

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1750

By: Nelson of the House and Jolley of the Senate

Title: Crimes and punishments; prohibiting public employees from certain actions regarding legislation; modifying definition of perjury; effective date; emergency.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its Amendment No. 1.

Respectfully submitted,

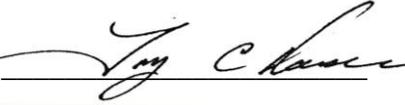
HOUSE CONFEREES

Christian _____

Condit _____

Glenn 

Grau 

Hardin 

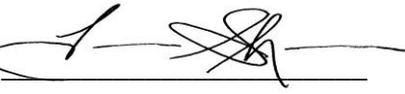
Johnson _____

Joyner 

Liebmann 

Lockhart _____

Martin (Scott) 

Shannon 

Shoemaker _____

Wright 

SENATE CONFEREES

Jolley _____
Johnson (Rob) _____
Nichols _____
Holt _____
Burrage _____
Laster _____

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1750

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

4
5 and

Jolley of the Senate
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8

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

15 AMENDMENT NO. 1. Page 1, strike the title to read

16 "[crimes and punishments - retaliation - perjury -
effective date -
17 emergency]"

1 Passed the Senate the 25th day of April, 2011.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2011.

7
8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 1750

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

3
4 and

Jolley of the Senate

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6
7
8 An Act relating to crimes and punishments; amending
9 21 O.S. 2001, Section 360, which relates to crimes
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11 public employees from certain actions regarding
12 legislation; prohibiting retaliation; providing
13 exceptions; amending 21 O.S. 2001, Section 491, which
relates to perjury; modifying definition; providing
for legislative proceeding; expanding crime of
perjury to include dissemination of certain
information; providing an effective date; and
declaring an emergency.

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

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

19 Section 360. A. No public employee or public official, as
20 defined in Section 304 of Title 51 of the Oklahoma Statutes, shall
21 directly or indirectly coerce, attempt to coerce, command, advise or
22 direct any state employee to pay, lend or contribute any part of his
23 or her salary or compensation, time, effort or anything else of
24

1 value to any party, committee, organization, agency or person for
2 political purposes.

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

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

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

1 E. The provisions of subsection C of this section shall not be
2 applicable to a public employee as defined in Section 304 of Title
3 51 of the Oklahoma Statutes, employed in this state by a
4 governmental entity having authority to issue, revoke, suspend or
5 deny a license, permit or certification when the person who is
6 seeking or has a license, permit or certification from the
7 governmental entity is also a member of the Legislature, a person
8 who serves on the governing board of the agency or a person who is
9 appointed to serve on a task force or similar entity created by
10 legislative action or by a political subdivision.

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

17 G. Any person convicted of willfully violating the provisions
18 of this section shall be guilty of a felony and shall be punished by
19 the imposition of a fine of not more than Ten Thousand Dollars
20 (\$10,000.00) or by imprisonment for not longer than two (2) years,
21 or by both said fine and imprisonment.

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

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

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

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

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

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