

1 **SENATE FLOOR VERSION**

2 March 31, 2011

3 As Amended

4 ENGROSSED HOUSE

5 BILL NO. 1750

6 By: Nelson, Brumbaugh,
7 Reynolds, Ritze and Hickman
8 of the House

9 and

10 Jolley of the Senate

11 [crimes and punishments - retaliation - perjury -
12 effective date -

13 emergency]

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

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

17 Section 360. A. No public employee or public official, as
18 defined in Section 304 of Title 51 of the Oklahoma Statutes, shall
19 directly or indirectly coerce, attempt to coerce, command, advise or
20 direct any state employee to pay, lend or contribute any part of his
21 or her salary or compensation, time, effort or anything else of
22 value to any party, committee, organization, agency or person for
23 political purposes.

24 B. No public employee or official shall retaliate against any
employee for exercising his or her rights or for not participating

1 in permitted political activities as provided in Ethics Commission
2 Rule 10-1-4.

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

15 D. No public employee shall retaliate against any person for
16 exercising his or her rights or for participating or not
17 participating in permitted political activities as provided in
18 Ethics Commission Rule 10-1-4 or for supporting, opposing,
19 expressing or not expressing facts or opinions on proposed
20 legislation, regulations, rules or ordinances.

21 E. The provisions of subsection C of this section shall not be
22 applicable to a public employee as defined in Section 304 of Title
23 51 of the Oklahoma Statutes, employed in this state by a
24 governmental entity having authority to issue, revoke, suspend or

1 deny a license, permit or certification when the person who is
2 seeking or has a license, permit or certification from the
3 governmental entity is also a member of the Legislature, a person
4 who serves on the governing board of the agency or a person who is
5 appointed to serve on a task force or similar entity created by
6 legislative action or by a political subdivision.

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

13 G. Any person convicted of willfully violating the provisions
14 of this section shall be guilty of a felony and shall be punished by
15 the imposition of a fine of not more than Ten Thousand Dollars
16 (\$10,000.00) or by imprisonment for not longer than two (2) years,
17 or by both said fine and imprisonment.

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

20 Section 491. A. Whoever, in a trial, hearing, investigation,
21 deposition, certification ~~or~~, declaration or legislative proceeding,
22 in which the making or subscribing of a statement is required or
23 authorized by law, makes or subscribes a statement under oath,
24 affirmation or other legally binding assertion that the statement is

1 true, when in fact the witness or declarant does not believe that
2 the statement is true or knows that it is not true or intends
3 thereby to avoid or obstruct the ascertainment of the truth, is
4 guilty of perjury. It shall be a defense to the charge of perjury
5 as defined in this section that the statement is true.

6 B. Any public employee or official who knowingly provides false
7 or misleading information to the Legislature, a member of the
8 Legislature, a legislative committee or subcommittee, or a
9 legislative staff person requesting information on behalf of the
10 Legislature, a member of the Legislature, or a legislative committee
11 or subcommittee, shall be guilty of perjury.

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

13 SECTION 4. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

17 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 3-30-11 - DO PASS, As
18 Amended.

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