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LEGISLATION

SURVEY OF LEGISLATION ENACTED DURING THE
FIRST SESSION OF THE 31st OKLAHOMA LEGISLATURE

AGRICULTURE

Grading Meat—Ch. 371, [1967] Okla. Laws 597, codified as OKLA. STAT. tit. 2, §§ 5-8 (Supp. 1967)

—provides for the grading of packing plant meat by the State Board of Agriculture.

Health Certificates, imported livestock—Ch. 383, [1967] Okla. Laws 642, codified as OKLA. STAT. tit. 2, §§ 6-150 to -157 (Supp. 1967)

—requires health certificate for livestock shipped into Oklahoma.

Meat and Poultry Products Inspection Act—Ch. 381, [1967] Okla. Laws 621, codified as OKLA. STAT. tit. 2, §§ 6-161 to -180 (Supp. 1967)

—repeals OKLA. STAT. tit. 2, §§ 6-41, to -48, 6-71 to -76 (1961) and OKLA. STAT. tit. 2, §§ 6-42 to -48 (Supp. 1963)

—provides for regulation and licensing of meat and poultry processing plants and wholesalers.

—provides for inspection, quarantine and segregation.

—requires certain sanitation practices.

Quarantine, animal diseases—Ch. 393, [1967] Okla. Laws 674, amending OKLA. STAT. tit. 2, §§ 6-123, -124, -126, -94, -100, -102 (1961)

—provides quarantine regulations and enforcement.

—provides for testing of cattle.

—makes it unlawful to sell bovine animals.

Structural Pest Control Act—Ch. 385, [1967] Okla. Laws 656, codified as OKLA. STAT. tit. 2, §§ 3-171 to -180 (1967)

—repeals OKLA. STAT. tit. 2, §§ 3-161 to -164 (1961)

—provides for technical assistance, licensing and other regulation of persons engaged in structural pest control activities.

ALIMONY

Death and Remarriage, termination of payments—Ch. 328, [1967] Okla. Laws 530, *amending* OKLA. STAT. tit. 12, § 1289 (Supp. 1965)

—provides for termination of obligation to pay support upon death of former spouse receiving the support.

—provides for termination of obligation to pay support upon remarriage of person receiving the support except under certain circumstances.

ANIMALS

Livestock Commission Act—Ch. 284, [1967] Okla. Laws 458, *codified as* OKLA. STAT. tit. 2, §§ 1151-164 (Supp. 1967)

—creates the Oklahoma Livestock Commission.

—requires license to operate a livestock food lot.

BANKS AND BANKING

Organization—Ch. 258, [1967] Okla. Laws 402, *amending* OKLA. STAT. tit. 6, §§ 303; 305 A,C,D; 306 B,C,F,G; 406 A; 414 F; 711 F; 714 D; 1002; 1004 A(1) (Supp. 1965)

—provides language for the purpose of clarifying certain requirements in the Oklahoma Banking Code of 1965 regarding application, holding of real estate, directors and officers, meetings, powers, etc.

CHILDREN

Artificial Insemination, legitimacy—Ch. 305, [1967] Okla. Laws 498, *codified as* OKLA. STAT. tit. 10, §§ 551-53 (Supp. 1967)

—provides for legitimacy of children born through hetrologous artificial insemination, and child will be considered as a natural born child of husband and wife if they agree in writing to the process.

Birth Certificates, adopted children—Ch. 24, [1967] Okla. Laws 24, *amending* OKLA. STAT. tit. 10, § 60.18 (1961)

—provides for a supplementary birth certificate in the new home of the adopted person.

Gifts to Minors, custodian—Ch. 299, [1967] Okla. Laws 484, *amending* OKLA. STAT. tit. 60, § 402 (1961)

—allows any adult to serve as custodian of a gift for the benefit of a minor.

Interstate Compact on Juveniles—Ch. 282, [1967] Okla. Laws 449, *codified as* OKLA. STAT. tit. 10, §§ 531-37 (Supp. 1967)

—provides a plan and a procedure for extradition of run-away juveniles.

