commission may appeal the order of the Commission or its
15 representative to the district court by filing a petition for review with the clerk of that
16 court within thirty (30) days after the date the order was mailed to all parties. The
17 mailing date shall be specifically stated in the order.

18 G. The benefit wages charged to an employer for a given calendar year shall be the
19 total of the benefit wages stated in the notices given to the employer by the Commission.
20 Provided, that an employer shall be relieved of a benefit wage charge if the employer
21 proves to the satisfaction of the Commission that the benefit wage charge includes wages
22 paid by the employer to any employee or former employee, who:

- 1 1. Left employment with that employer, or with his or her last employer,
2 voluntarily without good cause connected to the work;
- 3 2. Was discharged from such employment for misconduct connected with his or her
4 work;
- 5 3. Was a regular scheduled employee of that employer prior to the week the
6 employee separated from other employment, and continued to work for the employer
7 through the fifth compensable week of unemployment in his or her established benefit
8 year;
- 9 4. Was separated from his or her employment as a direct result of a major natural
10 disaster, declared as such by the President pursuant to the Disaster Relief Act of 1974,
11 P.L. 93-288, and such employee would have been entitled to disaster unemployment
12 assistance if he or she had not received unemployment insurance benefits;
- 13 5. ~~Was separated from employment with that employer due to a medically~~
14 ~~verifiable illness or medical condition of the employee or the minor child of the employee;~~
- 15 6. Was discharged by an employer for unsatisfactory performance during an initial
16 employment probationary period. As used in this paragraph, “probationary period”
17 means a period of time set forth in an established probationary plan which applies to all
18 employees or a specific group of employees and does not exceed ninety (90) calendar days
19 from the first day a new employee begins work. The employee must be informed of the
20 probationary period within the first seven (7) work days. There must be conclusive
21 evidence to establish that the individual was separated due to unsatisfactory work

1 performance and not separated because of lack of work due to temporary, seasonal,
2 casual, or other similar employment not of regular, permanent, and year-round nature;

3 ~~7. Was separated from employment because the spouse of the employee was~~
4 ~~transferred or obtained employment in another city or state that required the family of~~
5 ~~the employee to move, and the employee quit current employment to move with the~~
6 ~~spouse;~~

7 ~~8. Left employment with that employer as part of a plan to escape domestic~~
8 ~~violence or abuse; or~~

9 ~~9. 6.~~ Left employment to attend training approved under the Trade Act of 1974 and
10 is allowed unemployment benefits pursuant to Section 2-416 of this title;

11 7. Was separated from employment for compelling family circumstances as defined
12 in Section 2 of this act; or

13 8. Was separated from employment because the employee was arrested by a law
14 enforcement official and held, detained, or incarcerated at the order or direction of a law
15 enforcement official or agency and the employee is ultimately found guilty or pleads
16 guilty or nolo contendere to the criminal charges made against the employee as a result
17 of the arrest.

18 H. If an employer recalls an employee deemed unemployed as defined by the
19 Employment Security Act of 1980 and the employee continues to be employed or the
20 employee voluntarily terminates employment or is discharged for misconduct within the
21 benefit year, the employer shall be entitled to have the benefit wage charged against the
22 employer's experience rating for the employee reduced by the ratio of the number of

1 weeks of remaining eligibility of the employee to the total number of weeks of
2 entitlement.

3 I. An employer shall not be charged with benefit wages of a laid-off employee if the
4 employer lists as an objection in a statement filed in accordance with subsection B of this
5 section that said employee collecting benefits was hired to replace a United States
6 serviceman or servicewoman called into active duty and laid-off upon the return to work
7 by that serviceman or servicewoman. The Unemployment Compensation Fund shall be
8 charged with the benefit wages of the laid-off employee.

9 J. If the Commission receives a notice of amounts paid as benefits by another state
10 under a reciprocal agreement, and the notice is received after three (3) years from the
11 effective date of the underlying benefit claim, no benefit wage charge will be made
12 against the employer identified in the notice, or if a benefit wage charge is made based on
13 such a notice, the employer will be relieved of the charge when the facts are brought to
14 the attention of the Commission.

15 SECTION 9. AMENDATORY 40 O.S. 2001, Section 3-806, as amended by
16 Section 12, Chapter 354, O.S.L. 2007 (40 O.S. Supp. 2008, Section 3-806), is amended to
17 read as follows:

18 Section 3-806. PAYMENT OF IN-LIEU CONTRIBUTIONS.

19 A. At the end of each calendar quarter the Oklahoma Employment Security
20 Commission shall notify in writing each nonprofit organization, or the agent of a group of
21 ~~such~~ nonprofit organizations, which has elected to make payments in lieu of
22 contributions, the amount, if any, equal to the full amount of regular benefits plus one-

