

SENATE FLOOR VERSION

February 19, 2025

SENATE BILL NO. 924

By: Coleman of the Senate

and

Tedford of the House

An Act relating to the Employment Security Act of 1980; amending 40 O.S. 2021, Section 1-201, as last amended by Section 1, Chapter 114, O.S.L. 2024 (40 O.S. Supp. 2024, Section 1-201), which relates to definitions; defining term; amending 40 O.S. 2021, Section 1-224, as last amended by Section 2, Chapter 114, O.S.L. 2024 (40 O.S. Supp. 2024, Section 1-224), which relates to filing; authorizing the Oklahoma Employment Security Commission to modify appeal filing requirements under certain circumstances; amending 40 O.S. 2021, Section 2-610, which relates to judicial review; allowing certain case to be dismissed upon failure to provide certain information; amending 40 O.S. 2021, Section 4-508, as amended by Section 22, Chapter 360, O.S.L. 2022 (40 O.S. Supp. 2024, Section 4-508), which relates to information to be kept confidential; removing reference to specific entities; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 40 O.S. 2021, Section 1-201, as

last amended by Section 1, Chapter 114, O.S.L. 2024 (40 O.S. Supp. 2024, Section 1-201), is amended to read as follows:

1 Section 1-201. GENERAL DEFINITIONS. As used in the Employment
2 Security Act of 1980:

3 1. "Additional initial claim" means a claim application which
4 reactivates a claim during an existing benefit year and certifies to
5 a period of employment which occurred subsequent to the date of the
6 filing of the last initial, additional, or reopened claim;

7 2. "Alternative base period" means the most recent four (4)
8 completed calendar quarters immediately preceding the first day of
9 an individual's benefit year. In the event that an individual's
10 claim uses an alternative base period to meet the wage requirement
11 under Section 2-207 of this title, this alternative base period
12 shall be substituted for base period for all other purposes under
13 the Employment Security Act of 1980;

14 3. "Assigned tax rate" means the tax rate assigned to an
15 employer pursuant to Section 3-110.1 of this title when the employer
16 does not have sufficient experience history to meet the At-Risk Rule
17 set out in paragraph 3 of Section 3-110.1 of this title;

18 4. "Base period" means the first four (4) of the last five (5)
19 completed calendar quarters immediately preceding the first day of
20 an individual's benefit year;

21 5. "Benefit year" with respect to any individual means the one-
22 year period beginning with the first day of the first week with
23 respect to which the individual first files a valid claim for
24 benefits and thereafter the one-year period beginning with the first

1 day of the first week with respect to which the individual next
2 files a valid claim for benefits after the termination of his or her
3 last preceding benefit year. Any claim for benefits shall be deemed
4 a valid claim for the purpose of this section if the individual has
5 been paid the wages for insured work required under the Employment
6 Security Act of 1980;

7 6. "Benefit wages" means the taxable wages earned by a claimant
8 during the claimant's base period which are not in excess of the
9 current maximum weekly benefit amount, as determined under Section
10 2-104 of this title, multiplied by the maximum number of weeks for
11 which benefits could be paid to any individual pursuant to Section
12 2-106 of this title, multiplied by three (3); provided, however, no
13 wages shall be included as benefit wages unless and until the
14 claimant has been paid benefits for five (5) weeks in one (1)
15 benefit year;

16 7. "Benefits" means the money payments payable to an individual
17 as provided in the Employment Security Act of 1980 with respect to
18 his or her unemployment, including extended benefits. The federal
19 share of such extended benefits shall not be construed as benefits
20 for the purposes of computing contribution rates under the
21 Employment Security Act of 1980;

22 8. "Calendar quarter" means the period of three (3) consecutive
23 calendar months ending on March 31, June 30, September 30, or
24

1 December 31, or the equivalent thereof as the Oklahoma Employment
2 Security Commission may by regulation prescribe;

3 9. "Claimant" means an individual who has filed for
4 unemployment benefits with the Commission;

5 9. 10. "Client" shall have the same meaning as provided in
6 paragraph 1 of Section 600.2 of this title;

7 10. 11. "Coemployer" shall have the same meaning as provided in
8 paragraph 2 of Section 600.2 of this title;

