EHB 2047

THE STATE SENATE
Thursday, April 7, 2005

ENGROSSED

House Bill No. 2047

As Amended

ENGROSSED HOUSE BILL NO. 2047 - By: HIETT, DANK, JACKSON, JOHNSON, MILLER (Doug), WESSELHOFT and WORTHEN of the House and COFFEE of the Senate.

[tort reform – codification – noncodification – effective date]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7.2 of Title 5, unless there is created a duplication in numbering, reads as follows:

A. In class actions, in making an award of attorney fees for class counsel, the court shall conduct an evidentiary hearing to determine the fairness and reasonableness of the proposed attorney fees. In the event the class is not represented by counsel independent of the counsel representing the class representative or representatives, the court may appoint disinterested counsel to represent the interests of the class on the issues of the fairness and reasonableness of any proposed attorney fees for counsel for the class representative or representatives that is to be assessed against any fund in which the class is to share or is to be otherwise assessed against the class.

(Bold face denotes Committee Amendments)

B. If any portion of the benefits recovered for the class in a class action are in the form of coupons or other noncash common benefits, the attorney fees awarded in the class action shall be in cash and noncash amounts in the same proportion as the recovery for the class.

C. If any portion of the benefits recovered for the class in a class action are to be payable over time or are subject to risk of diminution over time, the attorney fees awarded in the class action shall also be payable over time and subject to the same risk of diminution.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 95.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "product liability action" means any action against a manufacturer or seller for recovery of damages or other relief for harm allegedly caused by a defective product, whether the action is based in strict tort liability, strict products liability, negligence, misrepresentation, breach of express or implied warranty, or any other theory or combination of theories, and whether the relief sought is recovery of damages or any other legal or equitable relief, including, but not limited to, an action for:

1. Injury or damage to or loss of real or personal property;

2. Personal injury;

3. Wrongful death;

4. Economic loss; or

5. Declaratory, injunctive, or other equitable relief.

B. Except as provided by subsections C, D and E of this section, a plaintiff must commence a product liability action against a manufacturer or seller of a product before the end of ten (10) years after the date of the sale of the product by the defendant.

C. If a manufacturer or seller expressly warrants in writing that the product has a useful safe life of longer than ten (10) years, a plaintiff must commence a product liability action against that manufacturer or seller of the product before the end of the number of years warranted after the date of the sale of the product by that seller.

D. This section shall not apply to a product liability action in which damages are sought for personal injury or wrongful death if the plaintiff alleges:

1. The plaintiff was exposed to the product that is the subject of the action before the end of ten (10) years after the date the product was first sold to the plaintiff;

2. Exposure to the product caused a disease or injury that is the basis of the action; and

3. The symptoms of the disease or the cause of the injury were not, before the end of ten (10) years after the date of the first sale of the product by the defendant, manifest to a degree and for a duration that would put a reasonable person on notice that the person suffered some injury or that the product was subject to some defect.

E. This section shall not reduce a limitations period for a cause of action described by subsection D of this section that accrues before the end of the limitations period under this section.

F. This section shall not extend the limitations period within which a products liability action involving the product may be commenced under any other law.

G. This section applies only to the sale and not to the lease of a product.

H. This section shall not apply to any claim to which the General Aviation Revitalization Act of 1994 (Pub. L. No. 103-298), 108 Stat. 1552 (1994), 49 U.S.C., Section 40101 or its exceptions are applicable.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 130.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

A medical liability action brought pursuant to the Affordable Access to Health Care Act shall be brought only in the county where the cause of action arose.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 144 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. In class actions, if the court, upon motion by a party, finds that in the interest of justice and for the convenience of the parties a claim or action would be more properly heard in another forum, the court may decline to exercise jurisdiction under the doctrine of forum non conveniens and shall stay or dismiss the claim or action.

B. In determining whether to grant a motion to stay or dismiss an action pursuant to this section, the court may consider:

1. Whether an alternate forum exists in which the claim or action may be tried;

2. Whether the alternate forum provides an adequate remedy;

3. Whether maintenance of the claim in the court in which the case is filed would work a substantial injustice to the moving party;

4. Whether the alternate forum can exercise jurisdiction over all the defendants properly joined in the claim of the plaintiff;

5. Whether the balance of the private interests of the parties and the public interest of the state predominate in favor of the claim or action being brought in an alternate forum; and

6. Whether the stay or dismissal would prevent unreasonable duplication or proliferation of litigation.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 683.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

Except as provided in Section 7 of this act, an action may be dismissed, without prejudice to a future action:

1. By the plaintiff, before the final submission of the case to the jury, or to the court, where the trial is by the court;

2. By the court, where the plaintiff fails to appear on the trial;

3. By the court, for the want of necessary parties;

4. By the court, on the application of some of the defendants, where there are others whom the plaintiff fails to prosecute with diligence;

5. By the court, for disobedience by the plaintiff of an order concerning the proceedings in the action; and

6. In all other cases, upon the trial of the action, the decision must be upon the merits.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 684.2 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in Section 7 of this act, an action may be dismissed on the payment of costs and without an order of court by the plaintiff at any time before a petition of intervention or answer praying for affirmative relief against the plaintiff is filed in the action. A plaintiff may, at any time before the trial is commenced, on payment of the costs and without any order of court, dismiss the action after the filing of a petition of intervention or answer praying for affirmative relief, but such dismissal shall not prejudice the right of the intervenor or defendant to proceed with the action. Any defendant or intervenor may, in like manner, dismiss an action against the plaintiff, without an order of court, at any time before the trial is begun, on payment of the costs made on the claim filed by the defendant or intervenor. All parties to a civil action may at any time before trial, without an order of court, and on payment of costs, by agreement, dismiss the action.

B. Such dismissal shall be in writing and signed by the party or the attorney for the party, and shall be filed with the clerk of the district court where the action is pending, who shall note the fact on the proper record: Provided, such dismissal shall be held to

be without prejudice, unless the words "with prejudice" be expressed therein.

C. When an action is dismissed after a jury in the action is empanelled and the case is subsequently refiled, the court, at the conclusion of the subsequent action, may assess costs and attorney fees incurred in the previous action by the defendants subsequent to the jury being empanelled.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 684.3 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. A medical liability action brought pursuant to the Affordable Access to Health Care Act shall only be dismissed by the plaintiff without order of court:

1. By filing a notice of dismissal at any time before service of an answer by the defendant or service of a motion for summary judgment on the plaintiff, whichever first occurs; or

2. By filing a stipulation of dismissal signed by all parties who have appeared in the action.

B. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court an action based on or including the same claim.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 727.3 of Title 12, unless there is created a duplication in numbering, reads as follows:

POSTJUDGMENT INTEREST

A. 1. Except as otherwise provided by this section, all judgments of courts of record, including costs and attorney fees authorized by statute or otherwise and allowed by the court, shall bear interest at a rate prescribed pursuant to this section.

2. Costs and attorney fees allowed by the court shall bear interest from the earlier of the date the judgment or order is pronounced, if expressly stated in the written judgment or order awarding the costs and attorney fees, or the date the judgment or order is filed with the court clerk.

B. Judgments, including costs and attorney fees authorized by statute or otherwise and allowed by the court, against this state or its political subdivisions, including counties, municipalities, school districts, and public trusts of which this state or a political subdivision of this state is a beneficiary, shall bear interest during the term of judgment at a rate prescribed pursuant to this section, but not to exceed ten percent (10%), from the date of rendition. No judgment against this state or its political subdivisions, including counties, municipalities, school districts, and public trusts of which this state or a political subdivision of

this state is a beneficiary, inclusive of postjudgment interest, shall exceed the total amount of liability of the governmental entity pursuant to The Governmental Tort Claims Act.

C. The postjudgment interest authorized by subsection A or subsection B of this section shall accrue from the earlier of the date the judgment is rendered as expressly stated in the judgment, or the date the judgment is filed with the court clerk, and shall initially accrue at the rate in effect for the calendar year during which the judgment is rendered until the end of the calendar year in which the judgment was rendered, or until the judgment is paid, whichever first occurs. Beginning on the first day of January of the next succeeding calendar year until the end of that calendar year, or until the judgment is paid, whichever first occurs, the judgment, together with postjudgment interest previously accrued, shall bear interest at the rate in effect for judgments rendered during that calendar year as certified by the Administrative Director of the Courts pursuant to subsection I of this section. For each succeeding calendar year, or part of a calendar year, during which a judgment remains unpaid, the judgment, together with postjudgment interest previously accrued, shall bear interest at the rate in effect for judgments rendered during that calendar year as certified by the Administrative Director of the Courts pursuant to subsection I of this section. A separate computation using the

interest rate in effect for judgments as provided by subsection I of this section shall be made for each calendar year, or part of a calendar year, during which the judgment remains unpaid in order to determine the total amount of interest for which the judgment debtor is liable. The postjudgment interest rate for each calendar year or part of a calendar year a judgment remains unpaid shall be multiplied by the original amount of the judgment, including any prejudgment interest, together with postjudgment interest previously accrued. Interest shall accrue on a judgment in the manner prescribed by this subsection until the judgment is satisfied or released.

D. If a rate of interest is specified in a contract, the rate specified shall apply and be stated in the journal entry of judgment. The rate of interest shall not exceed the lawful rate for that obligation. Postjudgment interest shall be calculated and accrued in the same manner as prescribed in subsection C of this section.

PREJUDGMENT INTEREST

E. Except as provided by subsection F of this section, if a verdict for damages by reason of personal injuries or injury to personal rights including, but not limited to, injury resulting from bodily restraint, personal insult, defamation, invasion of privacy, injury to personal relations, or detriment due to an act or omission

of another is accepted by the trial court, the court in rendering judgment shall add interest on the verdict at a rate prescribed pursuant to subsection I of this section from the date the suit resulting in the judgment was commenced to the earlier of the date the verdict is accepted by the trial court as expressly stated in the judgment, or the date the judgment is filed with the court clerk. The interest rate for computation of prejudgment interest shall begin with the rate prescribed by subsection I of this section which is in effect for the calendar year in which the suit resulting in the judgment is commenced. This rate shall be in effect until the end of the calendar year in which the suit resulting in judgment was filed or until the date judgment is filed, whichever first occurs. Beginning on the first day of January of the next succeeding calendar year until the end of that calendar year, or until the date the judgment is filed, whichever first occurs, and for each succeeding calendar year thereafter, the prejudgment interest rate shall be the rate in effect for judgments rendered during each calendar year as certified by the Administrative Director of the Courts pursuant to subsection I of this section. After the computation of all prejudgment interest has been completed, the total amount of prejudgment interest shall be added to the amount of the judgment rendered pursuant to the trial of the action, and the total amount of the resulting judgment shall become

the amount upon which postjudgment interest is computed pursuant to subsection A of this section.

F. If a verdict of the type described by subsection E of this section is rendered against this state or its political subdivisions, including counties, municipalities, school districts, and public trusts of which this state or a political subdivision of this state is a beneficiary, the judgment shall bear interest at the rate prescribed pursuant to subsection I of this section, but not to exceed ten percent (10%) from the date the suit was commenced to the earlier of the date the verdict is accepted by the trial court as expressly stated in the judgment or the date the judgment is filed with the court clerk. The interest rate for computation of prejudgment interest shall begin with the rate prescribed by subsection I of this section which is in effect for the calendar year in which the suit resulting in the judgment is commenced. This rate shall be in effect until the end of the calendar year in which the suit resulting in judgment was filed or until the date the judgment is rendered as expressly stated in the judgment, whichever first occurs. Beginning on the first day of January of the next succeeding calendar year until the end of that calendar year, or until the date judgment is rendered, whichever first occurs, and for each succeeding calendar year thereafter, the prejudgment interest rate shall be the rate in effect for judgments rendered during each

calendar year as certified by the Administrative Director of the Courts pursuant to subsection I of this section. After the computation of prejudgment interest has been completed, the amount shall be added to the amount of the judgment rendered pursuant to the trial of the action, and the total amount of the resulting judgment shall become the amount upon which postjudgment interest is computed pursuant to subsection B of this section. No award of prejudgment interest against this state or its political subdivisions, including counties, municipalities, school districts, and public trusts of which this state or a political subdivision of this state is a beneficiary, including the amount of the judgment awarded pursuant to trial of the action, shall exceed the total amount of liability of the governmental entity pursuant to The Governmental Tort Claims Act.

