

An Act

ENROLLED HOUSE
BILL NO. 2523

By: McDaniel of the House

and

Daniels of the Senate

An Act relating to labor; amending 40 O.S. 2011, Sections 2-207, as amended by Section 2, Chapter 196, O.S.L. 2012, 2-209, as amended by Section 4, Chapter 345, O.S.L. 2017, Section 1, Chapter 58, O.S.L. 2017, 2-303, 2-411, 2-418, as amended by Section 4, Chapter 148, O.S.L. 2013, 2-503, as last amended by Section 6, Chapter 220, O.S.L. 2014, 2-613, as last amended by Section 6, Chapter 287, O.S.L. 2016, 2-801, 2-803 and 4-509, as amended by Section 7, Chapter 345, O.S.L. 2017 (40 O.S. Supp. 2017, Sections 2-207, 2-209, 2-209.1, 2-418, 2-503, 2-613 and 4-509), which relate to the Employment Security Act of 1980; modifying wage requirement during base period; clarifying language; removing exception relating to educational institutions; adding exceptions for educational service contractors; modifying exemptions; altering disqualification to receive benefits; requiring claim notice to contain certain admonition; modifying benefit overpayments; requiring certain child support process be served on appropriate agency; modifying disclosure of food purchase assistance benefits; amending 74 O.S. 2011, Section 3111, which relates to the use of Social Security numbers; requiring disclosure of Social Security number to the Oklahoma Employment Security Commission; and providing an effective date.

SUBJECT: Labor

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

SECTION 1. AMENDATORY 40 O.S. 2011, Section 2-207, as amended by Section 2, Chapter 196, O.S.L. 2012 (40 O.S. Supp. 2017, Section 2-207), is amended to read as follows:

Section 2-207. WAGE REQUIREMENT DURING BASE PERIOD.

A. The unemployed individual, during the individual's base period, shall have been paid:

1. Taxable wages of not less than One Thousand Five Hundred Dollars (\$1,500.00); and

2. Total wages of not less than one and one-half (1 1/2) times the amount of wages during that quarter of the individual's base period in which the wages were highest.

B. Notwithstanding the provisions in subsection A of this section, an unemployed individual shall be eligible for benefits if, during the individual's base period, he or she shall have been paid:

1. Taxable wages of any amount; and

2. Total wages equal to or more than the annual amount of taxable wages that applies to any calendar year in which the claim for unemployment benefits was filed.

C. 1. ~~If an individual lacks sufficient base period wages under subsection A or B of this section to establish a claim for benefits under this section,~~ any wages paid in the individual's alternative base period shall be considered as the individual's base period wages. Once the alternative base period wages are determined, those wage figures shall be used to determine eligibility for benefits under subsection A or B of this section.

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

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

4. If alternative base period wages are established by affidavit of the individual, the employer to which the wages are

attributed will have the right to protest the wages reported. If a protest is made, the employer must provide documentary evidence of wages paid to the individual. The Commission will determine the wages paid based on the preponderance of the evidence presented by each party.

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

SECTION 2. AMENDATORY 40 O.S. 2011, Section 2-209, as amended by Section 4, Chapter 345, O.S.L. 2017 (40 O.S. Supp. 2017, Section 2-209), is amended to read as follows:

Section 2-209. BENEFITS FOR EMPLOYEES OF GOVERNMENTAL OR NONPROFIT EMPLOYERS.

Benefits based on service in employment defined in paragraph (3) or (4) of Section 1-210 of this title, including any federally operated educational institutions, shall be payable in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other service subject to the Employment Security Act of 1980, except that:

(1) With respect to service performed in an instructional, research or principal administrative capacity for an educational institution, benefits shall not be paid based on services for any week of unemployment commencing during the period between two (2) successive academic years, or during a similar period between two regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if the individual performs services in the first academic year or term and if there is a contract or a reasonable assurance that the individual will perform services in any such capacity for any educational institution in the second academic year or term;

(2) With respect to services performed in any other capacity for an educational institution, benefits shall not be paid on the basis of services to any individual for any week which commences during a period between two (2) successive academic years or terms if the individual performs services in the first academic year or term and there is a reasonable assurance that the individual will perform services in any such capacity in the second academic year or term, except that if compensation is denied to any individual pursuant to this paragraph and the individual was not offered an

opportunity to perform services for the educational institution for the second academic year or term, the individual shall be entitled to a retroactive payment of compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of this clause;

