

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2808

By: Moore of the House

and

Dahm of the Senate

11 COMMITTEE SUBSTITUTE

12 An Act relating to state government; creating the
13 Oklahoma Privacy Protection Act; providing short
14 title; stating public policy; prohibiting certain
15 activities by agencies, boards, commissions, units or
16 subdivisions of state government; defining term;
17 providing penalties for violations; providing for
18 codification; and declaring an emergency.

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 3120 of Title 74, unless there
21 is created a duplication in numbering, reads as follows:

22 Sections 1 through 4 of this act shall be known and may be cited
23 as the "Oklahoma Privacy Protection Act".
24

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3121 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 It is the public policy of this state to refuse material
5 support, participation or assistance to any federal agency which
6 claims the power to authorize, or with any federal law, rule,
7 regulation or order which purports to authorize, the collection of
8 electronic data or metadata of any person pursuant to any action not
9 based on a warrant that particularly describes the person, place or
10 thing to be searched or seized.

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 3122 of Title 74, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Notwithstanding any law, regulation, rule or order to the
15 contrary, no state agency, board, commission or other unit or
16 subdivision of state government, or employee of a state agency,
17 board, commission or other unit or subdivision of state government
18 acting in his or her official capacity, or corporation providing
19 services on behalf of this state or subdivision of this state shall:

20 1. Provide material support, participation or assistance in any
21 form to any federal agency which claims the power to authorize, or
22 with any federal law, rule, regulation or order which purports to
23 authorize, the collection of electronic data or metadata of any
24 person pursuant to any action not based on a warrant that

1 particularly describes the person, place or thing to be searched or
2 seized;

3 2. Utilize any assets, state funds or funds allocated by the
4 state to local entities on or after the effective date of this act,
5 in whole or in part, to engage in any activity that aids a federal
6 agency, federal agent or corporation providing services to the
7 federal government in the collection of electronic data or metadata
8 of any person pursuant to any action not based on a warrant that
9 particularly describes the person, place or thing to be searched or
10 seized;

11 3. Provide services, or participate or assist in any way with
12 the providing of services, to a federal agency, federal agent or
13 corporation providing services to the federal government which is
14 involved in the collection of electronic data or metadata of any
15 person pursuant to any action not based on a warrant that
16 particularly describes the person, place or thing to be searched or
17 seized; or

18 4. Use any information in a criminal investigation or
19 prosecution provided by any federal agency, federal agent or
20 corporation providing services to the federal government which was
21 obtained through the collection of electronic data or metadata of
22 any person pursuant to any action not based on a warrant that
23 particularly describes the person, place or thing to be searched or
24 seized.

1 B. As used in this act "metadata" means information generally
2 not visible when an electronic document is printed describing the
3 history, tracking or management of the electronic document,
4 including information about data in the electronic document that
5 describes how, when and by whom the data is collected, created,
6 accessed or modified and how it is formatted. Metadata does not
7 include:

- 8 1. A spreadsheet formula;
- 9 2. A database field;
- 10 3. An externally or internally linked file; or
- 11 4. A reference to an external file or hyperlink.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 3123 of Title 74, unless there
14 is created a duplication in numbering, reads as follows:

15 A. An agency, board, commission or other unit or subdivision of
16 state government may not receive state grant funds if the agency,
17 board, commission or other unit or subdivision of state government
18 adopts a rule, order, ordinance or policy under which the entity
19 violates the provisions of Section 3 of this act. State grant funds
20 for the agency, board, commission or other unit or subdivision of
21 state government shall be denied for the fiscal year following the
22 year in which a final judicial determination in an action brought
23 under this section is made that the agency, board, commission or
24 other unit or subdivision of state government has intentionally

1 required actions which violate the prohibitions in Section 3 of this
2 act.

3 B. Any agent or employee of this state or any unit or
4 subdivision of state government who violates the prohibitions in
5 Section 3 of this act shall be deemed to have resigned any
6 commission from the State of Oklahoma which he or she may possess,
7 his or her office shall be deemed vacant, and he or she shall be
8 forever thereafter ineligible to any office of trust, honor or
9 emolument under the laws of this state.

10 C. Any agent or employee of this state who violates the
11 prohibitions in Section 3 of this act shall, upon conviction, be
12 guilty of a misdemeanor punishable by a fine of One Thousand Dollars
13 (\$1,000.00).

14 D. Any corporation or person that provides services to or on
15 behalf of this state and violates the prohibitions of Section 3 of
16 this act shall be forever ineligible to act on behalf of, or provide
17 services to, this state or any political subdivision of this state.

18 SECTION 5. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22
23 COMMITTEE REPORT BY: COMMITTEE ON STATES' RIGHTS, dated 02/19/2014 -
24 DO PASS, As Amended and Coauthored.