G. If exemplary or punitive damages are awarded in an action for personal injury or injury to personal rights including, but not limited to, injury resulting from bodily restraint, personal insult, defamation, invasion of privacy, injury to personal relations, or detriment due to an act or omission of another, the interest on that award shall begin to accrue from the earlier of the date the judgment is rendered as expressly stated in the judgment, or the date the judgment is filed with the court clerk.

H. If a judgment is rendered establishing the existence of a lien against property and no rate of interest exists, the court shall allow prejudgment interest at a rate prescribed pursuant to subsection I of this section from the date the lien is filed to the date of verdict.

I. For purposes of computing either postjudgment interest or prejudgment interest as authorized by this section, interest shall be determined using a rate equal to the average United States Treasury Bill rate of the preceding calendar year as certified to the Administrative Director of the Courts by the State Treasurer on the first regular business day in January of each year, plus four percentage points.

J. For purposes of computing postjudgment interest, the provisions of this section, including the amendments prescribed by Chapter 320, O.S.L. 1997, shall be applicable to all judgments of the district courts rendered on or after January 1, 2000 but before January 1, 2006. Until January 1, 2006, the method for computing postjudgment interest prescribed by this section shall be applicable to all judgments remaining unpaid rendered prior to January 1, 2000.

K. For purposes of computing prejudgment interest, the provisions of this section, including the amendments prescribed by Chapter 320, O.S.L. 1997, shall be applicable to all actions which are filed in the district courts on or after January 1, 2000, but

before January 1, 2006, for which an award of prejudgment interest is authorized by the provisions of this section.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 727.3 of Title 12, unless there is created a duplication in numbering, reads as follows:

POSTJUDGMENT INTEREST

A. 1. Except as otherwise provided by this section, all judgments of courts of record, including costs and attorney fees authorized by statute or otherwise and allowed by the court, shall bear interest at a rate prescribed pursuant to this section.

2. Costs and attorney fees allowed by the court shall bear interest from the earlier of the date the judgment or order is pronounced, if expressly stated in the written judgment or order awarding the costs and attorney fees, or the date the judgment or order is filed with the court clerk.

B. Judgments, including costs and attorney fees authorized by statute or otherwise and allowed by the court, against this state or its political subdivisions, including counties, municipalities, school districts, and public trusts of which this state or a political subdivision of this state is a beneficiary, shall bear interest during the term of judgment at a rate prescribed pursuant to this section from the date of rendition. No judgment against this state or its political subdivisions, including counties,

municipalities, school districts, and public trusts of which this state or a political subdivision of this state is a beneficiary, inclusive of postjudgment interest, shall exceed the total amount of liability of the governmental entity pursuant to the Governmental Tort Claims Act.

C. The postjudgment interest authorized by subsection A or subsection B of this section shall accrue from the earlier of the date the judgment is rendered as expressly stated in the judgment, or the date the judgment is filed with the court clerk, and shall initially accrue at the rate in effect for the calendar year during which the judgment is rendered until the end of the calendar year in which the judgment was rendered, or until the judgment is paid, whichever first occurs. Beginning on January 1 of the next succeeding calendar year until the end of that calendar year, or until the judgment is paid, whichever first occurs, the judgment, together with postjudgment interest previously accrued, shall bear interest at the rate in effect for judgments rendered during that calendar year as certified by the Administrative Director of the Courts pursuant to subsection I of this section. For each succeeding calendar year, or part of a calendar year, during which a judgment remains unpaid, the judgment, together with postjudgment interest previously accrued, shall bear interest at the rate in effect for judgments rendered during that calendar year as certified

by the Administrative Director of the Courts pursuant to subsection I of this section. A separate computation using the interest rate in effect for judgments as provided by subsection I of this section shall be made for each calendar year, or part of a calendar year, during which the judgment remains unpaid in order to determine the total amount of interest for which the judgment debtor is liable. The postjudgment interest rate for each calendar year or part of a calendar year a judgment remains unpaid shall be multiplied by the original amount of the judgment, including any prejudgment interest, together with postjudgment interest previously accrued. Interest shall accrue on a judgment in the manner prescribed by this subsection until the judgment is satisfied or released.

D. If a rate of interest is specified in a contract, the rate specified shall apply and be stated in the journal entry of judgment. The rate of interest shall not exceed the lawful rate for that obligation. Postjudgment interest shall be calculated and accrued in the same manner as prescribed in subsection C of this section.

PREJUDGMENT INTEREST

E. Except as provided by subsection F of this section or Section 1-1708.1G of Title 63 of the Oklahoma Statutes, if a verdict for damages by reason of personal injuries or injury to personal rights including, but not limited to, injury resulting from bodily

1 restraint, personal insult, defamation, invasion of privacy, injury
2 to personal relations, or detriment due to an act or omission of
3 another is accepted by the trial court, the court in rendering
4 judgment shall add interest on the verdict at a rate prescribed
5 pursuant to subsection I of this section from the date the suit
6 resulting in the judgment was commenced to the earlier of the date
7 the verdict is accepted by the trial court as expressly stated in
8 the judgment, or the date the judgment is filed with the court
9 clerk. Prejudgment interest shall not be added to an award of
10 future damages. The interest rate for computation of prejudgment
11 interest shall begin with the rate prescribed by subsection I of
12 this section which is in effect for the calendar year in which the
13 suit resulting in the judgment is commenced. This rate shall be in
14 effect until the end of the calendar year in which the suit
15 resulting in judgment was filed or until the date judgment is filed,
16 whichever first occurs. Beginning on January 1 of the next
17 succeeding calendar year until the end of that calendar year, or
18 until the date the judgment is filed, whichever first occurs, and
19 for each succeeding calendar year thereafter, the prejudgment
20 interest rate shall be the rate in effect for judgments rendered
21 during each calendar year as certified by the Administrative
22 Director of the Courts pursuant to subsection I of this section.
23 After the computation of all prejudgment interest has been

completed, the total amount of prejudgment interest shall be added to the amount of the judgment rendered pursuant to the trial of the action, and the total amount of the resulting judgment shall become the amount upon which postjudgment interest is computed pursuant to subsection A of this section.

F. If a verdict of the type described by subsection E of this section is rendered against this state or its political subdivisions, including counties, municipalities, school districts, and public trusts of which this state or a political subdivision of this state is a beneficiary, the judgment shall bear interest at the rate prescribed pursuant to subsection I of this section from the date the suit was commenced to the earlier of the date the verdict is accepted by the trial court as expressly stated in the judgment or the date the judgment is filed with the court clerk. The interest rate for computation of prejudgment interest shall begin with the rate prescribed by subsection I of this section which is in effect for the calendar year in which the suit resulting in the judgment is commenced. This rate shall be in effect until the end of the calendar year in which the suit resulting in judgment was filed or until the date the judgment is rendered as expressly stated in the judgment, whichever first occurs. Beginning on January 1 of the next succeeding calendar year until the end of that calendar year, or until the date judgment is rendered, whichever first

occurs, and for each succeeding calendar year thereafter, the prejudgment interest rate shall be the rate in effect for judgments rendered during each calendar year as certified by the Administrative Director of the Courts pursuant to subsection I of this section. After the computation of prejudgment interest has been completed, the amount shall be added to the amount of the judgment rendered pursuant to the trial of the action, and the total amount of the resulting judgment shall become the amount upon which postjudgment interest is computed pursuant to subsection B of this section. No award of prejudgment interest against this state or its political subdivisions, including counties, municipalities, school districts, and public trusts of which this state or a political subdivision of this state is a beneficiary, including the amount of the judgment awarded pursuant to trial of the action, shall exceed the total amount of liability of the governmental entity pursuant to the Governmental Tort Claims Act.

G. If exemplary or punitive damages are awarded in an action for personal injury or injury to personal rights including, but not limited to, injury resulting from bodily restraint, personal insult, defamation, invasion of privacy, injury to personal relations, or detriment due to an act or omission of another, the interest on that award shall begin to accrue from the earlier of the date the

judgment is rendered as expressly stated in the judgment, or the date the judgment is filed with the court clerk.

H. If a judgment is rendered establishing the existence of a lien against property and no rate of interest exists, the court shall allow prejudgment interest at a rate prescribed pursuant to subsection I of this section from the date the lien is filed to the date of verdict.

I. For purposes of computing either postjudgment interest or prejudgment interest as authorized by this section, interest shall be:

1. The average for the preceding calendar year for the bank prime loan rate, as published by the Federal Reserve Bank of New York and as certified to the Administrative Director of the Courts by the State Treasurer on the first regular business day in January of each year;

2. Five percent (5%), if the average bank prime loan rate for the preceding calendar year is less than five percent (5%); or

3. Fifteen percent (15%), if the average bank prime loan rate for the preceding calendar year is more than fifteen percent (15%).

J. For purposes of computing postjudgment interest, the provisions of this section shall be applicable to all judgments of the district courts rendered on or after January 1, 2006. Effective January 1, 2006, the method for computing postjudgment interest

prescribed by this section shall be applicable to all judgments remaining unpaid rendered prior to January 1, 2006.

K. For purposes of computing prejudgment interest, the provisions of this section shall be applicable to all actions which are filed in the district courts on or after January 1, 2006, for which an award of prejudgment interest is authorized by the provisions of this section.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990.6 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in subsection C of this section, a party may obtain a stay of the enforcement of a judgment, decree or final order:

1. While a post-trial motion is pending;

2. During the time in which an appeal may be commenced; or

3. While an appeal is pending.

Such stay may be obtained by filing with the court clerk a written undertaking and the posting of a supersedeas bond or other security as provided in this section. In the undertaking the appellant shall agree to satisfy the judgment, decree or final order, and pay the costs and interest on appeal, if it is affirmed. The undertaking and supersedeas bond or security may be given at any time. The stay is effective when the bond and the sufficiency of the sureties are

approved by the trial court or the security is deposited with the court clerk. The enforcement of the judgment, decree or order shall no longer be stayed, and the judgment, decree or order may be enforced against any surety on the bond or other security:

1. If neither a post-trial motion nor a petition in error is filed, and the time for appeal has expired;

2. If a post-trial motion is no longer pending, no petition in error has been filed, and the time for appeal has expired; or

3. If an appeal is no longer pending.

B. The amount of the bond or other security shall be as follows:

1. When the judgment, decree or final order is for payment of money:

a. the bond shall be double the amount of the judgment, decree or final order, unless the bond is executed or guaranteed by a surety as hereinafter provided. The bond shall be for the amount of the judgment, decree or order including costs and interest on appeal where it is executed or guaranteed by an entity with suretyship powers as provided by the laws of Oklahoma. On a showing by the judgment debtor that the judgment debtor is likely to suffer substantial economic harm if required to post bond in the amount required by

this paragraph, the court shall balance the likely substantial economic harm to the judgment debtor with the ability of the judgment creditor to collect the judgment in the event the judgment is affirmed on appeal and may lower the bond accordingly. "Substantial economic harm" means insolvency or creating a significant risk of insolvency. The court shall not lower a bond as provided in this paragraph to the extent there is in effect an insurance policy, or agreement under which a third party is liable to satisfy part or all of the judgment entered and such party is required to post all or part of the bond. Upon lowering the bond as provided in this paragraph, the court shall enter an order enjoining a judgment debtor from dissipating or transferring assets to avoid satisfaction of the judgment, but the court shall not make any order that interferes with the judgment debtor's use of assets in the normal course of business, and

b. instead of filing a supersedeas bond, the appellant may obtain a stay by depositing cash with the court clerk in the amount of the judgment or order plus an amount that the court determines will cover costs and

interest on appeal. The court shall have discretion to accept United States Treasury notes or general obligation bonds of the State of Oklahoma in lieu of cash. If the court accepts such notes or bonds, it shall make appropriate orders for their safekeeping and maintenance during the stay;

