An Act

ENROLLED HOUSE
BILL NO. 2505

By: McDaniel (Randy) of the House

and

Newberry, Allen and Schulz of the Senate

An Act relating to labor; amending 40 O.S. 2011, Section 2-203, as last amended by Section 7 of Enrolled Senate Bill 2122 of the 2nd Session of the 54th Oklahoma Legislature, which relates to unemployment claims requiring certified statement; providing for rules, review and report; amending 40 O.S. 2011, Section 2-406, as amended by Section 2, Chapter 148, O.S.L. 2013 (40 O.S. Supp. 2013, Section 2-406), which relates to misconduct; modifying definitions; requiring no warning notice for misconduct; providing rebuttable presumption of misconduct for failure to meet certain standards; providing conditions for back pay to be subtracted from benefit amount; providing for redetermination of back pay during furlough or work stoppage; amending 40 O.S. 2011, Sections 2-210, 2-503, as last amended by Section 6, Chapter 71, O.S.L. 2013 (40 O.S. Supp. 2013, Section 2-503), 2-506, 2-609, 3-105 and 4-508, as last amended by Section 132, Chapter 304, O.S.L. 2012 (40 O.S. Supp. 2013, Section 4-508), which relate to Employment Security Act of 1980; modifying definitions; providing for untimely employer objection; modifying reconsideration of determinations; removing obsolete language; modifying benefit wage charges; requiring certain administrative records be presented within certain time; repealing 40 O.S. 2011, Sections 2-900, 2-901, 2-902, 2-903, 2-904, 2-905, 2-906, 2-907, 2-908, 2-909 and 2-910, which relate to the Shared Work Unemployment Compensation Program; providing for codification; and providing an effective date.

SUBJECT: Employment Security Act

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

SECTION 1. AMENDATORY 40 O.S. 2011, Section 2-203, as last amended by Section 7 of Enrolled Senate Bill No. 2122 of the 2nd Session of the 54th Oklahoma Legislature, is amended to read as follows:

Section 2-203. CLAIM.

A. An unemployed individual must file an initial claim for unemployment benefits by calling an Oklahoma Employment Security Commission claims representative in a Commission Call Center, by completing the required forms through the Internet Claims service provided by the Commission, or by completing all forms necessary to process an initial claim in a local office of the Commission or any alternate site designated by the Commission to take unemployment benefit claims. The Commission may obtain additional information regarding an individual's claim through any form of telecommunication, writing, or interview. An unemployed individual must file a claim in writing or by telecommunication for benefits with respect to each week in accordance with such rule as the Commission may prescribe.

B. 1. During the process of filing an initial claim for unemployment benefits, the claimant shall be made aware of the definition of misconduct set out in Section 2-406 of this title, and the claimant shall affirmatively certify that the answers given to all questions in the initial claim process are true and correct to the best of the claimant's knowledge and that no information has been intentionally withheld or misrepresented in an attempt by the claimant to receive benefits to which he or she is not entitled.

2. The certification statement required in paragraph 1 of this subsection shall be available through the Internet Claims service provided by the Commission and by a form to be completed by the claimant in a local office of the Commission or at any alternate site designated by the Commission to take unemployment benefit claims.

C. With respect to each week, he or she must provide the Commission with a true and correct statement of all material facts relating to: his or her unemployment; ability to work; availability for work; activities or conditions which could restrict the

individual from seeking or accepting full-time employment immediately; applications for or receipt of workers' compensation benefits; employment and earnings; and the reporting of other income from retirement, pension, disability, self-employment, education or training allowances.

D. No claim will be allowed or paid unless the claimant resides within a state or foreign country with which the State of Oklahoma has entered into a reciprocal or cooperative arrangement pursuant to Part 7 of Article IV of the Employment Security Act of 1980.

E. The Commission may require the individual to produce documents or information relevant to the claim for benefits. If the individual fails to produce it, the individual's claim for unemployment benefits may be disqualified indefinitely by the Commission until the information is produced. The Commission may require the individual to personally appear at a location for a purpose relevant to the individual's unemployment claim or job search. If the individual fails to appear, the individual's claim for unemployment benefits may be disqualified indefinitely by the Commission until the individual makes a personal appearance as directed. An individual that has been disqualified indefinitely by the provisions of this subsection may receive payment for any week between the initial failure and the compliance with this subsection if the claimant is otherwise eligible and has made a timely filing for each intervening week.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-406.2 of Title 40, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Employment Security Commission shall promulgate rules requiring a review of at least five percent (5%) of its unemployment benefit cases where misconduct was alleged and decided either in favor of or against the employer. The cases reviewed pursuant to this section shall be summarized in an annual report which shall be delivered to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate Committee on Business and Commerce and the House Committee on Economic Development and Financial Services, or its successor committee.