(3) With respect to any services described in paragraphs (1) and (2) of this section, benefits shall not be payable on the basis of services in any capacities to any individual for any week which commences during an established and customary vacation period or holiday recess if the individual performs services in the period immediately before the vacation period or holiday recess, and there is a reasonable assurance that the individual will perform services in any such capacity in the period immediately following the vacation period or holiday recess;

(4) With respect to any services described in paragraphs (1) and (2) of this section, benefits shall not be payable on the basis of services in any capacities as specified in paragraphs (1), (2) and (3) of this section to any individual who performed services in an educational institution while in the employ of an educational service agency. For purposes of this paragraph, the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing services to one or more educational institutions; and

~~(5) With respect to services to which paragraph (3) or (4) of Section 1-210 of this title applies, if services are provided to or on behalf of an educational institution, benefits shall not be payable under the same circumstances and subject to the same terms and conditions as described in paragraphs (1), (2), (3) and (4) of this section; and~~

~~(6)~~ If an individual has employment with an educational institution and has employment with a ~~noneducation~~ noneducational employer or employers during the base period of the individual's benefit year, the individual may become eligible for benefits during the between-term denial period, based only on the noneducational employment.

SECTION 3. AMENDATORY Section 1, Chapter 58, O.S.L. 2017 (40 O.S. Supp. 2017, Section 2-209.1), is amended to read as follows:

Section 2-209.1 BENEFITS FOR EMPLOYEES OF EDUCATIONAL SERVICE CONTRACTORS.

A. As used in this section only:

1. "Educational service contractor" means a private business entity that has contracted with one or more educational institutions to provide workers on-site or on-campus that are assigned to accomplish tasks deemed necessary by the educational institution; and

2. "Educational institution" means a school, school system, college or university providing elementary, secondary, career/technology or higher education and which is operated by an entity as defined in paragraph (3) or (4) of Section 1-210 of ~~Title 40 of the Oklahoma Statutes~~ this title.

B. Benefits based on service in employment of an educational service contractor shall be payable in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other service subject to the Employment Security Act of 1980, except that:

1. With respect to service performed in an instructional, research or principal administrative capacity for an educational institution, benefits shall not be paid based on services for any week of unemployment commencing during the period between two (2) successive academic years, during a similar period between two regular but not successive terms or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if the individual performs services in the first academic year or term and if there is a contract or a reasonable assurance that the individual will perform services in any such capacity for any educational institution in the second academic year or term; ~~and~~

2. With respect to services performed in any other capacity for an educational institution, benefits shall not be paid on the basis of services to any individual for any week which commences during a period between two (2) successive academic years or terms if the individual performs services in any such capacity in the first academic year or term and there is a reasonable assurance that the individual will perform services in the second academic year or term, except that if compensation is denied to any individual under this paragraph and the individual was not offered an opportunity to perform services for the educational institution for the second

academic year or term, the individual shall be entitled to a retroactive payment of compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of this paragraph;

3. With respect to any services described in paragraphs 1 and 2 of this subsection, benefits shall not be payable on the basis of services in any capacities to any individual for any week which commences during an established and customary vacation period or holiday recess if the individual performs services in the period immediately before the vacation period or holiday recess, and there is a reasonable assurance that the individual will perform services in any such capacity in the period immediately following the vacation period or holiday recess; and

4. If an individual has employment with an educational service contractor and has employment with a noneducational employer or employers during the base period of the individual's benefit year, the individual may become eligible for benefits during the between-term denial period, based only on the noneducational employment.

SECTION 4. AMENDATORY 40 O.S. 2011, Section 2-303, is amended to read as follows:

Section 2-303. ASSIGNMENTS VOID, EXEMPTION FROM PROCESS.