9 11. 12. "Coemployment relationship" shall have the same meaning
10 as provided in paragraph 3 of Section 600.2 of this title;

11 12. 13. "Commission" means the Oklahoma Employment Security
12 Commission;

13 13. 14. "Commissioner" means a member of the Commission;

14 14. 15. "Continued claim series" means an uninterrupted series
15 of weekly claims filed by a claimant during the benefit year;

16 15. 16. "Contributions" means the money payments, including
17 taxes and reimbursements, required by the Employment Security Act of
18 1980 to be paid into the Unemployment Compensation Fund by an
19 employer;

20 16. 17. "Covered employee" shall have the same meaning as
21 provided in paragraph 5 of Section 600.2 of this title;

22 17. 18. "Digital portal filing" means electronic communication
23 through the agency digital portal;

1 ~~18.~~ 19. "Earned tax rate" means the tax rate calculated for an
2 employer with sufficient experience history to meet the At-Risk Rule
3 set out in paragraph 3 of Section 3-110.1 of this title, with the
4 tax rate calculated pursuant to the provisions of Section 3-101 et
5 seq. of this title;

6 ~~19.~~ 20. "Electronic e-filing" means filing by email or fax to
7 email;

8 ~~20.~~ 21. "Eligibility period" of an individual for extended
9 benefits means the period consisting of the weeks in his or her
10 benefit year, as defined by the Employment Security Act of 1980,
11 which begin in an extended benefit period and, if his or her benefit
12 year ends within such extended benefit period, any weeks thereafter
13 which begin in such extended benefit period;

14 ~~21.~~ 22. "Employer" shall have the same meaning as provided in
15 Section 1-208 of this title;

16 ~~22.~~ 23. "Employing unit" means any individual or type of
17 organization, including any partnership, association, trust, estate,
18 joint stock company, insurance company, limited liability company or
19 corporation, whether domestic or foreign, or the receiver, trustee
20 in bankruptcy, trustee or successor thereof, or the legal
21 representative of a deceased person, which has or subsequent to
22 January 1, 1936, had in its employ one or more individuals
23 performing services for it within this state;

1 ~~23.~~ 24. "Employment" shall have the same meaning as provided in
2 Section 1-210 of this title;

3 ~~24.~~ 25. "Employment office" means a free public employment
4 office or branch thereof operated by this or any other state as a
5 part of a state-controlled system of public employment offices or by
6 a federal agency charged with the administration of an unemployment
7 compensation program or free public employment offices;

8 ~~25.~~ 26. "Employment Security Administration Fund" means the
9 fund established in Section 4-602 of this title from which
10 administration expenses under the Employment Security Act of 1980
11 shall be paid;

12 ~~26.~~ 27. "Exhaustee" shall have the same meaning as provided in
13 Section 2-712 of this title;

14 ~~27.~~ 28. "Experience period" means the most recent twelve (12)
15 consecutive completed calendar quarters occurring before July 1 of
16 the year immediately preceding the year for which the employer's
17 contribution rate is being calculated;

18 ~~28.~~ 29. "Extended base period" means the four (4) quarters
19 prior to the claimant's base period. These four (4) quarters may be
20 substituted for base period quarters on a quarter-by-quarter basis
21 to establish a valid claim regardless of whether the wages have been
22 used to establish a prior claim, except any wages earned that would
23 render the Commission out of compliance with applicable federal law
24 shall be excluded if used in a prior claim;

1 29. 30. "Extended benefit period" shall have the same meaning
2 as provided in Section 2-703 of this title;

3 30. 31. "File", "files", or "filed" shall have the same meaning
4 as provided in Section 1-224 of this title;

5 31. 32. "Mail", "mails", "mailed", or "mailing" means
6 communication sent by a postal service with sufficient postage;

7 32. 33. "Foreign limited liability company" shall be defined by
8 the provisions of the Oklahoma Limited Liability Company Act;

9 33. 34. "Fund" means the Unemployment Compensation Fund
10 established in Section 3-601 of this title;

11 34. 35. "Hospital" means any hospital required to be licensed
12 under the Oklahoma Public Health Code, Section 1-101 et seq. of
13 Title 63 of the Oklahoma Statutes, and includes state mental
14 hospitals and any other mental hospital or institution;