Parental Rights, termination—Ch. 159, [1967] Okla. Laws 241, *amending* OKLA. STAT. tit. 10, § 471 (Supp. 1965)

—provides grounds for terminating parental rights such as: written consent of parent; abandonment of child for one year; failure of parent to provide support.

Uniform Gifts to Minors, life insurance and annuity contracts—Ch. 299, [1967] Okla. Laws 482, *amending* OKLA. STAT. tit. 60, § 401 (1961); ch. 50, [1967] Okla. Laws 84 and ch. 299, [1967] Okla. Laws 484, *amending* OKLA. STAT. tit. 60, § 402 (1961); ch. 299 [1967] Okla. Laws 485, *amending* OKLA. STAT. tit. 60, §§ 403-07 (1961)

—provides that custodial property may include life and endowment insurance policies, annuity contracts, and the proceeds from such policies and contracts.

—authorizes the custodian to invest income or principal of custodial property in life and endowment insurance policies

and annuity contracts on the life of the minor or of a person in which the minor has an insurable interest.

CIVIL PROCEDURE

Affidavit of Service, effect—Ch. 143, [1967] Okla. Laws 221, *codified as* OKLA. STAT. tit. 12, § 171.1 (Supp. 1967)

—provides that no judgment rendered more than ten years prior hereto against unknown heirs, executors, administrators, devisees, trustees or assigns of any deceased person, or against a person or his unknown heirs, executors, administrators, devisees and assigns, shall ever be construed to be either void or voidable on the ground of insufficiency of the affidavit.

Appeals, bond—Ch. 185, [1967] Okla. Laws 278, *amending* OKLA. STAT. tit. 12, §§ 968, 974 (1961) and OKLA. STAT. tit. 85, § 29 (1961)

—relates to appeals to the Supreme Court; exempts municipalities from the necessity of executing supersedeas bond.

Newspapers, legal notice—Ch. 63, [1967] Okla. Laws 98, *amending* OKLA. STAT. tit. 25, § 106 (1961)

—*repeals* OKLA. STAT. tit. 25, §§ 102, 102a, 102b (1961)

—sets up standards for newspapers for publication of legal notices.

Summons—Ch. 355, [1967] Okla. Laws 575, *amending* OKLA. STAT. tit. 12, § 153 (1961)

—abolishes necessity for written praecipe.

CORPORATIONS

Charitable Organizations, indebtedness—Ch. 44, [1967] Okla. Laws 57, *amending* OKLA. STAT. tit. 18, § 550 (1961)

—authorizes indebtedness; eliminates limitations on rate of interest which may be paid; provides for mortgage or pledge of property; exempts property from taxes.

Redemption of Shares—Ch. 227, [1967] Okla. Laws 352, *amending* OKLA. STAT. tit. 18, § 1.137 (1961)

—provides when shares shall not be purchased or redeemed by a domestic corporation.

COURTS

Oaths and Affirmations, persons authorized to administer—Ch. 156, [1967] Okla. Laws 238, *amending* OKLA. STAT. tit. 51, § 21 (1961)

—authorizes judges of courts not of record to appoint certain officers to administer oaths.

Records, destruction—Ch. 110, [1967] Okla. Laws 176, *codified as* OKLA. STAT. tit. 20, § 1001 (Supp. 1967)

—authorizes destruction of papers, files and records in misdemeanor cases in County Courts, Justice of the Peace Courts, Special Session Courts and Courts of Common Pleas, in which there have been no filings or action for five years.

CRIMES

Arson, degrees—Ch. 115, [1967] Okla. Laws 182, *codified as* OKLA. STAT. tit. 21, §§ 1401-404 (Supp. 1961)

—*repeals* OKLA. STAT. tit. 21, §§ 1381-392, 1661, 1764 (1961).

—sets up arson in the 1st, 2nd, 3rd, and 4th degrees and prescribes punishment for the various degrees.