No assignment, pledge, or encumbrance of any right to benefits which are or may become due or payable under the Employment Security Act of 1980 shall be valid. All such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt. Benefits received by an individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts during the time the individual was unemployed, except ~~those debts incurred for necessities furnished to the individual or his or her spouse, or dependents, including for~~ child support obligations pursuant to Section 2-801 of this title, and debts created due to food ~~stamp~~ purchase assistance overissuances for which the individual is liable pursuant to Section 2-803 of this title. Benefits shall be subject to tax levies issued by the Internal Revenue Service in accordance with 26 U.S.C., Section 6331(h) provided an agreement is entered into between the Internal Revenue Service and the Oklahoma Employment Security Commission, and approved by the United States Department of Labor, that provides for the payment of all administrative costs associated

with processing the tax levies. No waiver of any exemption provided for in this section shall be valid.

SECTION 5. AMENDATORY 40 O.S. 2011, Section 2-411, is amended to read as follows:

Section 2-411. RETIREMENT PAYMENTS.

1. Except for any payment or benefit payment made pursuant to the federal Social Security Act, an individual shall be disqualified for benefits for any week which begins in a period with respect to which such individual is receiving a governmental or other pension, retirement or retired pay, annuity or any other similar periodic retirement payment which is based on the previous work of such individual if:

- a. such pension, retirement or retired pay, annuity or similar payment is under a plan maintained, or contributed to, by a base period ~~or~~ and chargeable employer~~+~~, and
- b. in the case of such a payment not made under the Railroad Retirement Act of 1974, 45 U.S.C., Section 231 et seq., services performed for such employer by the individual after the beginning of the base period, or remuneration for such services, affect eligibility for or increase the amount of, such pension, retirement or retired pay, annuity or similar payment.

2. If the total of such remuneration is less than the benefits which would otherwise be due under the Employment Security Act of 1980, Section 1-101 et seq. of this title, the individual shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

3. If payments referred to in this section are being received by an individual under the federal Social Security Act, the Commission shall take into account the individual's contribution to Social Security and make no reduction in the weekly benefit amount.

SECTION 6. AMENDATORY 40 O.S. 2011, Section 2-418, as amended by Section 4, Chapter 148, O.S.L. 2013 (40 O.S. Supp. 2017, Section 2-418), is amended to read as follows:

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

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

1. Accept an offer of suitable work, as defined by ~~Section~~
Sections 2-408 and 2-409 of this title, from an employer including
any former employer;

2. Apply for or accept suitable work, as defined by ~~Section~~
Sections 2-408 and 2-409 of this title, when so directed by the
Commission; or

3. Accept employment pursuant to a hiring hall agreement when
so offered.

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

B. An employer who provides evidence of an offer of suitable
work pursuant to paragraph 1 of subsection A of this section shall
be proof of the failure of the individual to meet this requirement
and shall result in the immediate cessation of benefits until a
determination can be made by the Commission. The Commission shall
conduct a timely investigation of any such claim and verify the
offer of suitable work.

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

SECTION 7. AMENDATORY 40 O.S. 2011, Section 2-503, as
last amended by Section 6, Chapter 220, O.S.L. 2014 (40 O.S. Supp.
2017, Section 2-503), is amended to read as follows:

Section 2-503. CLAIMS, NOTICES AND OBJECTIONS.

A. Claims for benefits shall be made in accordance with all rules that the Oklahoma Employment Security Commission may prescribe.

B. Promptly after an initial claim or an additional initial claim is filed, the Commission shall give written notice of the claim to the last employer of the claimant for whom he or she worked at least fifteen (15) working days. The required fifteen (15) working days are not required to be consecutive. Provided, that promptly after the Commission is notified of the claimant's separation from an employment obtained by a claimant during a continued claim series, the Commission shall give written notice of the claim to the last separating employer. Notices to separating employers during a continued claim series will be given to the last employer in the claim week without regard to length of employment. Each notice shall contain an admonition that failure to respond to the notice could affect the employer's tax rate.

C. Promptly after the claim is paid for the fifth week of benefits the Commission shall give written notice of the claim to all other employers of the claimant during the claimant's base period. The notice will be given pursuant to Section 3-106 of this title.

D. Notices shall be deemed given when the Commission deposits the same in the United States mail addressed to the employer's last-known address. Notice shall be presumed prima facie to have been given to the employer to whom addressed on the date stated in the written notice. If the employer has elected to be notified by electronic means according to procedures set out in Oklahoma Employment Security Commission rules, notice shall be deemed to be given when the Commission transmits the notification by electronic means.