1 half (1/2) of the amount of extended benefits paid by the Commission during ~~such~~ the
2 quarter that is attributable to service in the employ of ~~such~~ the organization or the
3 members of a group of ~~such~~ organizations. ~~Such~~ The full amount shall include all
4 amounts ~~so paid to its former employees~~ as benefits that are attributable to base period
5 wages paid by the organization, including any benefit amounts paid in error. ~~Such~~ The
6 notification shall be deemed and treated as an assessment of contributions and the
7 payment of the amount owing shall be collected as contributions, interest, penalty and
8 fees, if any, are collected, in accordance with the provisions of the Employment Security
9 Act of 1980. The employer, or group of employers, shall have the rights and remedies
10 provided by the Employment Security Act of 1980 with respect to assessments of
11 contributions, including the right of protest, hearing and appeal. The Commission shall
12 make its assessment or amend its assessment within three (3) years of the ending date of
13 the calendar quarter to which the assessment or amendment applies. If no protest is
14 filed or if filed and confirmed by the Commission or its authorized representatives, said
15 assessment shall be immediately due and payable and shall bear interest after forty-five
16 (45) days at the rate of one percent (1%) per month until paid. If any nonprofit
17 organization or group of organizations fails or refuses to pay said assessment after same
18 has become delinquent within forty-five (45) days after written request has been mailed
19 to ~~such~~ the organization or the agent of ~~such~~ the group by the Commission or its
20 representative, a penalty of five percent (5%) of the amount due shall be added thereto,
21 collected and paid. In the case of group accounts, assessments and penalty and interest

1 provided in this subsection may be prorated in accordance with Section 3-809 of this title.

2 All collections made shall be deposited in the Unemployment Compensation Fund.

3 B. ~~Such~~ The electing organization, or group of organizations, shall file reports of
4 wages paid, in the same time and manner as required of said nongovernmental
5 employers for profit. If any ~~such~~ electing organization, or group of organizations, fails or
6 refuses to file said wage report within fifteen (15) days after written notice a penalty of
7 Ten Dollars (\$10.00) for each day until ~~such~~ the report is filed with a maximum of One
8 Hundred Dollars (\$100.00) is hereby imposed against ~~such~~ the organization or group and
9 shall be collected and paid.

10 C. Payments made by any nonprofit organization under the provisions of this
11 section shall not be deducted or deductible, in whole or in part, from the remuneration of
12 individuals in the employ of the organization.

13 SECTION 10. AMENDATORY 40 O.S. 2001, Section 4-508, as last amended by
14 Section 15, Chapter 354, O.S.L. 2007 (40 O.S. Supp. 2008, Section 4-508), is amended to
15 read as follows:

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

17 A. Except as otherwise provided by law, information obtained from any employing
18 unit or individual pursuant to the administration of the Employment Security Act of
19 1980, and determinations as to the benefit rights of any individual shall be kept
20 confidential and shall not be disclosed or be open to public inspection in any manner
21 revealing the individual's or employing unit's identity. Any claimant or employer or
22 agent of such person as authorized in writing shall be supplied with information from the

1 records of the Oklahoma Employment Security Commission, to the extent necessary for
2 the proper presentation of the claim or complaint in any proceeding under the
3 Employment Security Act of 1980, with respect thereto.

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

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

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

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

21 3. The Oklahoma Department of Commerce may have access to data obtained
22 pursuant to the Employment Security Act of 1980 pursuant to rules promulgated by the

1 Commission. The information obtained shall be held confidential by the Department and
2 any of its agents and shall not be disclosed or be open to public inspection. The
3 Oklahoma Department of Commerce, however, may release aggregated data, either by
4 industry or county, provided that such aggregation meets disclosure requirements of the
5 Commission;

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

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

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

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

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

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

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

10 11. The release to employees of the Oklahoma State Bureau of Investigation or
11 release to employees of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
12 Control for use in criminal investigations and the location of missing persons or fugitives
13 from justice;

14 12. The release to employees of the Center of International Trade, Oklahoma State
15 University, of information required for the development of International Trade for
16 employers doing business in the State of Oklahoma;

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

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

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

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

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

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

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

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

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

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

20 23. The release of employer tax information and benefit claim information to the
21 State Department of Rehabilitation Services for use in assessing results and outcomes of
22 clients served; ~~or~~

1 24. The release of information to any state or federal law enforcement authority
2 when necessary in the investigation of any crime in which the Commission is a victim.
3 Information that is confidential under this section shall be held confidential by the law
4 enforcement authority unless and until it is required for use in court in the prosecution of
5 a defendant in a criminal prosecution;

6 25. The release of information to employees of the Southwestern Oklahoma State
7 University School of Business pursuant to an agreement entered into between the
8 University and the Commission. The information released shall be kept confidential by
9 the University and shall not be disclosed or be opened to public inspection.

10 Southwestern Oklahoma State University may release aggregated data, provided that
11 the aggregation meets disclosure requirements of the Commission; or

12 26. The release of information to any financial institution the Commission
13 contracts with to provide for the issuance of debit cards or to conduct automatic or
14 electronic deposits of funds, for the purpose of paying unemployment insurance benefits
15 or for the refund of tax payments.

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

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

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

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

10 SECTION 11. This act shall become effective November 1, 2009.

11 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
12 FINANCIAL SERVICES, dated 02-19-09 - DO PASS, As Amended and Coauthored.