Bribery—Ch. 1, [1967] Okla. Laws 1, *amending* OKLA. STAT. tit. 21, §§ 381-82 (1961)

—makes peace officers and any other law enforcement officer subject to the bribery provisions.

Conversion of Property with Security Interest—Ch. 155, [1967] Okla. Laws 237, *codified as* OKLA. STAT. tit. 21, §§ 1834.1, 1834.12 (Supp. 1967)

—prohibits debtor from appropriating funds arising out of the sale of secured personal property to his own use; makes such debtor trustee of funds so received and providing for penalties.

Copper, stealing—Ch. 105 [1967] Okla. Laws 160, *codified as* OKLA. STAT. tit. 21, §§ 1727-730 (Supp. 1967)

—makes it unlawful for any person who shall enter upon any premises with intent to steal or remove without consent

of the owner or assist in stealing or removing any copper wire, copper cable or copper tubing.

Corrections Act—Ch. 261, [1967] Okla. Laws 413, *codified as OKLA. STAT. tit. 57, § 501-24 (Supp. 1967)*

repeals OKLA. STAT. tit. 57, § 131 (a) (1961)

—creates a Department of Corrections and places the penal institutions of the State in that department.

Drunken Driving—Ch. 58, [1967] Okla. Laws 95, *amending OKLA. STAT. tit. 47, § 11-902 (1961)*

provides for incarceration of persons in approved jails for drunken driving.

False Pretense—Ch. 94, [1967] Okla. Laws 146, *codified as OKLA. STAT. tit. 21, §§ 1541.1-5 (Supp. 1967)*

—defines a crime of obtaining or attempting to obtain property by trick or deception, false statements or pretenses, confidence games, false or bogus checks, or false and fraudulent representations.

Incest—Ch. 344, [1967] Okla. Laws 562, *amending OKLA. STAT. tit. 43, § 2 (1961) as amended by OKLA. STAT. tit. 43, § 2 (Supp. 1965)*

—makes marriages valid between certain related persons where the marriage would be legal in state where it was performed.

Shoplifting—Ch. 223, [1967] Okla. Laws 335, *amending OKLA. STAT. tit. 22, § 1341 (1961)*

—provides for detention of suspect to effect recovery.

United States Flag Mutilation—Ch. 298, [1967] Okla. Laws 481, *amending OKLA. STAT. tit. 21, §§ 372-73 (1961)*

—prohibits the mutilation, destruction or treating with indignity the United States flag.

CRIMINAL PROCEDURE

Appeal and Error—Ch. 60, [1967] Okla. Laws 96, *codified as OKLA. STAT. tit. 22, § 1075 (Supp. 1967)*

—provides additional means of lodging an appeal in the Court of Criminal Appeals by filing a petition in error with the clerk within thirty days from the date of the final order or judgment.

Indigent Defendants, right to counsel—Ch. 372, [1967] Okla. Laws 598, amending OKLA. STAT. tit. 22, § 464 (1961)

—provides for right, appointment, and compensation of counsel.

EVIDENCE

Mental Competency—Ch. 184, [1967] Okla. Laws 276, amending OKLA. STAT. tit. 43A, § 393 (1961)

—provides that a certificate of competency shall be prima facie evidence of competency.

MORTGAGES

Real Estate, terms—Ch. 59, [1967] Okla. Laws 96, amending OKLA. STAT. tit. 28, § 49 (1961)

—provides a limitation on loans on real estate to fifty percent of the appraised value of the real estate.

MOTOR VEHICLES

Abandonment—Ch. 363, [1967] Okla. Laws 588, codified as OKLA. STAT. tit. 47, §§ 901-06 (Supp. 1967)

—prohibits the abandonment of vehicles on highways and on other public property; deems a vehicle abandoned and directs removal of vehicle when left for forty-eight hours without appearance of an apparent owner.

PROBATE PROCEEDINGS

Conservator, bond—Ch. 181, [1967] Okla. Laws 273, amending OKLA. STAT. tit. 58, § 890.4 (Supp. 1965)

—provides for conservator to give bond to the State of Oklahoma.