E. Within ten (10) days after the date on the notice or the date of the postmark on the envelope in which the notice was sent, whichever is later, an employer may file with the Commission at the address prescribed in the notice written objections to the claim setting forth specifically the facts which:

1. Make the claimant ineligible for benefits under Sections 2-201 through 2-210 of this title;

2. Disqualify the claimant from benefits under Sections 2-401 through 2-419 of this title; or

3. Relieve such employer from being charged for the benefits wages of such claimant.

F. An untimely employer objection to a claim for unemployment benefits made pursuant to subsection E of this section may be allowed for good cause shown.

SECTION 8. AMENDATORY 40 O.S. 2011, Section 2-613, as last amended by Section 6, Chapter 287, O.S.L. 2016 (40 O.S. Supp. 2017, Section 2-613), is amended to read as follows:

Section 2-613. BENEFIT OVERPAYMENTS.

An overpayment of unemployment benefits shall be classified in one of three ways with recovery and recoupment to be conducted as follows:

1. Fraud overpayment: in which an individual intentionally makes a false statement or representation or fails to disclose a material fact, and has received any sum as benefits to which the individual was not entitled. The individual shall be liable to repay this sum, plus a penalty of twenty-five percent (25%) of the amount of the original overpayment and interest at the rate of one percent (1%) per month on the unpaid balance of the overpayment, to the Oklahoma Employment Security Commission. Three-fifths (3/5) of the penalty amount collected shall be deposited in the Unemployment Trust Fund for the State of Oklahoma and the remaining two-fifths (2/5) shall be deposited in the Oklahoma Employment Security Commission Revolving Fund. The interest shall cease to accrue when the total accrued interest equals the amount of the overpayment. If an overpayment is modified, the interest shall cease to accrue when the total accrued interest equals the amount of the modified overpayment. The Commission shall deduct the principal sum from any future benefits payable to the individual;

2. Claimant error overpayment: in which an individual, by mistake of law or fact, makes a false statement or representation or fails to disclose a material fact and has received any sum as benefits to which the individual was not entitled. The individual shall be liable to repay this sum, plus interest at the rate of one percent (1%) per month on the unpaid balance of the overpayment, to the Commission. The interest shall cease to accrue when the total accrued interest equals the amount of the overpayment. If an overpayment is modified, the interest shall cease to accrue when the

total accrued interest equals the amount of the modified overpayment. The Commission shall deduct the principal sum from any future benefits payable to the individual; or

3. Administrative overpayment - in which:

- a. an individual has received any sum as benefits under the Employment Security Act of 1980 due to an error by the Commission or an employer, or
- b. an individual has received benefits and, ~~under a redetermination or a reversal of a decision on appeal,~~ the individual has been found to be not entitled to benefits the decision to grant benefits was reversed at a higher level of appeal.

The individual shall be liable to have this sum deducted from any future benefits payable to the individual with respect to the benefit year current at the time of the receipt and the next subsequent benefit year that begins within one (1) year after the expiration of the benefit year current at the time of the receipt. No interest shall accrue on administrative overpayments. An individual may voluntarily repay an administrative overpayment with private funds.

SECTION 9. AMENDATORY 40 O.S. 2011, Section 2-801, is amended to read as follows:

Section 2-801. CHILD SUPPORT OBLIGATIONS.

A. Beginning October 1, 1982, any individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not the individual owes child support obligations. If any such individual discloses that he or she owes child support obligations, and is determined to be eligible for unemployment compensation, the Commission shall notify the state or local child support enforcement agency enforcing such obligation that the individual has been determined to be eligible for unemployment compensation.

B. The Commission shall deduct and withhold from any unemployment compensation payable to an individual that owes child support obligations:

(1) the amount specified by the individual to the Commission to be deducted and withheld under this subsection, if neither paragraphs (2) or (3) of this subsection are applicable, or

(2) the amount, if any, determined pursuant to an agreement submitted to the Commission under 42 U.S.C., Section 654(19)(B)(i) by the state or local child support enforcement agency, unless paragraph (3) of this subsection is applicable, or

(3) any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to legal process, which shall mean any writ, order, summons or other similar process in the nature of garnishment, which:

(a) is issued by:

(i) a court of competent jurisdiction within any state, territory or possession of the United States,

(ii) a court of competent jurisdiction in any foreign country with which the United States has entered into an agreement which requires the United States to honor such process, or

(iii) an authorized official pursuant to an order of such a court of competent jurisdiction or pursuant to state or local law, and

(b) is directed to, and the purpose of which is to compel, a governmental entity, which holds monies which are otherwise payable to an individual, to make a payment from such monies to another party in order to satisfy a legal obligation of such individual to provide child support.

