

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1750

By: Nelson and Brumbaugh

7  
8                                   COMMITTEE SUBSTITUTE

9  
10                   An Act relating to crimes and punishments; amending  
11                   21 O.S. 2001, Section 360, which relates to crimes  
12                   against state property and revenue; prohibiting  
13                   public employees from certain actions regarding  
14                   legislation; prohibiting retaliation; providing  
15                   exceptions; amending 21 O.S. 2001, Section 491, which  
16                   relates to perjury; modifying definition; providing  
17                   for legislative proceeding; expanding crime of  
18                   perjury to include dissemination of certain  
19                   information; providing an effective date; and  
20                   declaring an emergency.

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

22                   SECTION 1.            AMENDATORY            21 O.S. 2001, Section 360, is  
23 amended to read as follows:

24                   Section 360.   A.   No public employee or public official, as  
                  defined in Section 304 of Title 51 of the Oklahoma Statutes, shall  
                  directly or indirectly coerce, attempt to coerce, command, advise or

1 direct any state employee to pay, lend or contribute any part of his  
2 or her salary or compensation, time, effort or anything else of  
3 value to any party, committee, organization, agency or person for  
4 political purposes.

5 B. No public employee or official shall retaliate against any  
6 employee for exercising his or her rights or for not participating  
7 in permitted political activities as provided in Ethics Commission  
8 Rule 10-1-4.

9 C. No public employee as defined in Section 304 of Title 51 of  
10 the Oklahoma Statutes, employed in this state by a governmental  
11 entity having authority to issue, revoke, suspend or deny a license,  
12 permit or certification to a person shall directly or indirectly  
13 coerce, attempt to coerce, command, advise or direct a person who is  
14 seeking or has a license, permit or certification by the  
15 governmental entity, to pay, lend or contribute money, time, effort  
16 or anything else of value to any party, committee, organization,  
17 agency or person for political purposes or to support, oppose,  
18 express or refrain from expressing facts or opinions on proposed or  
19 pending legislation, regulations, rules or ordinances affecting the  
20 governmental entity or its employees.

21 D. No public employee shall retaliate against any person for  
22 exercising his or her rights or for participating or not  
23 participating in permitted political activities as provided in

1 Ethics Commission Rule 10-1-4 or for supporting, opposing,  
2 expressing or not expressing facts or opinions on proposed  
3 legislation, regulations, rules or ordinances.

4 E. The provisions of subsection C of this section shall not be  
5 applicable to a public employee as defined in Section 304 of Title  
6 51 of the Oklahoma Statutes, employed in this state by a  
7 governmental entity having authority to issue, revoke, suspend or  
8 deny a license, permit or certification when the person who is  
9 seeking or has a license, permit or certification from the  
10 governmental entity is also a member of the Legislature, a person  
11 who serves on the governing board of the agency or a person who is  
12 appointed to serve on a task force or similar entity created by  
13 legislative action or by a political subdivision.

14 F. The provisions of subsection C of this section shall not be  
15 construed to prevent any public employee from providing information  
16 or offering his or her opinion regarding proposed or pending  
17 legislation, regulations, rules or ordinances to a person, public  
18 employee or public official or any person who is seeking or has a  
19 license, permit or certification issued by that governmental entity.

20 G. Any person convicted of willfully violating the provisions  
21 of this section shall be guilty of a felony and shall be punished by  
22 the imposition of a fine of not more than Ten Thousand Dollars  
23  
24

1 (\$10,000.00) or by imprisonment for not longer than two (2) years,  
2 or by both said fine and imprisonment.

3 SECTION 2. AMENDATORY 21 O.S. 2001, Section 491, is  
4 amended to read as follows:

5 Section 491. A. Whoever, in a trial, hearing, investigation,  
6 deposition, certification, ~~or~~ declaration or legislative proceeding,  
7 in which the making or subscribing of a statement is required or  
8 authorized by law, makes or subscribes a statement under oath,  
9 affirmation or other legally binding assertion that the statement is  
10 true, when in fact the witness or declarant does not believe that  
11 the statement is true or knows that it is not true or intends  
12 thereby to avoid or obstruct the ascertainment of the truth, is  
13 guilty of perjury. It shall be a defense to the charge of perjury  
14 as defined in this section that the statement is true.

15 B. Any public employee or official who knowingly provides false  
16 or misleading information to the Legislature, a member of the  
17 Legislature, a legislative committee or subcommittee, or a  
18 legislative staff person requesting information on behalf of the  
19 Legislature, a member of the Legislature, or a legislative committee  
20 or subcommittee, shall be guilty of perjury.

21 SECTION 3. This act shall become effective July 1, 2011.

22 SECTION 4. It being immediately necessary for the preservation  
23 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3

4 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 03-03-  
5 2011 - DO PASS, As Amended and Coauthored.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24