

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

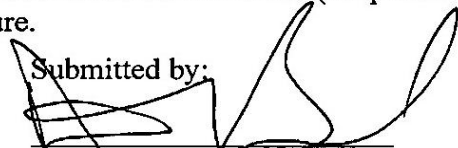
FLOOR AMENDMENT

No. 1

COMMITTEE AMENDMENT

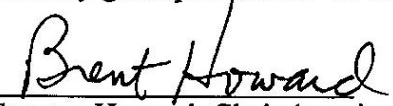
(Date)

I move to amend House Bill No. 3023 by substituting the attached floor substitute (Request # 3745) for the title, enacting clause, and entire body of the measure.

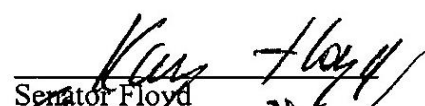
Submitted by: 

Senator Bullard

I hereby grant permission for the floor substitute to be adopted.



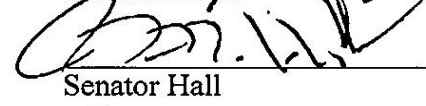
Senator Howard, Chair (required)



Senator Floyd



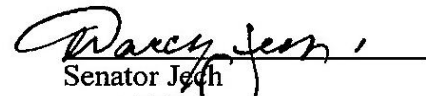
Senator Gollihare



Senator Hall



Senator Boren




Senator Jech



Senator Brooks



Senator Standridge



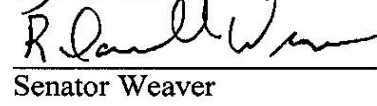
Senator Bullard



Senator Stewart



Senator Daniels



Senator Weaver

Senator Treat, President Pro Tempore

Senator McCortney, Majority Floor Leader

Note: Judiciary Committee majority requires seven (7) members' signatures.

Bullard-TEK-FS-HB3023
4/18/2024 8:42 AM

(Floor Amendments Only) Date and Time Filed: 4-22-24 1:55pm 

Untimely Amendment Cycle Extended Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 3023

By: Humphrey of the House

and

Bullard of the Senate

7
8
9 FLOOR SUBSTITUTE

10 [state government - disciplinary action - notice to
11 employer - civil action - evidentiary requirements -
12 relief - costs and fees - defense - codification -
13 effective date]

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 848 of Title 74, unless there is
17 created a duplication in numbering, reads as follows:

18 A. For purposes of this section:

19 1. "Agency" means any office, department, commission, or
20 institution of the state government;

21 2. "Disciplinary action" means any direct or indirect form of
22 discipline, or any dismissal, demotion, transfer, reassignment,
23 suspension, reprimand, admonishment, warning of possible dismissal,
24

1 reduction in force, reduction in rank, reduction in status, or
2 withholding of work;

3 3. "Mismanagement" means fraudulent activity, criminal misuse
4 of funds, or abuse or violation of a well-established, articulated,
5 clear and compelling public policy; and

6 4. "Retaliatory action" means frivolous, adverse measures by an
7 agency against a resident of this state or a consumer of the
8 services of the agency related to reporting of mismanagement by the
9 agency or its employees.

10 B. No officer or employee of any agency shall prohibit or take
11 disciplinary action against employees of such agency for:

12 1. Disclosing public information to correct what the employee
13 reasonably believes shows a violation of the Oklahoma Constitution,
14 Oklahoma Statutes, or a rule promulgated pursuant to law;

15 2. Reporting a violation of the Oklahoma Constitution, state or
16 federal law, rule, or policy; mismanagement; a gross waste of public
17 funds; an abuse of authority; or a substantial and specific danger
18 to public health or safety;

19 3. Discussing the operations and functions of the agency,
20 either specifically or generally, with the Governor, members of the
21 Legislature, or other persons in a position to investigate or
22 initiate corrective action; or

23 4. Objecting to, or refusing to participate in, any activity,
24 policy, or practice which the employee reasonably believes is in

1 violation of a law, or a rule or regulation promulgated pursuant to
2 law, or which the employee reasonably believes poses a risk to
3 public health, safety, or the environment.

4 C. 1. Except as provided in paragraph 2 of this subsection,
5 the protection against disciplinary action provided by subsection B
6 of this act shall not apply to an employee who makes a disclosure
7 unless the employee has provided written notice of the activity,
8 policy, or practice to a supervisor of the employee and has afforded
9 the agency a reasonable opportunity to correct the activity, policy,
10 or practice.

11 2. An employee shall not be required to comply with paragraph 1
12 of this subsection if he or she:

- 13 a. is reasonably certain that the activity, policy, or
14 practice is known to one or more supervisors of the
15 agency and the situation is emergency in nature,
- 16 b. reasonably fears physical harm as a result of the
17 disclosure, or
- 18 c. makes the disclosure in compliance with paragraph 3 of
19 subsection B of this section.

20 D. No officer or employee of any state agency shall prohibit or
21 take retaliatory action against a resident of this state or a
22 consumer of agency services for:

- 23 1. Reporting a violation of the Oklahoma Constitution, state or
24 federal law, rule, or policy; mismanagement; a gross waste of public

1 funds; an abuse of authority; or a substantial and specific danger
2 to public health or safety; or

3 2. Discussing the operations and functions of the agency,
4 either specifically or generally, with the Governor, members of the
5 Legislature, or other persons in a position to investigate or
6 initiate corrective action.

7 E. 1. A person who alleges that he or she is a victim of a
8 violation of this act may bring a civil action against the agency in
9 a court of competent jurisdiction for appropriate injunctive relief
10 or damages, or both, within one hundred eighty (180) days after the
11 occurrence of the alleged violation.

12 2. An employee who alleges a violation of this act must show by
13 a preponderance of the evidence that prior to the alleged violation,
14 the employee, or a person acting on behalf of or under the direction
15 of the employee, had reported an instance of wrongdoing or waste to
16 the employer or an appropriate authority or was exempt from
17 reporting pursuant to paragraph 2 of subsection C of this section.

18 A resident of this state or consumer of agency services must show by
19 a preponderance of the evidence that he or she suffered direct
20 financial harm as a result of unequal or arbitrary application of
21 law, rules, or regulations by the agency or its employees.

22 3. In a civil action brought under this act, the court may
23 award actual damages, court costs, and reasonable attorney fees to
24 the prevailing party.

1 4. It shall be a defense to an action under this section if the
2 defendant shows by a preponderance of the evidence that the
3 violation or violations that are the subject of the action occurred
4 for separate and legitimate reasons which are not merely pretexts.

5 SECTION 2. This act shall become effective November 1, 2024.

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7 59-2-3745 TEK 4/22/2024 4:05:44 PM

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