15 35. 36. "Initial claim" means a new claim application submitted
16 by a claimant to establish a benefit year for unemployment insurance
17 benefits;

18 36. 37. "Institution of higher education" shall have the same
19 meaning as provided in Section 1-214 of this title;

20 37. 38. "Insured work" means employment for employers as
21 defined by the Employment Security Act of 1980;

22 38. 39. "Lessor employing unit" means any independently
23 established business entity which engages in the business of
24 providing leased employees to any other employer, individual,

1 organization, partnership, corporation, or other legal entity,
2 referred to herein as a client lessee;

3 ~~39.~~ 40. "Limited liability company" shall be defined by the
4 provisions of the Oklahoma Limited Liability Company Act;

5 ~~40.~~ 41. "Probationary period" means a period of time set forth
6 in an established probationary plan, which applies to all employees
7 or a specific group of employees, and does not exceed ninety (90)
8 calendar days from the first day a new employee begins work;

9 ~~41.~~ 42. "Professional Employer Organization" or "PEO" means an
10 organization that is subject to the Oklahoma Professional Employer
11 Organization Recognition and Registration Act and which meets the
12 definition set out in paragraph 9 of Section 600.2 of this title;

13 ~~42.~~ 43. "Rate of insured employment" shall have the same
14 meaning as provided in Section 2-708 of this title;

15 ~~43.~~ 44. "Regular benefits" means benefits payable to an
16 individual under the Employment Security Act of 1980, or under any
17 other state law including dependents' allowances and benefits
18 payable to federal civilian employees;

19 ~~44.~~ 45. "Reopened claim" means a claim application which
20 reactivates a claim during an existing benefit year when a claimant
21 stopped filing for benefits before his or her claim was exhausted,
22 but in which there occurred no intervening employment from the date
23 of the filing of the last initial, additional, or reopened claim;

1 45. 46. "State" includes, in addition to the states of the
2 United States of America, the District of Columbia, the Commonwealth
3 of Puerto Rico, and the Virgin Islands;

4 46. 47. "State law" means the unemployment insurance law of any
5 state, approved by the Secretary of Labor of the United States under
6 Section 3304 of the Internal Revenue Code of 1954;

7 47. 48. "Supplemental unemployment benefit plan" means a plan
8 that provides for an employer to make payments to its employees
9 during a permanent or temporary layoff that will supplement
10 unemployment benefits received by the employees. The purpose of a
11 supplemental unemployment benefit plan is to allow an employer to
12 sustain the purchasing power of its employees or former employees
13 during a layoff;

14 48. 49. "Taxable wages" means the wages paid to an individual
15 with respect to employment during a calendar year for services
16 covered by the Employment Security Act of 1980 or other state
17 unemployment compensation acts which shall equal the applicable
18 percentage of the state's average annual wage for the second
19 preceding calendar year as determined by the Commission, rounded to
20 the nearest multiple of One Hundred Dollars (\$100.00);

21 49. 50. "Wages" shall have the same meaning as provided in
22 Section 1-218 of this title;

23 50. 51. "Wages paid" means wages actually paid to the worker;
24 provided, however, that in the event of any distribution of an

1 employer's assets through insolvency, receivership, composition,
2 assignment for the benefit of creditors, or termination of business,
3 wages earned but not actually paid shall be considered as paid; and

4 51. 52. "Week" means such period of seven (7) consecutive days,
5 as the Commission may by regulation prescribe.

6 SECTION 2. AMENDATORY 40 O.S. 2021, Section 1-224, as
7 last amended by Section 2, Chapter 114, O.S.L. 2024 (40 O.S. Supp.
8 2024, Section 1-224), is amended to read as follows:

9 Section 1-224. FILE.

10 A. For purposes of this section, "OESC 2020-21 business process
11 transformation" means a change from paper process to integrated
12 digital technology. Upon completion of the OESC 2020-21 business
13 process transformation, electronic e-filing will be the Oklahoma
14 Employment Security Commission's preferred filing method for
15 tendering and receiving documents. All claimants and employers
16 tendering documents to the Commission will be expected to tender the
17 documents electronically. If the claimant or employer has elected
18 to utilize other means of transmittal, it will be the responsibility
19 of the claimant or employer to notify the Commission of this
20 preference.