2. When the judgment, decree or final order directs execution of a conveyance or other instrument, the amount of the bond shall be determined by the court. Instead of posting a supersedeas bond or other security, the appellant may execute the conveyance or other instrument and deliver it to the clerk of the court for deposit with a public or private entity for safekeeping, as directed by the court in writing;

3. When the judgment, decree or final order directs the delivery of possession of real or personal property, the bond shall be in an amount, to be determined by the court, that will protect the interests of the parties. The court may consider the value of the use of the property, any waste that may be committed on or to the property during the pendency of the stay, the value of the property, and all costs. When the judgment, decree or final order is for the sale of mortgaged premises and the payment of a deficiency arising from the sale, the bond must also provide for the payment of the deficiency;

4. When the judgment or final order directs the assignment or delivery of documents, they may be placed in the custody of the clerk of the court in which the judgment or order was rendered, for deposit with a public or private entity for safekeeping during the pendency of the stay, as directed by the court in writing, or the bond shall be in such sum as may be prescribed by the court; or

5. In order to protect any monies payable to the Tobacco Settlement Fund as set forth in Section 50 of Title 62 of the Oklahoma Statutes, the bond in any action or litigation involving a tobacco product manufacturer that is a party to the Master Settlement Agreement dated November 23, 1998, or a party to the Smokeless Tobacco Master Settlement Agreement, also dated November 23, 1998, shall be in an amount not to exceed one hundred percent (100%) of the judgment, exclusive of interest and costs, or Twenty-five Million Dollars ($25,000,000.00), whichever is less. However, if it is proved by a preponderance of the evidence that the appellant for whom the bond has been limited pursuant to this paragraph is intentionally dissipating or diverting assets outside of the ordinary course of its business for the purpose of avoiding payment of the judgment, the court shall enter such orders as are necessary to prevent dissipation or diversion, including, but not limited to, requiring that a bond be posted equal to the full amount of security required pursuant to this section. For purposes of this

paragraph, "Master Settlement Agreement" and "tobacco product manufacturer" shall have the same meanings as those terms are defined in paragraphs 5 and 9 of Section 600.22 of Title 37 of the Oklahoma Statutes, and "Smokeless Tobacco Master Settlement Agreement" means the settlement agreement and related documents entered into on November 23, 1998, by this state and leading United States smokeless tobacco product manufacturers.

C. Subsections A and B of this section shall not apply in actions involving temporary or permanent injunctions, actions for divorce, separate maintenance, annulment, paternity, custody, adoption, or termination of parental rights, or in juvenile matters, post-decree matrimonial proceedings or habeas corpus proceedings. The trial or appellate court, in its discretion, may stay the enforcement of any provision in a judgment, decree or final order in any of the types of actions or proceedings listed in this subsection during the pendency of the appeal or while any post-trial motion is pending upon such terms as to bond or otherwise as it considers proper for the security of the rights of the parties. If a temporary or permanent injunction is denied or dissolved, the trial or appellate court, in its discretion, may restore or grant an injunction during the pendency of the appeal and while any post-trial motions are pending upon such terms as to bond or otherwise as it considers proper for the security of the rights of the parties.

D. In any action not provided for in subsections A, B or C, the court may stay the enforcement of any judgment, decree or final order during the pendency of the appeal or while any post-trial motion is pending upon such terms as to bond or otherwise as it considers proper for the security of the rights of the parties.

E. The trial court shall have continuing jurisdiction during the pendency of any post-trial motion and appeal to modify any order it has entered regarding security or other conditions in connection with a stay.

F. The execution of a supersedeas bond shall not be a condition for the granting of a stay of judgment, decree or final order of any judicial tribunal against any county, municipality, or other political subdivision of the State of Oklahoma.

G. Executors, administrators and guardians who have given bond in this state, with sureties, according to law, are not required to provide a supersedeas bond if they are granted a stay of enforcement of a judgment, decree or final order.

H. After an appeal has been decided, but before the mandate has issued, a party whose trial court judgment has been affirmed, may move the appellate court to order judgment on the bond or other security in the amount of the judgment plus interest, appeals costs and allowable appeal-related attorney fees. After mandate has issued, a party who has posted a bond or other security may move for

exoneration of the bond or other security only in the trial court; and all motions concerning the bond or other security must be addressed to the trial court.

SECTION 11. AMENDATORY 12 O.S. 2001, Section 993, is amended to read as follows:

Section 993. A. When an order:

1. Discharges, vacates, or modifies or refuses to discharge, vacate, or modify an attachment;

2. Denies a temporary or permanent injunction, grants a temporary or permanent injunction except where granted at an ex parte hearing, or discharges, vacates, or modifies or refuses to discharge, vacate, or modify a temporary or permanent injunction;

3. Discharges, vacates, or modifies or refuses to discharge, vacate, or modify a provisional remedy which affects the substantial rights of a party;

4. Appoints a receiver except where the receiver was appointed at an ex parte hearing, refuses to appoint a receiver, or vacates or refuses to vacate the appointment of a receiver;

5. Directs the payment of money pendente lite except where granted at an ex parte hearing, refuses to direct the payment of money pendente lite, or vacates or refuses to vacate an order directing the payment of money pendente lite;

6. Certifies or refuses to certify an action to be maintained as a class action; ~~or~~

7. Denies a motion in a class action asserting lack of jurisdiction because an agency of this state has exclusive or primary jurisdiction of the action or a part of the action, or asserting that a party has failed to exhaust administrative remedies; or

8. Grants a new trial or opens or vacates a judgment or order, the party aggrieved thereby may appeal the order to the Supreme Court without awaiting the final determination in said cause, by filing the petition in error and the record on appeal with the Supreme Court within thirty (30) days after the order prepared in conformance with Section 696.3 of this title, is filed with the court clerk. If the appellant did not prepare the order, and Section 696.2 of this title required a copy of the order to be mailed to the appellant, and the court records do not reflect the mailing of a copy of the order to the appellant within three (3) days, exclusive of weekends and holidays, after the filing of the order, the petition in error may be filed within thirty (30) days after the earliest date on which the court records show that a copy of the order was mailed to the appellant. The Supreme Court may extend the time for filing the record upon good cause shown.

B. If the order discharges or modifies an attachment or temporary injunction and it becomes operative, the undertaking given upon the allowance of an attachment or temporary injunction shall stay the enforcement of said order and remain in full force until final order of discharge shall take effect.

C. Where a receiver shall be or has been appointed, upon the appellant filing an appeal bond, with sufficient sureties, in such sum as may have been required of the receiver by the court or a judge thereof, conditioned for the due prosecution of the appeal and the payment of all costs or damages that may accrue to the state or any officer or person by reason thereof, the authority of the receiver shall be suspended until the final determination of the appeal, and if the receiver has taken possession of any property, real or personal, it shall be returned and surrendered to the appellant upon the filing and approval of the bonds.

D. During the pendency of an appeal pursuant to paragraph 6 or 7 of subsection A of this section, the action in the trial court shall be stayed in all respects. Following adjudication on appeal, if the class is not certified, the stay in the trial court shall automatically dissolve and the trial court may proceed to adjudicate any remaining individual claims or defenses. If after such appeal, the class is to be certified, the stay shall dissolve and the trial court shall proceed with adjudication on the merits; provided, the

trial court shall at all times prior to entry of a final order retain jurisdiction to revisit the certification issues, upon motion of a party, and to order decertification of the class if during the litigation of the case it becomes evident to the court that the action is no longer reasonably maintainable as a class action.

SECTION 12. AMENDATORY 12 O.S. 2001, Section 1101, is amended to read as follows:

Section 1101. The defendant, in an action for the recovery of money only, may, at any time before the trial, serve upon the plaintiff or ~~his~~ the attorney for the plaintiff an offer, in writing, to allow judgment to be taken against ~~him~~ the defendant for the sum specified therein. If the plaintiff accept the offer and give notice thereof to the defendant or ~~his~~ the attorney for the defendant, within five (5) days after the offer was served, the offer, and an affidavit that the notice of acceptance was delivered within the time limited, may be filed by the plaintiff, or the defendant may file the acceptance, with a copy of the offer, verified by affidavit; and in either case, the offer and acceptance shall be noted in the journal, and judgment shall be rendered accordingly. If the notice of acceptance be not given in the period limited, the offer shall be deemed withdrawn, and shall not be given in evidence or mentioned on the trial. If the plaintiff fails to obtain judgment for more than was offered by the defendant, ~~he~~ the

plaintiff shall pay the defendant's costs from the time of the offer.

SECTION 13. AMENDATORY 12 O.S. 2001, Section 1101.1, as amended by Section 7, Chapter 468, O.S.L. 2002 (12 O.S. Supp. 2004, Section 1101.1), is amended to read as follows:

Section 1101.1 A. Actions for personal injury, wrongful death, and certain specified actions.

1. Subject to the provisions of paragraph 5 of this subsection, after a civil action is brought for the recovery of money as the result of a claim for personal injury, wrongful death, or pursuant to Chapter 21 of Title 25 of the Oklahoma Statutes or Section 5 of Title 85 of the Oklahoma Statutes, any defendant may file with the court, at any time more than ten (10) days prior to trial, an offer of judgment for a sum certain to any plaintiff with respect to the action or any claim or claims asserted in the action. An offer of judgment shall be deemed to include any costs or attorney fees otherwise recoverable unless it expressly provides otherwise. If an offer of judgment is filed, each plaintiff to whom an offer of judgment is made shall, within ten (10) days, file:

a. a written acceptance or rejection of such offer, or

b. a counteroffer of judgment, as described in paragraph 2 of this subsection.

1 If the plaintiff fails to file a timely response, the offer of
2 judgment shall be deemed rejected. The fact an offer of judgment is
3 made but not accepted or is deemed rejected does not preclude
4 subsequent timely offers of judgment.
5 2. In the event a defendant files an offer of judgment, the
6 plaintiff may, within ten (10) days, file with the court a
7 counteroffer of judgment directed to each defendant who has filed an
8 offer of judgment. If a counteroffer of judgment is filed, each
9 defendant to whom the counteroffer of judgment is made shall, within
10 ten (10) days, file a written acceptance or rejection of the
11 counteroffer of judgment. If a defendant fails to file a timely
12 response, the counteroffer of judgment shall be deemed rejected.
13 The fact a counteroffer of judgment is made but not accepted or
14 deemed rejected does not preclude subsequent counteroffers of
15 judgment if subsequent offers of judgment are made.
16 3. In the event the plaintiff rejects the offer(s) of judgment
17 and the judgment awarded the plaintiff is less than the final offer
18 of judgment, then the defendant filing the offer of judgment shall
19 be entitled to recover reasonable litigation costs and reasonable
20 attorney fees incurred by that defendant from the date of filing of
21 the final offer of judgment until the date of the verdict. Such
22 costs and fees may be offset from the judgment entered against the

offering defendant; provided, however, that prior to any such offset, the plaintiff's attorney may:

a. exercise any attorneys lien claimed in an amount not to exceed twenty-five percent (25%) of the judgment, and

b. recover the plaintiff's reasonable litigation costs, not to exceed an additional fifteen percent (15%) of the judgment or Five Thousand Dollars ($5,000.00), whichever is greater.

4. In the event a defendant rejects the counteroffer(s) of judgment and the judgment awarded to the plaintiff is greater than the final counteroffer of judgment, the plaintiff shall be entitled to recover reasonable litigation costs and reasonable attorney fees incurred by the plaintiff from the date of filing of the final counteroffer of judgment until the date of the verdict. Such costs and fees may be added to the judgment entered in favor of the plaintiff.

5. The provisions of this subsection shall apply only where the plaintiff demands in a pleading or in trial proceedings more than One Hundred Thousand Dollars ($100,000.00), or where the defendant makes an offer of judgment more than One Hundred Thousand Dollars ($100,000.00). Any offer of judgment may precede the demand.

B. Other actions.

1. After a civil action is brought for the recovery of money or property in an action other than for personal injury, wrongful death or pursuant to Chapter 21 of Title 25 of the Oklahoma Statutes or Section 5 of Title 85 of the Oklahoma Statutes, any defendant may file with the court, at any time more than ten (10) days prior to trial, an offer of judgment for a sum certain to any plaintiff with respect to the action or any claim or claims asserted in the action. An offer of judgment shall be deemed to include any costs and attorney fees otherwise recoverable unless it expressly provides otherwise. If an offer of judgment is filed, the plaintiff or plaintiffs to whom the offer of judgment is made shall, within ten (10) days, file:

a. a written acceptance or rejection of the offer, or

b. a counteroffer of judgment, as described in paragraph 2 of this subsection.