SECTION 3. AMENDATORY 40 O.S. 2011, Section 2-406, as amended by Section 2, Chapter 148, O.S.L. 2013 (40 O.S. Supp. 2013, Section 2-406), is amended to read as follows:

Section 2-406. DISCHARGE FOR MISCONDUCT.

A. An individual shall be disqualified for benefits if he or she has been discharged for misconduct connected with his or her last work. If discharged for misconduct, the employer shall have the burden to prove that the employee engaged in misconduct as defined by this section. Such burden of proof is satisfied by the employer, or its designated representative, providing a signed affidavit, or presenting such other evidence which properly demonstrates the misconduct which resulted in the discharge. Once this burden is met, the burden then shifts to the discharged employee to prove that the facts are inaccurate or that the facts as stated do not constitute misconduct as defined by this section. Disqualification under this section shall continue for the full period of unemployment next ensuing after he or she has been discharged for misconduct connected with his or her work and until such individual has become reemployed and has earned wages equal to or in excess of ten (10) times the weekly benefit amount.

B. ~~"Misconduct" shall include, but not~~ Acts which constitute misconduct under this section shall be limited to~~,~~ the following:

1. ~~Unexplained absenteeism or tardiness~~ Any intentional act or omission by an employee which constitutes a material or substantial breech of the employee's job duties or responsibilities or obligations pursuant to his or her employment or contract of employment;

2. ~~Willful or wanton indifference to~~ Unapproved or excessive absenteeism or tardiness;

3. Indifference to, breach of, or neglect of the duties required which result in a material or substantial breach of the employee's job duties or responsibilities;

~~3. Willful or wanton breach of any duty required by the employer;~~

4. ~~The mismanagement of a position of employment by action or inaction;~~

~~5.~~ Actions or omissions that place in jeopardy the health, life, or property of self or others;

~~6.~~ 5. Dishonesty;

~~7.~~ 6. Wrongdoing;

~~8.~~ 7. Violation of a law; or

~~9.~~ 8. A violation of a policy or rule ~~adopted~~ enacted to ensure orderly ~~work or~~ and proper job performance or for the safety of self or others.

C. Any misconduct violation as defined in subsection B of this section shall not require a prior warning from the employer. As long as the employee knew, or should have reasonably known, that a rule or policy of the employer was violated, the employee shall not be eligible for benefits.

D. Any finding by a state or federal agency of any failure by the employee to meet the applicable civil, criminal or professional standards of the employee's profession shall create a rebuttable presumption of such misconduct, and benefits shall be denied, unless the employee can show, with clear and convincing evidence, that such misconduct did not occur, or the Commission determines that such failure did not constitute misconduct as defined herein.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-105.1 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. Reimbursed pay or back pay received by a claimant shall be subtracted from the benefit amount drawn by a claimant in each week in which:

1. The claimant is placed on furlough or work stoppage by his or her employer;

2. The claimant is not paid wages or salary during the pendency of the furlough or work stoppage;

3. The furlough or work stoppage is due to a lapse in appropriations, funding or budget shortfall affecting the employer;

4. After the furlough or work stoppage concludes, the claimant is reimbursed his or her full pay for the period during which the furlough or work stoppage occurred; and

5. The employer considers the employee as having been in a pay status during the furlough or work stoppage.

B. If reimbursed pay or back pay is required to be subtracted from the claimant's benefit amount pursuant to subsection A of this section, the eligibility for benefits of each week in question shall be redetermined pursuant to Section 2-506 of Title 40 of the Oklahoma Statutes and the amount of reimbursed pay or back pay received by the claimant shall be deducted from any unemployment benefits drawn during the pendency of the furlough or work stoppage. Any party to the redetermination may appeal pursuant to Section 2-603 of Title 40 of the Oklahoma Statutes. Any overpayment of benefits established under this section shall be collected in the same manner as an overpayment established under paragraph 2 of Section 2-613 of Title 40 of the Oklahoma Statutes.