21 B. When the provisions of the Employment Security Act of 1980
22 or the rules promulgated under the authority of the ~~act~~ Employment
23 Security Act of 1980 require any document to be filed with the

1 Oklahoma Employment Security Commission or its affiliate entities,
2 the term "file", "files", or "filed" shall mean:

3 1. Mailing by means calculated to ensure receipt by the

4 Oklahoma Employment Security Commission on or before the date due.

5 Timely mailing shall be determined by the United States Postal
6 Service postmark. If there is no such legible postmark, the date of
7 receipt by the Commission shall constitute the date of filing;

8 2. Electronic e-filing to the Oklahoma Employment Security
9 Commission, as directed by the instructions on the determination
10 letter, order or other document issued by the Commission, by
11 midnight on or before the date due. Timely transmission shall be
12 determined by the Commission's transmission log file; ~~or~~

13 3. Digital portal filing by midnight on or before the date due.
14 Timely transmission shall be determined by the Commission's
15 transmission log file; or

16 4. In significant economic situations, instances where evidence
17 suggests potential fraudulent activity or for those who have not
18 completed the claim filing process, the Commission shall have the
19 discretion to modify the appeal filing requirements to respond to
20 the situation.

21 C. If the Employment Security Act of 1980 or the rules
22 promulgated under the Employment Security Act of 1980 require that a
23 document be filed with a court or any other agency of this state,

1 the term "file", "files" or "filed" shall be defined by the
2 statutes, rules or practice governing that court or agency.

3 SECTION 3. AMENDATORY 40 O.S. 2021, Section 2-610, is
4 amended to read as follows:

5 Section 2-610. JUDICIAL REVIEW.

6 A. Within the thirty (30) days after the day a notice of
7 decision of the Board of Review is mailed to the parties, the
8 Oklahoma Employment Security Commission, or any party to the
9 proceedings before the Board of Review, may obtain judicial review
10 by filing in the district court of the county in which the claimant
11 resides, or if the claimant is not a resident of the State of
12 Oklahoma then in the District Court of Oklahoma County, a petition
13 for review of the decision of the Board of Review. The petition for
14 review shall set out the names of all codefendants in the style of
15 the case, which shall include:

- 16 1. The Board of Review;
17 2. The Oklahoma Employment Security Commission; and
18 3. All other parties to the proceeding before the Board of
19 Review.

20 Failure to properly name the codefendants as stated in this
21 section shall be deemed a jurisdictional defect and the case shall
22 be dismissed. The petition for review need not be verified but
23 shall state specifically the grounds upon which the review is
24 sought. A copy of the petition for review shall be served upon the

1 Board of Review at its official address and the petitioner shall
2 also deliver to the Board of Review as many copies of the petition
3 as there are defendants. The Board of Review shall issue to each
4 party to the proceeding a copy of the petition and the issuance
5 shall be deemed to be service upon all the parties. In any
6 proceeding under this section the findings of the Board of Review as
7 to the facts, if supported by evidence, shall be conclusive and the
8 jurisdiction of the court shall be confined to questions of law. No
9 additional evidence shall be received by the court, but the court
10 may remand the case and order additional evidence to be taken by the
11 Appeal Tribunal of the Oklahoma Employment Security Commission.

12 B. Within sixty (60) days of the date of service of the
13 petition on the Board of Review, the Board of Review shall file with
14 the court a certified copy of the record of the case, including all
15 documents and papers properly admitted into evidence and a
16 transcript of all testimony taken in the matter, together with the
17 Board of Review's findings, conclusions and decision.

18 C. The proceedings shall be heard in a summary manner and shall
19 be given precedence over all other civil cases. An appeal may be
20 taken from the decision of the district court to the Supreme Court
21 of this state in the same manner as is provided in other civil
22 cases. It shall not be necessary as a condition precedent to
23 judicial review of any decision of the Board of Review to enter
24 exceptions to the rulings of the Board, and no bond shall be

1 required as a condition of initiating a proceeding for judicial
2 review or entering an appeal from the decision of the court. Upon
3 the final termination of the judicial proceeding, the Board of
4 Review shall enter an order in accordance with the mandate of the
5 district or appellate court.