If a plaintiff fails to file a timely response, the offer of judgment shall be deemed rejected. The fact an offer of judgment is made but not accepted or is deemed rejected does not preclude subsequent timely offers of judgment.

2. In the event a defendant files an offer of judgment, the plaintiff may, within ten (10) days, file with the court a counteroffer of judgment to each defendant who has filed an offer of judgment and the claim or claims which are the subject thereof. If

a counteroffer of judgment is filed, each defendant to whom a counteroffer of judgment is made shall, within ten (10) days, file a written acceptance or rejection of the counteroffer of judgment. If a defendant fails to file a timely response, the counteroffer of judgment shall be deemed rejected. The fact a counteroffer of judgment is made but not accepted or is deemed rejected does not preclude subsequent counteroffers of judgment if subsequent offers of judgment are made.

3. If no offer of judgment or counteroffer of judgment is accepted and the judgment awarded the plaintiff is less than one or more offers of judgment, the defendant shall be entitled to reasonable litigation costs and reasonable attorney fees incurred by the defendant with respect to the action or the claim or claims included in the offer of judgment from and after the date of the first offer of judgment which is greater than the judgment until the date of the judgment. Such costs and fees may be offset from the judgment entered against the offering defendant.

4. If no offer of judgment or counteroffer of judgment is accepted and the judgment awarded the plaintiff is greater than one or more counteroffers of judgment, the plaintiff shall be entitled to recover the reasonable litigation costs and reasonable attorney fees incurred by the plaintiff with respect to the action or the claim or claims included in the counteroffer of judgment from and

after the date of the first counteroffer of judgment which is less than the judgment until the date of the judgment. Such costs and fees may be added to the judgment entered in favor of the plaintiff.

5. An award of reasonable litigation costs and reasonable attorneys fees under paragraph 3 of this subsection shall not preclude an award under paragraph 4 of this subsection, and an award under paragraph 4 of this subsection shall not preclude an award under paragraph 3 of this subsection.

6. This subsection shall not apply to actions brought pursuant to Chapter 21 of Title 25 of the Oklahoma Statutes or Section 5 of Title 85 of the Oklahoma Statutes.

C. For purposes of comparing the amount of a judgment with the amount of an offer under paragraph 3 or 4 of subsection A of this section or paragraph 3 or 4 of subsection B of this section, attorney fees and costs otherwise recoverable shall be included in the amount of the compared judgment only if the offer was inclusive of attorney fees and costs. Fees or costs recoverable for work performed after the date of the offer shall not be included in the amount of the judgment for purposes of comparison.

D. Evidence of an offer of judgment or a counteroffer of judgment shall not be admissible in any action or proceeding for any purpose except in proceedings to enforce a settlement arising out of an offer of judgment or counteroffer of judgment or to determine

reasonable ~~attorneys~~ attorney fees and reasonable litigation costs under this section.

E. This section shall apply whether or not litigation costs or attorneys fees are otherwise recoverable.

F. The provisions of this section are severable, and if any part or provision thereof shall be held void, the decision of the court shall not affect or impair any of the remaining parts or provisions thereof.

G. This section shall apply to all civil actions filed after ~~the effective date of this act~~ August 25, 1995, and before November 1, 2005.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1101.2 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. Actions for personal injury, wrongful death, and certain specified actions.

1. Subject to the provisions of paragraph 5 of this subsection, after a civil action is brought for the recovery of money as the result of a claim for personal injury, wrongful death, discrimination pursuant to Chapter 21 of Title 25 of the Oklahoma Statutes, or unlawful discharge of an employee pursuant to Section 5 of Title 85 of the Oklahoma Statutes, any defendant may file with the court, at any time more than ten (10) days prior to trial, an

offer of judgment for a sum certain to any plaintiff with respect to the action or any claim or claims asserted in the action. The offer of judgment shall be directed to all parties to whom the settlement offer is made. If an offer of judgment is filed, each plaintiff to whom an offer of judgment is made shall, within ten (10) days, file:

a. a written acceptance or rejection of such offer, or

b. a counteroffer of judgment, as described in paragraph 2 of this subsection.

If the plaintiff fails to file a timely response, the offer of judgment shall be deemed rejected. The fact an offer of judgment is made but not accepted or is deemed rejected does not preclude subsequent timely offers of judgment.

2. In the event a defendant files an offer of judgment, the plaintiff may, within ten (10) days, file with the court a counteroffer of judgment directed to each defendant who has filed an offer of judgment. If a counteroffer of judgment is filed, each defendant to whom the counteroffer of judgment is made shall, within ten (10) days, file a written acceptance or rejection of the counteroffer of judgment. If a defendant fails to file a timely response, the counteroffer of judgment shall be deemed rejected. The fact a counteroffer of judgment is made but not accepted or deemed rejected does not preclude subsequent counteroffers of judgment if subsequent offers of judgment are made.

3. If the plaintiff rejects a final offer of judgment and the judgment awarded the plaintiff is less than eighty percent (80%) of the final offer of judgment, the defendant filing the offer of judgment shall be entitled to recover reasonable litigation costs and reasonable attorney fees incurred by that defendant from the date of filing of the final offer of judgment until the date of the verdict. Such costs and fees may be offset from the judgment entered against the offering defendant; provided, however, that prior to any such offset, the attorney for the plaintiff may:

a. exercise any attorneys lien claimed in an amount not to exceed twenty-five percent (25%) of the judgment, and

b. recover the reasonable litigation costs of the plaintiff, not to exceed an additional fifteen percent (15%) of the judgment or Five Thousand Dollars ($5,000.00), whichever is greater.

4. If a defendant rejects a final counteroffer of judgment and the judgment awarded to the plaintiff is greater than one hundred twenty percent (120%) of the final counteroffer of judgment, the plaintiff shall be entitled to recover reasonable litigation costs and reasonable attorney fees incurred by the plaintiff from the date of filing of the final counteroffer of judgment until the date of

the verdict. Such costs and fees may be added to the judgment entered in favor of the plaintiff.

5. The provisions of this subsection shall apply only if the plaintiff demands in a pleading or in trial proceedings more than One Hundred Thousand Dollars ($100,000.00), or if the defendant makes an offer of judgment of more than One Hundred Thousand Dollars ($100,000.00). Any offer of judgment may precede the demand.

B. Other actions.

1. After a civil action is brought for the recovery of money or property in an action other than for personal injury, wrongful death, discrimination pursuant to Chapter 21 of Title 25 of the Oklahoma Statutes, or unlawful discharge of an employee pursuant to Section 5 of Title 85 of the Oklahoma Statutes, any defendant may file with the court, at any time more than ten (10) days prior to trial, an offer of judgment for a sum certain to any plaintiff with respect to the action or any claim or claims asserted in the action. If an offer of judgment is filed, the plaintiff or plaintiffs to whom the offer of judgment is made shall, within ten (10) days, file:

a. a written acceptance or rejection of the offer, or

b. a counteroffer of judgment, as described in paragraph 2 of this subsection.

1 If a plaintiff fails to file a timely response, the offer of
2 judgment shall be deemed rejected. The fact an offer of judgment is
3 made but not accepted or is deemed rejected does not preclude
4 subsequent timely offers of judgment.
5 2. If a defendant files an offer of judgment, the plaintiff
6 may, within ten (10) days, file with the court a counteroffer of
7 judgment to each defendant who has filed an offer of judgment and
8 the claim or claims which are the subject thereof. If a
9 counteroffer of judgment is filed, each defendant to whom a
10 counteroffer of judgment is made shall, within ten (10) days, file a
11 written acceptance or rejection of the counteroffer of judgment. If
12 a defendant fails to file a timely response, the counteroffer of
13 judgment shall be deemed rejected. The fact a counteroffer of
14 judgment is made but not accepted or is deemed rejected does not
15 preclude subsequent counteroffers of judgment if subsequent offers
16 of judgment are made.
17 3. If no offer of judgment or counteroffer of judgment is
18 accepted and the judgment awarded the plaintiff is less than eighty
19 percent (80%) of one or more offers of judgment, the defendant shall
20 be entitled to reasonable litigation costs and reasonable attorney
21 fees incurred by the defendant with respect to the action or the
22 claim or claims included in the offer of judgment from and after the
23 date of the first offer of judgment which is greater than the

1 judgment until the date of the judgment. Such costs and fees may be
2 offset from the judgment entered against the offering defendant.
3 4. If no offer of judgment or counteroffer of judgment is
4 accepted and the judgment awarded the plaintiff is greater than one
5 hundred twenty percent (120%) of one or more counteroffers of
6 judgment, the plaintiff shall be entitled to recover the reasonable
7 litigation costs and reasonable attorney fees incurred by the
8 plaintiff with respect to the action or the claim or claims included
9 in the counteroffer of judgment from and after the date of the first
10 counteroffer of judgment which is less than the judgment until the
11 date of the judgment. Such costs and fees may be added to the
12 judgment entered in favor of the plaintiff.
13 5. An award of reasonable litigation costs and reasonable
14 attorneys fees under paragraph 3 of this subsection shall not
15 preclude an award under paragraph 4 of this subsection, and an award
16 under paragraph 4 of this subsection shall not preclude an award
17 under paragraph 3 of this subsection.
18 C. For purposes of comparing the amount of a judgment with the
19 amount of an offer under paragraph 3 or 4 of subsection A of this
20 section or paragraph 3 or 4 of subsection B of this section,
21 attorney fees and costs otherwise recoverable shall be included in
22 the amount of the compared judgment only if the offer was inclusive
23 of attorney fees and costs. Fees or costs recoverable for work

performed after the date of the offer shall not be included in the amount of the judgment for purposes of comparison.

D. The litigation costs that may be awarded pursuant to this section shall not be greater than an amount computed by:

1. Determining the sum of:

a. fifty percent (50%) of the economic damages to be awarded to the plaintiff in the judgment,

b. one hundred percent (100%) of the noneconomic damages to be awarded to the plaintiff in the judgment, and

c. one hundred percent (100%) of the punitive damages to be awarded to the plaintiff in the judgment; and

2. Subtracting from the amount determined under paragraph 1 of this subsection the amount of any statutory or contractual lines in connection with the occurrences or incidents giving rise to the claim.

E. If a plaintiff or defendant is entitled to recover attorney fees and costs pursuant to another law, the plaintiff or defendant shall not recover attorney fees and litigation costs pursuant to this section in addition to the fees and costs that are recoverable under the other law.

F. Evidence of an offer of judgment or a counteroffer of judgment shall not be admissible in any action or proceeding for any purpose except in proceedings to enforce a settlement arising out of

an offer of judgment or counteroffer of judgment or to determine reasonable attorney fees and reasonable litigation costs under this section.

G. This section shall apply whether or not litigation costs or attorney fees are otherwise recoverable.

H. This section shall apply to all civil actions filed on or after November 1, 2004.

SECTION 15. AMENDATORY 12 O.S. 2001, Section 1102, is amended to read as follows:

Section 1102. The making of an offer, pursuant to the provisions contained in ~~the foregoing section~~ Sections 1101 and 1101.1 of this title or Section 14 of this act, shall not be a cause for a continuance of an action or a postponement of the trial.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2011.2 of Title 12, unless there is created a duplication in numbering, reads as follows:

SIGNING OF PLEADINGS

A. SIGNATURE. Every pleading, written motion, and other paper shall be signed by at least one attorney of record in his individual name, whose Oklahoma Bar Association identification number shall be stated, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the address of the signer and telephone number, if any. Except when otherwise

specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. An unsigned paper shall be stricken unless the omission of the signature is corrected promptly after being called to the attention of the attorney or party.