C. All income withholding orders or other legal process issued to collect child support through a deduction from unemployment benefits and all other documents necessary to complete the deduction shall be served on the appropriate state or local child support enforcement agency and on the Oklahoma Employment Security Commission.

D. Any amount deducted and withheld under subsection B of this section shall be paid by the Commission to the appropriate state or local child support enforcement agency.

~~D.~~ E. Any amount deducted and withheld under subsection B of this section shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the state or local child support enforcement agency in satisfaction of the individual's child support obligations.

~~E.~~ F. For purposes of subsections A through ~~D~~ E of this section, the term "unemployment compensation" means any compensation payable under the Employment Security Act of 1980, Section 1-101 of this title, including amounts payable by the Commission pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.

~~F.~~ G. This section applies only if appropriate arrangements have been made for reimbursement by the state or local child support enforcement agency for the administrative costs, as determined by the Commission, incurred by the Commission under this section which are attributable to child support obligations being enforced by the state or local child support enforcement agency.

~~G.~~ H. For purposes of this section:

(1) "Child support obligations" means only obligations which are being enforced pursuant to a plan described in 42 U.S.C., Section 654, which has been approved by the Secretary of Health and Human Services under 42 U.S.C., Section 651 et seq.

(2) "State or local child support enforcement agency" means any agency of a state or a political subdivision thereof, operating pursuant to a plan described in 42 U.S.C., Section 654, which has been approved by the Secretary of Health and Human Services under 42 U.S.C., Section 651 et seq.

(3) Deductions from unemployment insurance authorized by subsection B of this section in satisfaction of child support obligations are only those obligations defined in paragraph (1) of this subsection ~~G of this section~~, and the recipient of said deductions shall be defined as only a state or local child support enforcement agency operating pursuant to an approved plan described in 42 U.S.C., Section 654 and referenced in paragraph (2) of this subsection ~~G of this section~~.

SECTION 10. AMENDATORY 40 O.S. 2011, Section 2-803, is amended to read as follows:

Section 2-803. FOOD ~~STAMPS~~ PURCHASE ASSISTANCE OVERISSUANCES.

A. An individual filing a new claim for unemployment compensation shall, at the time of filing the claim, disclose whether or not he or she owes an uncollected overissuance of food ~~stamp coupons~~ purchase assistance benefits, as defined in 7 U.S.C., Section 2022(c)(1). The Oklahoma Employment Security Commission shall notify the state food ~~stamp~~ purchase assistance agency enforcing such obligations of any individual who discloses that he or she owes food ~~stamp~~ purchase assistance overissuances and who is determined to be eligible for unemployment compensation.

B. The Commission shall deduct and withhold from any unemployment compensation payable to an individual who owes an uncollected overissuance:

1. The amount specified by the individual to the Commission to be deducted and withheld under this section;

2. The amount, if any, determined pursuant to an agreement submitted to the state food ~~stamp~~ purchase assistance agency under 7 U.S.C., Section 2022(c)(3)(A); or

3. Any amount otherwise required to be deducted and withheld from unemployment compensation pursuant to 7 U.S.C., Section 2022(c)(3)(B).

C. Any amount deducted and withheld under this section shall be paid by the Commission to the appropriate state food ~~stamp~~ purchase assistance agency.

D. Any amount deducted and withheld under subsection B of this section shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the state food ~~stamp~~ purchase assistance agency as repayment of the individual's uncollected overissuance.

E. For purposes of this section, the term "unemployment compensation" means any compensation payable under this act including amounts payable by the Commission pursuant to an agreement

under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

F. This section applies only if arrangements have been made for reimbursement by the state food ~~stamp~~ purchase assistance agency for the administrative costs incurred by the Commission under this section which are attributable to the repayment of uncollected overissuances to the state food ~~stamp~~ purchase assistance agency.