6 SECTION 4. AMENDATORY 40 O.S. 2021, Section 4-508, as
7 amended by Section 22, Chapter 360, O.S.L. 2022 (40 O.S. Supp. 2024,
8 Section 4-508), is amended to read as follows:

9 Section 4-508. INFORMATION TO BE KEPT CONFIDENTIAL -
10 DISCLOSURE.

11 A. Except as otherwise provided by law, information obtained
12 from any employing unit or individual pursuant to the administration
13 of the Employment Security Act of 1980, any workforce system program
14 administered or monitored by the Oklahoma Employment Security
15 Commission, and determinations as to the benefit rights of any
16 individual shall be kept confidential and shall not be disclosed or
17 be open to public inspection in any manner revealing the
18 individual's or employing unit's identity. Any claimant, employer,
19 or agent of either as authorized in writing, shall be supplied with
20 information from the records of the Oklahoma Employment Security
21 Commission, to the extent necessary for the proper presentation of
22 the claim or complaint in any proceeding under the Employment
23 Security Act of 1980, with respect thereto.

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

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

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

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

23 3. The Oklahoma Department of Commerce may have access to data
24 obtained pursuant to the Employment Security Act of 1980 pursuant to

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

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

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

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

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1 7. The furnishing of information to other state agencies for
2 the limited purpose of aiding in the collection of debts owed by
3 individuals to the requesting agencies or the Oklahoma Employment
4 Security Commission;

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

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

13 10. The release of information to employees of the Attorney
14 General, the Department of Labor, the Workers' Compensation
15 Commission and the Insurance Department for use in investigation of
16 workers' compensation fraud;

17 11. The release of information to employees of any ~~state, county, municipal or tribal~~ law enforcement agency for use in
18 criminal investigations and the location of missing persons or
19 fugitives from justice;

21 12. The release of information to employees of the Center of
22 International Trade, Oklahoma State University, required for the
23 development of International Trade for employers doing business in
24 this state;

1 13. The release of information to employees of the Oklahoma
2 State Regents for Higher Education required for use in the default
3 prevention efforts and/or collection of defaulted student loans
4 guaranteed by the Oklahoma Guaranteed Student Loan Program. Any
5 information disclosed under this provision shall be utilized solely
6 for the purpose outlined herein and shall be held strictly
7 confidential by the Oklahoma State Regents for Higher Education;

8 14. The release of information to employees of the Oklahoma
9 Department of Career and Technology Education, the Oklahoma State
10 Regents for Higher Education, the Center for Economic and Management
11 Research of the University of Oklahoma, the Center for Economic and
12 Business Development at Southwestern Oklahoma State University or a
13 center of economic and business research or development at a
14 comprehensive or regional higher education institution within The
15 Oklahoma State System of Higher Education required to identify
16 economic trends or educational outcomes. The information obtained
17 shall be kept confidential by the Oklahoma Department of Career and
18 Technology Education, the Oklahoma State Regents for Higher
19 Education and the higher education institution and shall not be
20 disclosed or be open to public inspection. The Oklahoma Department
21 of Career and Technology Education, the Oklahoma State Regents for
22 Higher Education and the higher education institution may release
23 aggregated data, provided that the aggregation meets disclosure
24 requirements of the Commission;

1 15. The release of information to employees of the Office of
2 Management and Enterprise Services required to identify economic
3 trends. The information obtained shall be kept confidential by the
4 Office of Management and Enterprise Services and shall not be
5 disclosed or be open to public inspection. The Office of Management
6 and Enterprise Services may release aggregate data, provided that
7 the aggregation meets disclosure requirements of the Oklahoma
8 Employment Security Commission;

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

20 17. The release of information to employees of the Attorney
21 General, the Oklahoma State Bureau of Investigation and the
22 Insurance Department for use in the investigation of insurance fraud
23 and health care fraud;