Debt, contests—Ch. 136, [1967] Okla. Laws 212, *amending* OKLA. STAT. tit. 58, §§ 29, 591 (1961)

—provides for order of payment of debts, for presentation of claims within two months after first publication of notice, and for time in which contest of will must be commenced.

Petition for Administration—Ch. 179, [1967] Okla. Laws 272, *amending* OKLA. STAT. tit. 58, § 128 (1961)

—makes posting notice of petition of administration of estate unnecessary where notice is given by publication.

Petition for Probate—Ch. 178, [1967] Okla. Laws 271, *amending* OKLA. STAT. tit. 58, § 25 (1961)

—makes posting notice of hearing of the petition for probate unnecessary where notice is given by publication.

PROPERTY

Unclaimed Property Act—Ch. 107, [1967] Okla. Laws 162, *codified as* OKLA. STAT. tit. 60, §§ 651-87 (Supp. 1967)

—relates to the disposition of unclaimed property.

TAXES AND TAXATION

Ad Valorem—Ch. 359, [1967] Okla. Laws 579, *codified as* OKLA. STAT. tit. 68, §§ 5201-212 (Supp. 1967)

—requires revaluation of all taxable property within each county before January 1, 1972, and every five years thereafter.

Estate, Annuities, Death Benefits—Ch. 276, [1967] Okla. Laws 444, *codified as* OKLA. STAT. tit. 68, § 807.1 (Supp. 1967)

—declares certain types of annuities to be subject to Oklahoma estate tax laws and exempts the first 5,000 dollars from the tax where payable or receivable by decedent's spouse under specific type of plan.

Income, deductions—Ch. 164, [1967] Okla. Laws 248, amending OKLA. STAT. tit. 68, § 2307 (Supp. 1965)

—provides for deductions from gross income in computation of net income for income tax purposes; provides depletion allowance for salt mines and increase in depletion allowance for deposits of silica glass sand.

Income, returns—Ch. 169, [1967] Okla. Laws 260, amending OKLA. STAT. tit. 68, § 2311 (Supp. 1965)

—defines persons required to make income tax returns; provides for returns by estates, trusts, partnerships and corporations.

Stamp Tax—Ch. 259, [1967] Okla. Laws 408, codified as OKLA. STAT. tit. 68, §§ 5101-107 (Supp. 1967)

—provides for a documentary stamp tax on conveyances of real estate of fifty-five cents for each 500 dollars.

TORTS

Emergency Medical Treatment—Ch. 57, [1967] Okla. Laws 94, amending OKLA. STAT. tit. 59, § 518 (1961)

—provides immunity from civil damages to licensed physicians rendering emergency medical care.

WORKMEN'S COMPENSATION

Additional Coverage—Ch. 331, [1967] Okla. Laws 533, amending OKLA. STAT. tit. 85, § 2 (1961)

—provides for the inclusion of additional employments.



PROFESSOR GRAHAM KIRKPATRICK 1901-1968

On February 13, 1968, The University of Tulsa College of Law and the legal profession in Oklahoma suffered an irreparable loss in the death of Professor Graham Kirkpatrick.

Born in Selma, Alabama, he graduated from The United States Military Academy in 1925. Severely wounded during World War II he turned to the legal profession; graduating from The University of Alabama Law School in 1951. Before joining The University of Tulsa College of Law faculty in 1957, Professor Kirkpatrick practiced criminal law in Selma.

A man of deep commitment to the Legal Profession, he personified the essential ingredients of a law professor. His erudition was sprinkled with a liberal portion of wit and humor.

All who knew him are profoundly saddened by his sudden death, his family by the loss of a devoted husband and father, his students and colleagues of an inspired teacher and counsellor.

Professor Kirkpatrick submitted his article, **CONSTITUTIONAL CRIMINAL PROCEDURE**, shortly before his death. Because he helped us in our efforts to put out this issue; and, because of the great influence he had on the practice of criminal law in Oklahoma, we dedicate this issue to his memory.