SECTION 11. AMENDATORY 40 O.S. 2011, Section 4-509, as amended by Section 7, Chapter 345, O.S.L. 2017 (40 O.S. Supp. 2017, Section 4-509), is amended to read as follows:

Section 4-509. INFORMATION TO BE FURNISHED TO PUBLIC AGENCIES.

A. Subject to such restrictions as the Oklahoma Employment Security Commission may by rule prescribe, information maintained by the Commission may be made available to any agency of this or any other state, or any federal agency, charged with the administration of an unemployment compensation law or the maintenance of a system of public employment offices, or the Internal Revenue Service of the United States Department of the Treasury, the United States Social Security Administration or the Oklahoma Tax Commission. Any information obtained in connection with the administration of the employment service may be made available to:

1. Persons or agencies for purposes appropriate to the operation of a public employment service; or

2. Any agency of this state or its political subdivisions that operate a program or activity designated as a required partner in the Workforce Innovation and Opportunity Act One-Stop delivery system pursuant to 29 U.S.C., Section 3151(b)(1), in accordance with a written agreement entered into between the partner and the Commission.

B. Upon request, the Commission shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits pursuant to the provisions of the Employment Security Act of 1980. The Commission shall furnish to public agencies collecting debts created by food ~~stamp~~ purchase assistance overissuances or administering Transitional Assistance to

Needy Families (TANF) or child support programs, promptly upon request and in the most economical, effective and timely manner, information as to:

1. Whether an individual has applied for, is receiving or has received unemployment insurance and the amount;

2. The individual's current address;

3. Whether the individual has refused employment and if so a description of the job including the terms, conditions and rate of pay; and

4. Any other information that might be useful in locating any individual who may have a food ~~stamp~~ purchase assistance overissuance or an obligation for support.

SECTION 12. AMENDATORY 74 O.S. 2011, Section 3111, is amended to read as follows:

Section 3111. A. No state agency, board, commission or other unit or subdivision of state government shall request or require, 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, except as otherwise required by law. Provided that any state agency, board, commission, unit or subdivision of state government using Social Security numbers for a particular purpose prior to January 1, 1974, may continue to use and require Social Security numbers for that purpose only and provided, further, that the provisions of Section 3101 et seq. of this title shall not be construed to prohibit the use or requirement of disclosure of one's Social Security number if the use of the number is related to the Social Security Administration or benefits thereunder, or, subject to the provisions of Section 1-311.1 of Title 63 of the Oklahoma Statutes, to prohibit the use or requirement of disclosure of the Social Security numbers of the mother and father by the Vital Records Section of the State Department of Health in the administration of the issuance of birth records.

B. The provisions of this section shall not be construed to prohibit the Oklahoma Tax Commission from requiring the disclosure by any person of his or her Social Security number in order to

administer any state tax law, as defined by Section 202 of Title 68 of the Oklahoma Statutes or in order for the State Treasurer to administer any provision of the Uniform Unclaimed Property Act, if such administration requires the Tax Commission or State Treasurer to obtain the Social Security number of any person.

C. The provisions of this section shall not be construed to prohibit the Oklahoma Employment Security Commission from requiring the disclosure by any person of his or her Social Security number in order to administer any provision of the Employment Security Act of 1980.

D. The provisions of this section shall not prohibit the State Department of Education or a board of education of a school district from requesting any student who wishes to enroll in or is enrolled in any public school in this state to disclose the Social Security ~~account~~ number of the student in order for the Department to administer any provision of the Oklahoma School Testing Program Act, for the collection of appropriate and necessary data pursuant to the Oklahoma Educational Indicators Program, for the purpose of determining student enrollment, to establish a mobility rate or for the allocation of State Aid Formula and midyear adjustment in funding for student growth. The State Department of Education or a board of education of a school district shall not deny to any student any right, benefit, or privilege provided by law because of the refusal by the student to disclose the Social Security ~~account~~ number of the student. If the State Department of Education or a board of education of a school district requests a student to disclose the student's Social Security ~~account~~ number, the State Department of Education or a board of education of a school district shall inform the student by what statutory or other authority such number is solicited and what uses will be made of the number.

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

SECTION 13. This act shall become effective November 1, 2018.

Passed the House of Representatives the 1st day of March, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 4th day of April, 2018.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.

By: _____