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

4 19. The release of wage and benefit claim information, at the
5 discretion of the Commission, to an agency of this state or its
6 political subdivisions that operate a program or activity designated
7 as a required partner in the Workforce Innovation and Opportunity
8 Act One-Stop delivery system pursuant to 29 U.S.C.A., Section
9 3151(b) (1), based on a showing of need made to the Commission and
10 after an agreement concerning the release of information is entered
11 into with the entity receiving the information. For the limited
12 purpose of completing performance accountability reports required by
13 the Workforce Innovation and Opportunity Act, only those designated
14 required partners that meet the 20 CFR Section 603.2(d) definition
15 of public official may contract with a private agent or contractor
16 pursuant to 20 CFR Section 603.5(f) for the purpose of the private
17 agent or contractor receiving confidential unemployment compensation
18 information to the extent necessary to complete the performance
19 accountability reports;

20 20. The release of information to the State Wage Interchange
21 System, at the discretion of the Commission;

22 21. The release of information to the Bureau of the Census of
23 the U.S. Department of Commerce, the Bureau of Labor Statistics of
24 the U.S. Department of Labor, and its agents employed by the

1 Oklahoma Department of Labor for the purpose of economic and
2 statistical research;

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

8 23. The release of employer tax information and benefit claim
9 information to the State Department of Rehabilitation Services for
10 use in assessing results and outcomes of clients served;

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

17 25. The release of information to vendors that contract with
18 the Oklahoma Employment Security Commission to provide for the
19 issuance of debit cards, to conduct electronic fund transfers, to
20 perform computer programming operations, or to perform computer
21 maintenance or replacement operations; provided the vendor agrees to
22 protect and safeguard the information it receives and to destroy the
23 information when no longer needed for the purposes set out in the
24 contract;

1 26. The release of information to employees of the Office of
2 Juvenile Affairs for use in assessing results and outcomes of
3 clients served as well as the effectiveness of state and local
4 juvenile and justice programs including prevention and treatment
5 programs. The information obtained shall be kept confidential by
6 the Office of Juvenile Affairs and shall not be disclosed or be open
7 to public inspection. The Office of Juvenile Affairs may release
8 aggregated data for programs or larger aggregate units, provided
9 that the aggregation meets disclosure requirements of the Oklahoma
10 Employment Security Commission;

11 27. The release of information to vendors that contract with
12 the State of Oklahoma for the purpose of providing a public
13 electronic labor exchange system that will support the Oklahoma
14 Employment Security Commission's operation of an employment service
15 system to connect employers with job seekers and military veterans.
16 This labor exchange system would enhance the stability and security
17 of Oklahoma's economy as well as support the provision of veterans'
18 priority of service. The vendors may perform computer programming
19 operations, perform computer maintenance or replacement operations,
20 or host the electronic solution; provided, each vendor agrees to
21 protect and safeguard all information received, that no information
22 shall be disclosed to any third party, that the use of the
23 information shall be restricted to the scope of the contract, and
24

1 | that the vendor shall properly dispose of all information when no
2 | longer needed for the purposes set out in the contract; or

3 | 28. The release of employer tax information and benefit claim
4 | information to employees of a county public defender's office in
5 | this state and the Oklahoma Indigent Defense System for the purpose
6 | of determining financial eligibility for the services provided by
7 | such entities.

8 | D. Subpoenas to compel disclosure of information made
9 | confidential by this statute shall not be valid, except for
10 | administrative subpoenas issued by federal, state, or local
11 | governmental agencies that have been granted subpoena power by
12 | statute or ordinance. Confidential information maintained by the
13 | Commission can be obtained by order of a court of record that
14 | authorizes the release of the records in writing. All
15 | administrative subpoenas or court orders for production of documents
16 | must provide a minimum of twenty (20) days from the date it is
17 | served for the Commission to produce the documents. If the date on
18 | which production of the documents is required is less than twenty
19 | (20) days from the date of service, the subpoena or order shall be
20 | considered void on its face as an undue burden or hardship on the
21 | Commission. All administrative subpoenas, court orders or notarized
22 | waivers of confidentiality authorized by paragraph 2 of subsection C
23 | of this section shall be presented with a request for records within
24 |

1 ninety (90) days of the date the document is issued or signed, and
2 the document can only be used one time to obtain records.

3 E. Should any of the disclosures provided for in this section
4 require more than casual or incidental staff time, the Commission
5 shall charge the cost of the 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 5. This act shall become effective November 1, 2025.

12 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT, WORKFORCE
AND TOURISM

13 February 19, 2025 - DO PASS

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