B. REPRESENTATIONS TO COURT. By presenting to the court, whether by signing, filing, submitting, or later advocating, a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

1. It is not being presented for any improper or frivolous purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

2. The claims, defenses and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

3. The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

4. The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

C. SANCTIONS. If, after notice and a reasonable opportunity to respond, the court determines that subsection B of this section has been violated, the court shall, subject to the conditions stated below, impose an appropriate sanction upon the attorneys, law firms, or parties that have violated subsection B of this section or are responsible for the violation.

1. HOW INITIATED.

a. By Motion. A motion for sanctions under this rule shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate subsection B of this section. It shall be served as provided in Section 2005 of Title 12 of the Oklahoma Statutes, but shall not be filed with or presented to the court unless, within twenty-one (21) days after service of the motion or such other period as the court may prescribe, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. If warranted, the court may award to the party prevailing on the motion the

reasonable expenses and attorneys fees incurred in presenting or opposing the motion. Absent exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees.

b. On Court's Initiative. On its own initiative, the court may enter an order describing the specific conduct that appears to violate subsection B of this section and directing an attorney, law firm, or party to show cause why it has not violated subsection B of this section with respect thereto.

2. NATURE OF SANCTIONS; LIMITATIONS. A sanction imposed for violation of this section shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. Subject to the limitations in subparagraphs a, b and c of this paragraph, the sanction may consist of, or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorneys fees and other expenses incurred as a direct result of the violation.

a. Monetary sanctions shall not be awarded against a represented party for a violation of paragraph 2 of subsection B of this section.

b. Monetary sanctions shall not be awarded on the court's initiative unless the court issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party which is, or whose attorneys are, to be sanctioned.

c. Monetary sanctions shall be awarded for any violations of paragraph 1 of subsection B of this section. The sanctions shall consist of an order directing payment of reasonable costs, including attorney fees, incurred by the movant with respect to the conduct for which the sanctions are imposed. In addition, the court may impose any other sanctions authorized by this paragraph.

3. ORDER. When imposing sanctions, the court shall describe the conduct determined to constitute a violation of this section and explain the basis for the sanction imposed.

D. INAPPLICABILITY TO DISCOVERY. This section does not apply to disclosures and discovery requests, responses, objections, and motions that are subject to the provisions of Sections 3226 through 3237 of Title 12 of the Oklahoma Statutes.

E. DEFINITION. As used in this section, "frivolous" means the action or pleading was knowingly asserted in bad faith, was unsupported by any credible evidence, was not grounded in fact, or was unwarranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2020.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

PERMISSIVE JOINDER OF PARTIES

A. PERMISSIVE JOINDER.

1. All persons may join in one action as plaintiffs if they assert any right to relief jointly, severally, or in the alternative:

a. in respect of or arising out of the same transaction or occurrence, or

b. if the claims arise out of a series of transactions or occurrences and any question of law or fact common to all these persons will arise in the action, or

c. if the claims are connected with the subject matter of the action.

2. All persons may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative:

a. any right to relief in respect of or arising out of the same transaction or occurrence, or

b. if the claims arise out of a series of transactions or occurrences and any question of law or fact common to all defendants will arise in the action, or

c. if the claims are connected with the subject matter of the action.

3. A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief, and against one or more defendants according to their respective liabilities.

B. ACTIONS INVOLVING PROPERTY. In actions to quiet title or actions to enforce mortgages or other liens, persons who assert an interest in the property that is the subject of the action may be joined although their interest does not arise from the same transaction or occurrence. The court may order separate trials to prevent delay or prejudice.

C. SEPARATE TRIALS. The court may make such orders as will prevent a party from being embarrassed, delayed, or put to expense

by the inclusion of a party against whom he asserts no claim and who asserts no claim against him, and may order separate trials or make other orders to prevent delay or prejudice. In determining whether to allow joinder under this section or to order separate trials, the court shall consider if in the interest of justice such action provides a fair and convenient forum for all parties.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2021.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

MISJOINDER AND NONJOINDER OF PARTIES

Misjoinder of parties is not ground for dismissal of an action. Parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just. Any claim against a party may be severed and proceeded with separately. In determining whether to add or drop parties under this section, the court shall consider if in the interest of justice such action provides a fair and convenient forum for all parties.

SECTION 19. AMENDATORY 12 O.S. 2001, Section 2023, is amended to read as follows:

Section 2023.

CLASS ACTIONS

A. PREREQUISITES TO A CLASS ACTION. One or more members of a class may sue or be sued as representative parties on behalf of all only if:

1. The class is so numerous that joinder of all members is impracticable;

2. There are questions of law or fact common to the class;

3. The claims or defenses of the representative parties are typical of the claims or defenses of the class; and

4. The representative parties will fairly and adequately protect the interests of the class.

B. CLASS ACTIONS MAINTAINABLE. An action may be maintained as a class action if the prerequisites of subsection A of this section are satisfied and in addition:

1. The prosecution of separate actions by or against individual members of the class would create a risk of:

a. inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class, or

b. adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not

parties to the adjudications or substantially impair or impede their ability to protect their interests; or

2. The party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole; or

3. The court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The matters pertinent to the findings include:

a. the interest of members of the class in individually controlling the prosecution or defense of separate actions,

b. the extent and nature of any litigation concerning the controversy already commenced by or against members of the class,

c. the desirability or undesirability of concentrating the litigation of the claims in the particular forum, and

d. the difficulties likely to be encountered in the management of a class action.

C. CLASS ACTIONS INVOLVING JURISDICTION OF STATE AGENCY; STATE AGENCY WITH EXCLUSIVE OR PRIMARY JURISDICTION.

Before hearing or deciding a motion to certify a class action, the court shall hear and rule on all pending motions asserting lack of jurisdiction because an agency of this state has exclusive or primary jurisdiction of the action or a part of the action, or asserting that a party has failed to exhaust administrative remedies. The ruling of the court shall be reflected in a written order. If a motion provided for in this subsection is denied and a class is subsequently certified, a person may obtain appellate review of the order denying the motion as part of an appeal of the order certifying the class action.

D. DETERMINATION BY ORDER WHETHER CLASS ACTION TO BE MAINTAINED; NOTICE; JUDGMENT; ACTIONS CONDUCTED PARTIALLY AS CLASS ACTIONS.

1. As soon as practicable after the commencement of an action brought as a class action, the court shall determine by order whether it is to be so maintained. An order under this subsection may be conditional, and may be altered or amended before the decision on the merits.

2. In any class action maintained under paragraph 3 of subsection B of this section, the court shall direct to the members of the class the best notice practicable under the circumstances,

1 including individual notice to all members who can be identified
2 through reasonable effort. The notice shall advise each member
3 that:
4 a. the court will exclude him from the class if he so
5 requests by a specified date,
6 b. the judgment, whether favorable or not, will include
7 all members who do not request exclusion, and
8 c. any member who does not request exclusion may, if he
9 desires, enter an appearance through his counsel.
10 Where the class contains more than five hundred (500) members
11 who can be identified through reasonable effort, it shall not be
12 necessary to direct individual notice to more than five hundred
13 (500) members, but the members to whom individual notice is not
14 directed shall be given notice in such manner as the court shall
15 direct, which may include publishing notice in newspapers,
16 magazines, trade journals or other publications, posting it in
17 appropriate places, and taking other steps that are reasonably
18 calculated to bring the notice to the attention of such members,
19 provided that the cost of giving such notice shall be reasonable in
20 view of the amounts that may be recovered by the class members who
21 are being notified. Members to whom individual notice was not
22 directed may request exclusion from the class at any time before the
23 issue of liability is determined, and commencing an individual

action before the issue of liability is determined shall be the equivalent of requesting exclusion from the class.

3. The judgment in an action maintained as a class action under ~~paragraphs~~ paragraph 1 or 2 of subsection B of this section, whether or not favorable to the class, shall include and describe those whom the court finds to be members of the class. The judgment in an action maintained as a class action under paragraph 3 of subsection B of this section, whether or not favorable to the class, shall include and specify or describe those to whom the notice provided in paragraph 2 of this subsection ~~C of this section~~ was directed, and who have not requested exclusion, and whom the court finds to be members of the class.

4. When appropriate:

a. an action may be brought or maintained as a class action with respect to particular issues, or

b. a class may be divided into subclasses and each subclass treated as a class.

The provisions of this section shall then be construed and applied accordingly.

~~D.~~ E. ORDERS IN CONDUCT OF ACTIONS. In the conduct of actions to which this section applies, the court may make appropriate orders:

1. Determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument;

2. Requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given in such manner as the court may direct to some or all of the members of any step in the action, or of the proposed extent of the judgment, or of the opportunity of members to signify whether they consider the representation fair and adequate, to intervene and present claims or defenses, or otherwise to come into the action;

3. Imposing conditions on the representative parties or on intervenors;

4. Requiring that the pleadings be amended to eliminate therefrom allegations as to representation of absent persons, and that the action proceed accordingly; and

5. Dealing with similar procedural matters.

The orders may be combined with an order under Section ~~16~~ 2016 of this ~~act~~ title and may be altered or amended as may be desirable from time to time.

~~E.~~ F. DISMISSAL OR COMPROMISE. A class action shall not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise shall be given to all members of the class in such manner as the court directs.

SECTION 20. AMENDATORY 12 O.S. 2001, Section 2702, is amended to read as follows:

Section 2702. If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education may testify in the form of an opinion or otherwise, if:

1. The testimony is based upon sufficient facts or data;

2. The testimony is the product of reliable principles and methods; and

3. The witness has applied the principles and methods reliably to the facts of the case.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3226.2 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. DISCOVERY METHODS. Parties may obtain discovery by one or more of the following methods: Depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations; and requests for admission. Unless the court orders otherwise under this section, the frequency of use of these methods is not limited.

B. DISCOVERY SCOPE AND LIMITS. Unless otherwise limited by order of the court in accordance with the Oklahoma Discovery Code, the scope of discovery is as follows:

1. IN GENERAL. Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not a ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

2. TRIAL PREPARATION: MATERIALS. Subject to the provisions of paragraph 3 of this subsection, discovery may be obtained of documents and tangible things otherwise discoverable under paragraph 1 of this subsection and prepared in anticipation of litigation or for trial by or for another party or by or for the representative of that other party, including his attorney, consultant, surety, indemnitor, only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of his case and that he is unable, without undue hardship, to obtain the substantial

equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the court shall protect against disclosure of the mental impressions, conclusions, opinions or legal theories of an attorney or other representative of a party concerning the litigation.

A party may obtain, without the required showing provided for in this paragraph, a statement concerning the action or its subject matter previously made by that party. Upon request, a person not a party may obtain without the required showing a statement concerning the action or its subject matter previously made by that person. If the request is refused, the person may move for a court order. The provisions of paragraph 4 of subsection A of Section 3237 of Title 12 of the Oklahoma Statutes apply to the award of expenses incurred in relation to the motion. For purposes of this paragraph, a statement previously made is:

a. A written statement signed or otherwise adopted or approved by the person making it, or

b. A stenographic, mechanical, electrical, or other recording, or a transcription thereof, which substantially recites an oral statement by the person making it and contemporaneously recorded.

3. TRIAL PREPARATION: EXPERTS.

a. Discovery of facts known and opinions held by experts, otherwise discoverable under the provisions of paragraph 1 of this subsection and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:

(1) A party may, through interrogatories, require any other party to identify each person whom that other party expects to call as an expert witness at trial and give the address at which that expert witness may be located.

(2) After disclosure of the names and addresses of the expert witnesses, the other party expects to call as witnesses, the party, who has requested disclosure, may depose any such expert witnesses subject to scope of this section. Prior to taking the deposition the party must give notice as required in subsections A and C of Section 3230 of Title 12 of the Oklahoma Statutes. If any documents are provided to such disclosed expert witnesses, the documents shall not be protected from disclosure by privilege or work product protection and they may be obtained through discovery.

