

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 HOUSE BILL 1738

By: Moore of the House

5 and

6 Dahm of the Senate

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8
9 AS INTRODUCED

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

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3120 of Title 74, unless there
19 is created a duplication in numbering, reads as follows:

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

17 1. Provide material support, participation or assistance in any
18 form to any federal agency which claims the power to authorize, or
19 with any federal law, rule, regulation or order which purports to
20 authorize, the collection of electronic data or metadata of any
21 person pursuant to any action not based on a warrant that
22 particularly describes the person, place or thing to be searched or
23 seized;

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

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

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

23 B. As used in this act "metadata" means information generally
24 not visible when an electronic document is printed describing the

1 history, tracking or management of the electronic document,
2 including information about data in the electronic document that
3 describes how, when and by whom the data is collected, created,
4 accessed or modified and how it is formatted. Metadata does not
5 include:

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

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

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

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

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

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

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

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21 COMMITTEE REPORT BY: COMMITTEE ON STATE AND FEDERAL RELATIONS, dated
22 02/26/2015 - DO PASS, As Coauthored.

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