SECTION 5. AMENDATORY 40 O.S. 2011, Section 2-210, is amended to read as follows:

Section 2-210. In addition to the eligibility provisions provided by this act, an individual shall be eligible to receive unemployment benefits, if monetarily and otherwise eligible, if the claimant was separated from work due to compelling family circumstances. For purposes of this section:

1. "Immediate family member" means the claimant's spouse, parents and ~~minor~~ dependent children;

2. "Illness" means a verified illness which necessitates the care of the ill person for a period of time longer than the employer is willing to grant paid or unpaid leave;

3. "Disability" means a verified disability which necessitates the care of the disabled person for a period of time longer than the employer is willing to grant paid or unpaid leave. Disability encompasses all types of disability, including:

a. mental and physical disabilities,

b. permanent and temporary disabilities, and

c. partial and total disabilities; and

4. "Compelling family circumstances" means:

a. if the claimant was separated from employment with the employer because of the illness or disability of the claimant and, based on available information, the Oklahoma Employment Security Commission finds that it was medically necessary for the claimant to stop working or change occupations,

b. the claimant was separated from work due to the illness or disability of an immediate family member,

c. if the spouse of the claimant was transferred or obtained employment in another city or state, and the family is required to move to the location of that job that is outside of commuting distance from the prior employment of the claimant, and the claimant separates from employment in order to move to the new employment location of the spouse,

d. if the claimant separated from employment due to domestic violence or abuse, verified by any reasonable ~~or confidential documentation~~ evidence, which causes the individual to reasonably believe that the individual's continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family, or

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

(1) was a member of the U.S. Military, the U.S. Military Reserve, or the National Guard,

(2) was on active duty within ninety (90) days of the date of discharge,

(3) has a service-connected disability,

(4) was discharged under honorable conditions from the military service, and

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

SECTION 6. AMENDATORY 40 O.S. 2011, Section 2-503, as last amended by Section 6, Chapter 71, O.S.L. 2013 (40 O.S. Supp. 2013, 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.

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 7. AMENDATORY 40 O.S. 2011, Section 2-506, is amended to read as follows:

Section 2-506. REDETERMINATIONS.

The Oklahoma Employment Security Commission may reconsider a determination only when it finds that an error in computation or identity has occurred in connection therewith, or that wages of the claimant pertinent to such determination, but not considered in connection therewith, have been newly determined, or that reimbursed pay or back pay was received by a claimant under circumstances that would reduce the amount of benefits drawn, or that benefits have been allowed or denied or the amount of benefits fixed on the basis of misrepresentation or mistake of material facts, but no such redetermination shall be made after the expiration of the benefit year established by the initial determination, except that a determination made because of a false statement or representation or failure to disclose a material fact in violation of Section 5-102 or 5-103 of this title may be redetermined within two (2) years from the date of such false statement or representation or failure to disclose. Notice of any such redetermination shall be promptly given to the parties entitled to notice of the original determination, in the manner prescribed in the Employment Security Act of 1980 with respect to notice of an original determination. If the amount of benefits is increased upon such redetermination, an appeal therefrom solely with respect to the matters involved in such increase may be filed in the manner and subject to the limitations provided in Part 5 of Article 2 of the Employment Security Act of 1980. If the amount of benefits is decreased upon such redetermination, the matters involved in such decrease shall be subject to review in connection with an appeal by claimant from any determination upon a subsequent claim for benefits which may be

affected in amount or duration by such redetermination. Subject to the same limitations and for the same reasons, the Commission may reconsider the determination in any case in which the final decision has been rendered by an appeal tribunal, the Board of Review or a court, and may apply to the body or court which rendered such final decision to issue a revised decision. In the event that an appeal involving an original determination is pending as of the date a redetermination thereof is issued, such appeal, unless withdrawn, shall be treated as an appeal from such redetermination.

SECTION 8. AMENDATORY 40 O.S. 2011, Section 2-609, is amended to read as follows:

Section 2-609. RULE OF DECISION.