(3) In addition to taking the depositions of expert witnesses the party may, through interrogatories, require the party who expects to call the expert witnesses to state the subject matter on which each expert witness is expected to testify; the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion; the qualifications of each expert witness, including a list of all publications authored by the expert witness within the preceding ten (10) years; the compensation to be paid to the expert witness for the testimony and preparation for the testimony; and a listing of any other cases in which the expert witness has testified as an expert at trial or by deposition within the preceding four (4) years. An interrogatory seeking the information specified above shall be treated as a single interrogatory for purposes of the limitation on the number of interrogatories in Section 3233 of Title 12 of the Oklahoma Statutes.

b. A party may discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial, only upon motion, when the court may order discovery as provided in Section 3235 of Title 12 of the Oklahoma Statutes or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by any other means.

c. Unless manifest injustice would result:

(1) The court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery under division (2) of subparagraph a of this paragraph and subparagraph b of this paragraph.

(2) The court shall require that the party seeking discovery with respect to discovery obtained under subparagraph b of this paragraph, pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.

4. CLAIMS OF PRIVILEGE OR PROTECTION OF TRIAL PREPARATION MATERIALS. When a party withholds information otherwise discoverable under the Oklahoma Discovery Code by claiming that it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.

C. PROTECTIVE ORDERS.

1. Upon motion by a party or by the person from whom discovery is sought, accompanied by a certification that the movant has in good faith conferred or attempted to confer, either in person or by telephone, with other affected parties in an effort to resolve the dispute without court action, and for good cause shown, the court in which the action is pending or on matters relating to a deposition, the district court in the county where the deposition is to be taken may enter any order which justice requires to protect a party or person from annoyance, harassment, embarrassment, oppression or undue delay, burden or expense, including one or more of the following:

a. that the discovery not be had,

b. that the discovery may be had only on specified terms and conditions, including a designation of the time or place,

c. that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery,

d. that certain matters not be inquired into, or that the scope of the disclosure or discovery be limited to certain matters,

e. that discovery be conducted with no one present except persons designated by the court,

f. that a deposition after being sealed be opened only by order of the court,

g. that a trade secret or other confidential research, development or commercial information not be disclosed or be disclosed only in a designated way, and

h. that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court;

2. If the motion for a protective order is denied in whole or in part, the court may, on such terms and conditions as are just, order that any party or person provide or permit discovery. The provisions of paragraph 4 of subsection A of Section 3237 of Title

12 of the Oklahoma Statutes apply to the award of expenses incurred in relation to the motion. Any protective order of the court which has the effect of removing any material obtained by discovery from the public record shall contain the following:

a. a statement that the court has determined it is necessary in the interests of justice to remove the material from the public record,

b. specific identification of the material which is to be removed or withdrawn from the public record, or which is to be filed but not placed in the public record, and

c. a requirement that any party obtaining a protective order place the protected material in a sealed manila envelope clearly marked with the caption and case number and is clearly marked with the word "CONFIDENTIAL", and stating the date the order was entered and the name of the judge entering the order;

3. No protective order entered after the filing and microfilming of documents of any kind shall be construed to require the microfilm record of such filing to be amended in any fashion;

4. The party or counsel which has received the protective order shall be responsible for promptly presenting the order to appropriate court clerk personnel for appropriate action;

5. All documents produced or testimony given under a protective order shall be retained in the office of counsel until required by the court to be filed in the case;

6. Counsel for the respective parties shall be responsible for informing witnesses, as necessary, of the contents of the protective order; and

7. When a case is filed in which a party intends to seek a protective order removing material from the public record, the plaintiff(s) and defendant(s) shall be initially designated on the petition under pseudonym such as "John or Jane Doe", or "Roe", and the petition shall clearly indicate that the party designations are fictitious. The party seeking confidentiality or other order removing the case, in whole or in part, from the public record, shall immediately present application to the court, seeking instructions for the conduct of the case, including confidentiality of the records.

D. SEQUENCE AND TIMING OF DISCOVERY. Unless the court upon motion, for the convenience of parties and witnesses and in the interests of justice, orders otherwise, methods of discovery may be used in any sequence. The fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay discovery by any other party.

E. SUPPLEMENTATION OF RESPONSES. A party who has responded to a request for discovery with a response that was complete when it was made is under no duty to supplement the response to include information thereafter acquired, except as follows:

1. A party is under a duty seasonably to supplement the response with respect to any question directly addressed to:

a. the identity and location of persons having knowledge of discoverable matters, and

b. the identity of each person expected to be called as an expert witness at trial, the subject matter on which the person is expected to testify, and the substance of the testimony of the person.

2. A party is under a duty seasonably to amend a prior response to an interrogatory, request for production, or request for admission if the party obtains information upon the basis of which:

a. (i) the party knows that the response was incorrect in some material respect when made, or

(ii) the party knows that the response, which was correct when made, is no longer true in some material respect; and

b. the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.

3. A duty to supplement responses may be imposed by order of the court, agreement of the parties, or at any time prior to trial through new requests for supplementation of prior responses.

F. DISCOVERY CONFERENCE. At any time after commencement of an action, the court may direct the attorneys for the parties to appear for a conference on the subject of discovery. The court shall do so upon motion by the attorney for any party if the motion includes:

1. A statement of the issues as they then appear;

2. A proposed plan and schedule of discovery;

3. Any limitations proposed to be placed on discovery;

4. Any other proposed orders with respect to discovery; and

5. A statement showing that the attorney making the motion has made a reasonable effort to reach agreement with opposing attorneys on the matters set forth in the motion.

Each party and his attorney are under a duty to participate in good faith in the framing of a discovery plan if a plan is proposed by the attorney for any party. Notice of the motion shall be served on all parties. Objections or additions to matters set forth in the motion shall be served not later than ten (10) days after service of the motion.

Following the discovery conference, the court shall enter an order tentatively identifying the issues for discovery purposes, establishing a plan and schedule for discovery, setting limitations

on discovery, if any; and determining such other matters, including the allocation of expenses, as are necessary for the proper management of discovery in the action. In preparing the plan for discovery the court shall protect the parties from excessive or abusive use of discovery. An order shall be altered or amended whenever justice so requires.

Subject to the right of a party who properly moves for a discovery conference to prompt convening of the conference, the court may combine the discovery conference with a pretrial conference.

G. SIGNING OF DISCOVERY REQUESTS, RESPONSES AND OBJECTIONS. Every request for discovery, response or objection thereto made by a party represented by an attorney shall be signed by at least one of his attorneys of record in his individual name whose address shall be stated. A party who is not represented by an attorney shall sign the request, response or objection and state his address. The signature of the attorney or party constitutes a certification that he has read the request, response or objection, and that it is:

1. To the best of his knowledge, information and belief formed after a reasonable inquiry consistent with the Oklahoma Discovery Code and warranted by existing law or a good faith argument for the extension, modification or reversal of existing law;

2. Interposed in good faith and not primarily to cause delay or for any other improper purpose; and

3. Not unreasonable or unduly burdensome or expensive, given the nature and complexity of the case, the discovery already had in the case, the amount in controversy, and other values at stake in the litigation. If a request, response or objection is not signed, it shall be deemed ineffective.

If a certification is made in violation of the provisions of this subsection, the court, upon motion or upon its own initiative, shall impose upon the person who made the certification, the party on whose behalf the request, response or objection is made, or both, an appropriate sanction, which may include an order to pay to the amount of the reasonable expenses occasioned thereby, including a reasonable attorney fee.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3226.3 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. ABUSIVE DISCOVERY IN CLASS ACTIONS. In addition to the protective orders that a court may issue pursuant to paragraph 1 of subsection C of Section 3226 of Title 12 of the Oklahoma Statutes, upon motion by a party or the person from whom discovery is sought, accompanied by a certification that the movant has in good faith conferred or attempted to confer, either in person or by telephone,

with other affected parties in an effort to resolve the dispute without court action, and for good cause shown, the court in which the action is pending or, on matters relating to a deposition the district court where the deposition is to be taken, upon a finding that justice requires that a party or person be protected from annoyance, harassment, embarrassment, oppression or undue delay, burden, or expense, may enter a protective order authorizing the discovery.

B. AWARD OF EXPENSES OF MOTION. If the motion is granted, the court shall, after opportunity for hearing, require the party or person whose conduct necessitated the motion or the party or attorney advising such conduct or both of them to pay to the moving party the reasonable expenses incurred in obtaining the order, including attorney fees, unless the court finds that the opposition to the motion was substantially justified or that other circumstances make an award of expenses unjust.

If the motion is denied, the court shall, after opportunity for hearing, require the moving party or the attorney advising the motion or both of them to pay to the party or deponent who opposed the motion the reasonable expenses incurred in opposing the motion, including attorney fees, unless the court finds that the making of the motion was substantially justified or that other circumstances make an award of expenses unjust.

If the motion is granted in part and denied in part, the court may apportion the reasonable expenses incurred in relation to the motion among the parties and persons in a just manner.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 81.1 of Title 20, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Judicial Panel on Multidistrict Litigation. The panel shall consist of five (5) active judges selected by the Chief Justice of the Supreme Court. The judges may be either judges of the district court or appellate judges. The members of the panel shall serve at the pleasure of the Chief Justice.

B. The Judicial Panel on Multidistrict Litigation may transfer civil actions involving one or more common questions of fact pending in the same or different district courts to any district court for consolidated or coordinated proceedings.

C. A transfer may be made by the Judicial Panel on Multidistrict Litigation if the panel determines that the transfer shall:

1. Be for the convenience of the parties and witnesses; and

2. Promote the just and efficient conduct of actions.

D. A judge who is qualified and authorized by law to preside in the court to which an action is transferred pursuant to this section

may preside over the transferred action as if the transferred action were originally filed in that court.

E. The Supreme Court shall promulgate rules for the implementation of this section.

SECTION 24. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 91.2A of Title 20, unless there is created a duplication in numbering, reads as follows:

A. To facilitate the trial and disposition of cases, actions filed in the district court shall be assigned to various dockets by the clerk of the court pursuant to the direction and supervision of the presiding judge of the district. Until changed by order of the Supreme Court, only the following dockets are established: a civil docket, a criminal docket, a traffic docket, a probate docket, a juvenile and family relations docket, a small claims docket, and a business docket for business court divisions of the court created pursuant to Section 17 of this act.

B. Whenever a district court establishes a drug court program pursuant to the provisions of Sections 471 through 471.11 of Title 22 of the Oklahoma Statutes, the judge having authority over the program shall cause to be established a drug court docket. In those cases assigned to the drug court docket, the judge shall determine what information or pleadings are to be maintained in a confidential case file which shall be closed to public inspection. The

originating criminal case file shall remain open to public inspection. Nothing in this section shall prohibit the district attorney, defense attorney, or the victim-witness coordinator from advising any victim or other person regarding the assignment or disposition of a drug court case.

SECTION 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 91.7A of Title 20, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Legislature finds that, due to the complex nature of litigation involving highly technical commercial issues, there is a need for a court in Oklahoma's most populated counties with specific jurisdiction over actions involving such commercial issues.

B. The Supreme Court is authorized to create a business court division within the district court of any judicial district containing a municipality with a population in excess of three hundred thousand (300,000), according to the latest Federal Decennial Census.

C. The Supreme Court shall promulgate rules for the establishment and jurisdiction of the business court divisions.

SECTION 26. AMENDATORY 20 O.S. 2001, Section 92.8a, is amended to read as follows:

Section 92.8a A. Beginning January 11, 1999, District Court Judicial District No. 7 shall have fifteen (15) district judges.

~~For elections held after 1994, district judges shall be nominated and elected as follows: candidates~~

B. Beginning with the term of office commencing January 9, 2006, and for each term of office thereafter, the district judges for District Court Judicial District No. 7 shall be appointed by the Governor. The Governor shall appoint each judge from a list of three nominees for that office submitted by the Judicial Nominating Commission. The list of nominees may include the name of the incumbent. Judges for office Nos. 1 and 9 shall be ~~nominated and elected~~ appointed from and be legal residents of ~~electoral~~ Division No. 1, ~~candidates~~ judges for office Nos. 3 and 10 shall be ~~nominated and elected~~ appointed from and be legal residents of ~~electoral~~ Division No. 2, ~~candidates~~ judges for office Nos. 2 and 11 shall be ~~nominated and elected~~ appointed from and be legal residents of ~~electoral~~ Division No. 3, ~~candidates~~ judges for office Nos. 4 and 12 shall be ~~nominated and elected~~ appointed from and be legal residents of ~~electoral~~ Division No. 4, and ~~candidates~~ judges for office Nos. 5, 6, 7, 8, 13 ~~and~~, 14 and 15 shall be ~~nominated and elected~~ appointed at large. ~~Beginning with elections held in 1998, candidates for office No. 15 shall be nominated and elected at large.~~

SECTION 27. AMENDATORY Section 1, Chapter 490, O.S.L. 2002 (20 O.S. Supp. 2004, Section 92.8d), is amended to read as follows:

Section 92.8d District No. 7. The county of Oklahoma. Said district shall contain four ~~electoral~~ divisions as hereinafter described:

District 01			Total
County	Census Designated Area	Population	Population
Oklahoma County (Part)			
	VTD 104	1,063	
	VTD 106	2,617	
	VTD 107	26	
	VTD 108	1,583	
	VTD 109	2,583	
	VTD 110 (Part)		
	Tract106303/Block 3005		
	Tract106303/Block 3006		
	Tract106303/Block 3023		
	Tract106303/Block 3024		
	Tract106303/Block 3025		
	Tract106303/Block 3026		
	VTD 110 Total	489	
	VTD 113	3,157	

1	VTD	166 (Part)	
2		Tract103800/Block 2000	
3		Tract103800/Block 2001	
4		Tract103800/Block 2002	
5		Tract103800/Block 2003	
6		Tract103800/Block 2004	
7		Tract103800/Block 2005	
8		Tract103800/Block 2006	
9		Tract103800/Block 2007	
10		Tract103800/Block 2008	
11		Tract103800/Block 2009	
12		Tract103800/Block 2010	
13		Tract103800/Block 2011	
14		Tract103800/Block 2030	
15		Tract103800/Block 2031	
16		Tract103800/Block 2032	
17		Tract103800/Block 2033	
18	VTD	166 Total	72
19	VTD	170	12
20	VTD	172	2,493
21	VTD	173	3,061
22	VTD	174	3,545
23	VTD	175	3,013

1	VTD	176	2,894	
2	VTD	177	2,581	
3	VTD	178	0	
4	VTD	179	2,504	
5	VTD	180	2,002	
6	VTD	205	3,470	
7	VTD	211	3,572	
8	VTD	213	1,427	
9	VTD	214	1,636	
10	VTD	215	146	
11	VTD	220	10	
12	VTD	245	290	
13	VTD	246	2,274	
14	VTD	247	1,822	
15	VTD	267	1,310	
16	VTD	51	1,879	
17	VTD	60	2,074	
18	VTD	66	5,112	
19	VTD	70	2,212	
20	VTD	78	341	
21	VTD	96	4,180	
22	Oklahoma County	Total		65,450
23	For District Number 1	Total Population:	65,450	

District 02			Total
County	Census Designated Area	Population	Population
Oklahoma County (Part)			
	VTD 1	3,921	
	VTD 10	1,709	
	VTD 115	0	
	VTD 116	3,503	
	VTD 117	2,036	
	VTD 118	2,522	
	VTD 119	2,375	
	VTD 120	1,834	
	VTD 121	4,552	
	VTD 122	2,999	
	VTD 123	4,559	
	VTD 126	623	
	VTD 127	3,240	
	VTD 128	1,422	
	VTD 132	1,223	
	VTD 134	3,539	
	VTD 135	3,393	
	VTD 136	2,708	
	VTD 137	3,139	
	VTD 141	1,050	

1	VTD	159	3,375
2	VTD	160	2,604
3	VTD	161	3,989
4	VTD	186	2,753
5	VTD	187	2,497
6	VTD	188	1,461
7	VTD	189	5,051
8	VTD	190	4,867
9	VTD	191	2,991
10	VTD	192	4,181
11	VTD	193	3,009
12	VTD	194	4,327
13	VTD	195	4,689
14	VTD	196	4,792
15	VTD	197	1,900
16	VTD	198	3,252
17	VTD	2	450
18	VTD	222	852
19	VTD	223	5,643
20	VTD	224	2,999
21	VTD	225	4,493
22	VTD	226	3,428
23	VTD	227	6,240

1	VTD	228	3,965
2	VTD	229	1,963
3	VTD	230	1,988
4	VTD	231	3,684
5	VTD	232	3,200
6	VTD	233	2,575
7	VTD	236	1,172
8	VTD	242	3,067
9	VTD	249	1,370
10	VTD	255	2,388
11	VTD	256	2,233
12	VTD	257	2,256
13	VTD	258	2,858
14	VTD	263	1,213
15	VTD	3	2,409
16	VTD	4	4,582
17	VTD	5	2,049
18	VTD	6	2,383
19	VTD	7	2,046
20	VTD	8	1,695
21	VTD	82	1,660
22	VTD	85	1,272
23	VTD	86	4,097

VTD	87	1,582	
VTD	88	2,515	
VTD	89	1,116	
VTD	9	933	
VTD	94	242	
Oklahoma County	Total		192,703

For District Number 2 Total Population: 192,703

District 03

County	Census Designated Area	Population	Total Population
Oklahoma County (Part)			
	VTD 100	4,189	
	VTD 101	1,384	
	VTD 102	3,772	
	VTD 103	1,661	
	VTD 105	4,127	
	VTD 110 (Part)		
	Tract106303/Block 3001		
	Tract106303/Block 3003		
	Tract106303/Block 3004		
	Tract106303/Block 3007		
	Tract106303/Block 3020		
	Tract106303/Block 3021		
	Tract106303/Block 3022		

Tract106303/Block 3027

VTD	110 Total	540
VTD	111	815
VTD	112	73
VTD	114	2
VTD	124	4,507
VTD	125	2,882
VTD	129	4,797
VTD	130	3,549
VTD	131	1,080
VTD	133	174
VTD	138	3,740
VTD	139	2,761
VTD	140	1,097
VTD	142	3,089
VTD	143	3,606
VTD	144	3,283
VTD	145	5,242
VTD	146	4,049
VTD	147	2,651
VTD	149	3,644
VTD	153	2,815
VTD	156	2,597

VTD	157		3,160
VTD	158		3,097
VTD	162		3,652
VTD	163		2,504
VTD	164		2,605
VTD	165		6,109
VTD	166	(Part)	
		Tract103700/Block 1053	
		Tract103700/Block 1054	
		Tract103700/Block 1068	
		Tract103700/Block 1069	
VTD	166	Total	0
VTD	167		0
VTD	168		3,724
VTD	169	(Part)	
		Tract105300/Block 2005	
		Tract105300/Block 2006	
		Tract105300/Block 2007	
		Tract105300/Block 2008	
		Tract105300/Block 2009	
		Tract105300/Block 2010	
		Tract105300/Block 2011	
		Tract105300/Block 2012	

Tract105300/Block 2013

Tract105300/Block 2014

Tract105300/Block 2015

Tract105300/Block 2016

Tract105300/Block 2017

Tract105300/Block 2018

Tract105300/Block 2019

Tract105300/Block 2020

Tract105300/Block 2021

Tract105300/Block 2022

Tract105300/Block 2023

Tract105300/Block 2024

Tract105300/Block 2025

Tract105300/Block 2026

Tract105300/Block 2027

Tract105300/Block 2028

Tract105300/Block 2029

Tract105300/Block 2030

Tract105300/Block 2031

Tract105300/Block 2032

Tract105300/Block 2033

Tract105300/Block 2034

Tract105300/Block 2035

Tract105300/Block 2036

Tract105300/Block 2037

Tract105300/Block 2038

Tract105300/Block 2039

Tract105300/Block 2040

Tract105300/Block 2041

Tract105300/Block 2042

Tract105300/Block 2043

Tract105300/Block 2044

Tract105300/Block 2045

Tract105300/Block 2046

Tract105300/Block 2047

Tract105300/Block 2048

Tract105300/Block 2049

Tract105300/Block 2050

Tract105300/Block 3000

Tract105300/Block 3001

Tract105300/Block 3002

Tract105300/Block 3003

Tract105300/Block 3004

Tract105300/Block 3005

Tract105300/Block 3006

Tract105300/Block 3007

Tract105300/Block 3008

Tract105300/Block 3009

Tract105300/Block 3010

Tract105300/Block 3011

Tract105300/Block 3012

Tract105300/Block 3013

Tract105300/Block 3014

Tract107305/Block 1000

Tract107305/Block 1001

Tract107305/Block 1002

Tract107305/Block 1003

Tract107305/Block 1004

Tract107305/Block 1005

Tract107305/Block 1006

Tract107305/Block 1009

Tract107305/Block 1010

Tract107305/Block 1012

Tract107305/Block 1013

Tract107305/Block 1014

Tract107305/Block 1015

Tract107305/Block 1016

Tract107305/Block 1017

Tract107305/Block 1018

Tract107305/Block 1019

Tract107305/Block 1020

Tract107305/Block 1021

Tract107305/Block 1022

Tract107305/Block 1023

Tract107305/Block 1024

Tract107305/Block 1025

Tract107305/Block 1026

Tract107305/Block 1027

Tract107305/Block 1028

Tract107305/Block 1029

Tract107305/Block 1030

Tract107305/Block 1031

Tract107305/Block 1032

Tract107305/Block 1033

Tract107305/Block 1034

Tract107305/Block 1035

Tract107305/Block 1036

Tract107305/Block 1039

Tract107305/Block 1040

Tract107305/Block 1041

Tract107305/Block 1042

Tract107305/Block 1043

		Tract107305/Block 2000	
		Tract107305/Block 2001	
		Tract107305/Block 2002	
		Tract107305/Block 2003	
		Tract107305/Block 2004	
		Tract107305/Block 2005	
		Tract107305/Block 2006	
		Tract107305/Block 2007	
		Tract107305/Block 2008	
		Tract107305/Block 2009	
		Tract107305/Block 2010	
		Tract107305/Block 2015	
VTD	169	Total	3,680
VTD	171		4,600
VTD	183		3,751
VTD	184		2,201
VTD	185		1,506
VTD	199		4,075
VTD	200		6,377
VTD	201		2,999
VTD	202		2,991
VTD	203		5,113
VTD	204		1,012

1	VTD	206	626
2	VTD	207	1,689
3	VTD	208	2,371
4	VTD	209	91
5	VTD	210	1,287
6	VTD	221	0
7	VTD	234	1,221
8	VTD	237	3,352
9	VTD	238	2,970
10	VTD	240	3,663
11	VTD	241	11
12	VTD	243	918
13	VTD	248	830
14	VTD	250	2,400
15	VTD	251	1,420
16	VTD	252	1,787
17	VTD	253	2,286
18	VTD	254	900
19	VTD	26 (Part)	
20		Tract107305/Block 1007	
21		Tract107305/Block 1008	
22		Tract107305/Block 1011	
23	VTD	26 Total	0

1	VTD 261	2,711	
2	VTD 262	1,232	
3	VTD 265	1,736	
4	VTD 39	4,786	
5	VTD 43	1,899	
6	VTD 48	1,631	
7	VTD 79	864	
8	VTD 80	2,354	
9	VTD 81	829	
10	VTD 90	965	
11	VTD 91	4,448	
12	VTD 92	3,241	
13	VTD 93	2,705	
14	VTD 95	939	
15	VTD 97	3,406	
16	VTD 98	2,791	
17	VTD 99	6,349	
18	Oklahoma County Total		205,990

19 For District Number 3 Total Population: 205,990

20 District 04 Total

21	County	Census Designated Area	Population	Population
22	Oklahoma County (Part)			
23	VTD 11	2,088		

VTD	12		1,279
VTD	13		2,121
VTD	14		405
VTD	148		1,288
VTD	15		2,113
VTD	150		5,457
VTD	151		2,872
VTD	152		6,600
VTD	154		3,712
VTD	155		3,119
VTD	16		1,631
VTD	169	(Part)	
		Tract107305/Block 1037	
		Tract107305/Block 1038	
		Tract107805/Block 1001	
		Tract107805/Block 1002	
		Tract107805/Block 1003	
		Tract107805/Block 1013	
		Tract107806/Block 4006	
		Tract107806/Block 4007	
VTD	169	Total	0
VTD	17		591
VTD	181		134