A final decision of the Board of Review, or of an Appeal Tribunal referee, and the principles of law declared in arriving at such decision, unless expressly or impliedly overruled by a later decision of the Board of Review or by a court of competent jurisdiction, shall be binding upon the Commission and Appeal Tribunal referees in subsequent proceedings which involve the same questions of law~~; provided, if in connection with any subsequent proceeding an Appeal Tribunal referee has serious doubt as to the correctness of any principle so declared he or she may certify his or her findings of fact in the case, together with the question of law involved, to the Board of Review, which, after giving notice and reasonable opportunity for briefing to all parties to the proceeding, shall return to the Commission adjudicator, the Appeal Tribunal referee and the parties its answer to the question submitted by written decision. Any decision made by the Board of Review on a certified question shall be subject to judicial review pursuant to Section 2-610 of this title~~.

SECTION 9. AMENDATORY 40 O.S. 2011, Section 3-105, is amended to read as follows:

Section 3-105. BENEFIT WAGES - ~~YEAR~~ QUARTER CHARGED.

When in any benefit year a claimant is paid benefits for his or her fifth compensable week of unemployment or is paid benefits as defined in paragraph ~~(3)~~ of Section 4-702 of this title, his or her taxable wages during his or her base period shall be treated, for the purpose of this part, as though they had been paid in the calendar ~~year~~ quarter in which ~~such~~ the fifth compensable week of unemployment benefits are paid.

SECTION 10. AMENDATORY 40 O.S. 2011, Section 4-508, as last amended by Section 132, Chapter 304, O.S.L. 2012 (40 O.S. Supp. 2013, Section 4-508), is amended to read as follows:

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

A. Except as otherwise provided by law, information obtained from any employing unit or individual pursuant to the administration of the Employment Security Act of 1980, the Workforce Investment Act of 1998, and determinations as to the benefit rights of any individual shall be kept confidential and shall not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or employer or agent of such person as authorized in writing shall be supplied with information from the records of the Oklahoma Employment Security Commission, to the extent necessary for the proper presentation of the claim or complaint in any proceeding under the Employment Security Act of 1980, with respect thereto.

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

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

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

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

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

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

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

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

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

8. The release to employees of the Department of Transportation or any Metropolitan Planning Organization as defined in 23 U.S.C., Section 134 and 49 U.S.C., Section 5303 of information required for use in federally mandated regional transportation planning, which is performed as a part of its official duties;

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

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

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

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

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

14. The release to employees of the Center for Economic and Management Research of the University of Oklahoma, the Center for Economic and Business Development at Southwestern Oklahoma State University, or a center of economic and business research or development at a comprehensive or regional higher education institution within the Oklahoma State System of Higher Education of information required to identify economic trends. The information obtained shall be kept confidential by the higher education institution and shall not be disclosed or be open to public inspection. The higher education institution may release aggregated data, provided that such aggregation meets disclosure requirements of the Commission;

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

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

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

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

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

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

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

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

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

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

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

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

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

that the vendor shall properly dispose of all information when no longer needed for the purposes set out in the contract.

D. Subpoenas to compel disclosure of information made confidential by this statute shall not be valid, except for administrative subpoenas issued by federal, state, or local governmental agencies that have been granted subpoena power by statute or ordinance. Confidential information maintained by the Commission can be obtained by order of a court of record that authorizes the release of the records in writing. All administrative subpoenas or court orders for production of documents must provide a minimum of twenty (20) days from the date it is served for the Commission to produce the documents. If the date on which production of the documents is required is less than twenty (20) days from the date of service, the subpoena or order shall be considered void on its face as an undue burden or hardship on the Commission. All administrative subpoenas, court orders or notarized waivers of confidentiality authorized by paragraph 2 of subsection C of this section shall be presented with a request for records within ninety (90) days of the date the document is issued or signed, and the document can only be used one time to obtain records.

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

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

SECTION 11. REPEALER 40 O.S. 2011, Sections 2-900, 2-901, 2-902, 2-903, 2-904, 2-905, 2-906, 2-907, 2-908, 2-909 and 2-910, are hereby repealed.

SECTION 12. This act shall become effective November 1, 2014.

Passed the House of Representatives the 29th day of April, 2014.

Presiding Officer of the House
of Representatives

Passed the Senate the 22nd day of April, 2014.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 30th

day of April, 20 14, at 4:38 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 6th

day of May, 20 14, at 2:07 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th

day of May, 20 14, at 2:46 o'clock P. M.

By: Chris Benge