VTD	182		4,649
VTD	20		1,094
VTD	21		3,694
VTD	212		651
VTD	216		2,522
VTD	217		110
VTD	218		1,953
VTD	219		3,645
VTD	22		3,689
VTD	23		1,677
VTD	235		3,707
VTD	24		4,753
VTD	244		1,062
VTD	25		1,741
VTD	259		353
VTD	26	(Part)	
		Tract107805/Block 1000	
		Tract107805/Block 1004	
		Tract107805/Block 1005	
		Tract107805/Block 1006	
		Tract107805/Block 1007	
		Tract107805/Block 1008	
		Tract107805/Block 1009	

Tract107805/Block 2005

Tract107805/Block 2006

Tract107805/Block 2007

Tract107805/Block 2008

Tract107805/Block 3000

Tract107805/Block 3001

Tract107805/Block 3002

Tract107805/Block 3005

Tract107805/Block 3006

Tract107805/Block 3012

Tract107805/Block 3013

Tract107805/Block 3014

Tract107806/Block 1019

Tract107806/Block 1020

Tract107806/Block 1021

Tract107806/Block 1022

Tract107806/Block 1023

Tract107806/Block 1024

Tract107806/Block 1025

Tract107806/Block 1026

Tract107806/Block 1027

Tract107806/Block 1028

Tract107806/Block 1029

Tract107806/Block 1030

Tract107806/Block 1031

Tract107806/Block 1032

Tract107806/Block 1033

Tract107806/Block 1034

Tract107806/Block 1035

Tract107806/Block 2009

Tract107806/Block 2013

Tract107806/Block 2014

Tract107806/Block 2015

Tract107806/Block 2016

Tract107806/Block 2017

Tract107806/Block 2018

Tract107806/Block 2019

Tract107806/Block 2020

Tract107806/Block 2021

Tract107806/Block 2022

Tract107806/Block 2023

Tract107806/Block 3001

Tract107806/Block 3002

Tract107806/Block 3003

Tract107806/Block 3004

Tract107806/Block 3005

		Tract107806/Block 3006	
		Tract107806/Block 3007	
		Tract107806/Block 3008	
		Tract107806/Block 3009	
		Tract107806/Block 3010	
		Tract107806/Block 3011	
		Tract107806/Block 3012	
		Tract107806/Block 4008	
		Tract107806/Block 4009	
		Tract107806/Block 4010	
		Tract107806/Block 4011	
		Tract107806/Block 4012	
		Tract107806/Block 4013	
		Tract107806/Block 4014	
		Tract107806/Block 4015	
		Tract107806/Block 4016	
VTD	26	Total	5,329
VTD	260		584
VTD	266		1,066
VTD	27		390
VTD	28		1,344
VTD	29		866
VTD	30		5,044

1	VTD	31	3,470
2	VTD	32	3,131
3	VTD	33	6,532
4	VTD	34	6,941
5	VTD	35	2,873
6	VTD	36	2,633
7	VTD	37	2,851
8	VTD	38	2,843
9	VTD	40	2,285
10	VTD	41	3,928
11	VTD	42	2,503
12	VTD	44	5,818
13	VTD	45	4,348
14	VTD	46	2,803
15	VTD	47	1,528
16	VTD	49	1,304
17	VTD	50	1,376
18	VTD	52	2,031
19	VTD	53	2,723
20	VTD	54	136
21	VTD	55	497
22	VTD	56	972
23	VTD	57	1,321

1	VTD	58	2,538	
2	VTD	59	897	
3	VTD	61	3,236	
4	VTD	62	4,544	
5	VTD	63	3,089	
6	VTD	64	3,314	
7	VTD	65	3,508	
8	VTD	67	2	
9	VTD	68	3,032	
10	VTD	69	574	
11	VTD	71	4,700	
12	VTD	72	3,197	
13	VTD	73	3,423	
14	VTD	74	3,949	
15	VTD	75	2,103	
16	VTD	76	1,935	
17	VTD	77	2,157	
18	VTD	83	1,397	
19	VTD	84	530	
20	Oklahoma County	Total		196,305
21	For District Number 4	Total Population:	196,305	
22	Grand Total:			660,448

SECTION 28. AMENDATORY 20 O.S. 2001, Section 92.15a, as amended by Section 5, Chapter 490, O.S.L. 2002 (20 O.S. Supp. 2004, Section 92.15a), is amended to read as follows:

Section 92.15a A. District Court Judicial District No. 14 shall have fourteen (14) district judges. ~~For elections held after 1994, district judges shall be nominated and elected as follows: one~~

B. Beginning with the term of office commencing January 9, 2006, and for each term of office thereafter, the district judges for District Court Judicial District No. 14, except the judge for Pawnee County, shall be appointed by the Governor. The Governor shall appoint each judge from a list of three nominees for that office submitted by the Judicial Nominating Commission. The list of nominees may include the name of the incumbent. One judge shall be ~~nominated and elected~~ appointed from and be a legal resident of ~~electoral~~ Division No. 1, one judge shall be ~~nominated and elected~~ appointed from and be a legal resident of ~~electoral~~ Division No. 2, one judge shall be ~~nominated and elected~~ appointed from and be a legal resident of ~~electoral~~ Division No. 3, one judge shall be ~~nominated and elected~~ appointed from and be a legal resident of ~~electoral~~ Division No. 4, one judge shall be ~~nominated and elected~~ appointed from and be a legal resident of ~~electoral~~ Division No. 5, ~~one judge shall be nominated from and be a legal resident of Pawnee~~

~~County and shall be elected at large,~~ and the remaining judges, except for the judge from Pawnee County, shall be ~~nominated~~ appointed at large from and be legal residents of Tulsa County. A judge shall be nominated from and be a legal resident of Pawnee County and shall be elected at large.

SECTION 29. AMENDATORY Section 2, Chapter 490, O.S.L. 2002 (20 O.S. Supp. 2004, Section 92.15c), is amended to read as follows:

Section 92.15c District No. 14. The counties of Tulsa and Pawnee. Said district shall contain five ~~electoral~~ divisions as hereinafter described:

District 01

Tulsa County (Part)

VTD 11 (Part)

Tract000400/Block 1000

Tract000400/Block 1001

Tract000400/Block 1002

Tract000400/Block 1003

Tract000400/Block 1004

Tract000400/Block 1005

Tract000400/Block 1006

Tract000400/Block 1007

Tract000400/Block 1008

Tract000400/Block 1009

Tract000400/Block 1010

Tract000400/Block 1011

Tract000400/Block 1012

Tract000400/Block 1013

Tract000400/Block 1014

Tract000400/Block 1015

Tract000400/Block 1016

Tract000400/Block 1017

Tract000400/Block 1018

Tract000400/Block 1019

Tract000400/Block 1020

Tract000400/Block 1021

Tract000400/Block 1022

Tract000400/Block 1023

Tract000400/Block 1024

Tract000400/Block 1025

Tract000400/Block 1026

Tract000400/Block 1027

Tract000400/Block 1028

Tract000400/Block 1029

Tract000400/Block 1030

Tract000400/Block 1031

Tract000400/Block 1032

Tract000400/Block 1033

Tract000400/Block 1034

Tract000400/Block 1035

Tract000400/Block 1036

Tract000400/Block 1037

Tract000400/Block 1038

Tract000400/Block 1039

Tract000400/Block 1040

Tract000400/Block 1041

Tract000400/Block 1042

Tract000400/Block 1043

Tract000400/Block 1044

Tract000400/Block 1045

Tract000400/Block 2000

Tract000400/Block 2001

Tract000400/Block 2002

Tract000400/Block 2003

Tract000400/Block 2004

Tract000400/Block 2005

Tract000400/Block 2006

Tract000400/Block 2007

Tract000400/Block 2008

Tract000400/Block 2009

Tract000400/Block 2010

Tract000400/Block 2011

Tract000400/Block 2012

Tract000400/Block 2013

Tract000400/Block 2014

Tract000400/Block 2015

Tract000400/Block 2016

Tract000400/Block 2017

Tract000400/Block 2018

Tract000400/Block 2019

Tract000400/Block 2020

Tract000400/Block 2021

Tract000400/Block 2022

Tract000400/Block 2023

Tract000400/Block 2024

Tract000400/Block 2025

Tract000400/Block 2026

Tract000400/Block 2027

Tract000400/Block 3000

Tract000400/Block 3001

Tract000400/Block 3002

Tract000400/Block 3003

Tract000400/Block 3004

Tract000400/Block 3005

Tract000400/Block 3006

Tract000400/Block 3007

Tract000400/Block 3008

Tract000400/Block 3009

Tract000400/Block 3010

Tract000400/Block 3011

Tract000400/Block 3012

Tract000400/Block 3013

Tract000400/Block 3014

Tract000400/Block 3015

Tract000400/Block 3016

Tract000400/Block 3017

Tract000400/Block 3018

Tract000400/Block 3019

Tract000400/Block 3020

Tract000400/Block 3021

Tract000400/Block 3022

Tract000400/Block 3023

Tract000400/Block 3024

Tract000400/Block 3025

Tract000400/Block 3026

		Tract000400/Block 3027	
		Tract000400/Block 3028	
		Tract000400/Block 3029	
VTD	11	Total	3,886
VTD	114		1,482
VTD	115		1,374
VTD	120		1,337
VTD	121		2,203
VTD	123		2,457
VTD	125		1,620
VTD	126		2,331
VTD	127		1,587
VTD	129		1,746
VTD	130		2,673
VTD	156	(Part)	
		Tract004301/Block 1000	
		Tract004301/Block 1002	
		Tract004301/Block 1003	
		Tract004301/Block 1004	
		Tract004301/Block 1006	
		Tract004301/Block 1007	
		Tract004301/Block 1008	
		Tract004301/Block 1009	

		Tract004301/Block 1010	
		Tract004301/Block 1011	
		Tract004301/Block 1012	
		Tract004301/Block 1013	
VTD	156	Total	521
VTD	157		2,072
VTD	159	(Part)	
		Tract002300/Block 1066	
		Tract002300/Block 1079	
		Tract002300/Block 1088	
VTD	159	Total	66
VTD	16		1,384
VTD	163		1,728
VTD	164		954
VTD	17		2,557
VTD	171		168
VTD	173		133
VTD	18		3,192
VTD	19		2,069
VTD	20		1,945
VTD	25		2,773
VTD	26		2,300
VTD	27	(Part)	

Tract006000/Block 1000

Tract006000/Block 1001

Tract006000/Block 1002

Tract006000/Block 1003

Tract006000/Block 1004

Tract006000/Block 1005

Tract006000/Block 1006

Tract006000/Block 1007

Tract006000/Block 1008

Tract006000/Block 1009

Tract006000/Block 1010

Tract006000/Block 1011

Tract006000/Block 1012

Tract006000/Block 1013

Tract006000/Block 1014

Tract006000/Block 1015

Tract006000/Block 4000

Tract006000/Block 4001

Tract006000/Block 4002

Tract006000/Block 4003

Tract006000/Block 4004

Tract006000/Block 4005

Tract006000/Block 4006

1 Tract006000/Block 4007

2 Tract006000/Block 4008

3 Tract006000/Block 4009

4 Tract006000/Block 4010

5 Tract006000/Block 4011

6 Tract006000/Block 4012

7 Tract006000/Block 5000

8 Tract006000/Block 5001

9 Tract006000/Block 5002

10 Tract006000/Block 5003

11 Tract006000/Block 5004

12 Tract006000/Block 5005

13 Tract006000/Block 5006

14 Tract006000/Block 5007

15 Tract006000/Block 5008

16 Tract006000/Block 5009

17 Tract006000/Block 5010

18 Tract006000/Block 5011

19 Tract006000/Block 5012

20 VTD 27 Total 2,262

21 VTD 28 (Part)

22 Tract006000/Block 3022

23 VTD 28 Total 0

VTD	31		230
VTD	32		3,444
VTD	33		2,270
VTD	34		1,893
VTD	35		1,956
VTD	36		1,124
VTD	37		1,571
VTD	38		1,689
VTD	39		1,960
VTD	48	(Part)	
		Tract003200/Block 1000	
		Tract003200/Block 1001	
		Tract003200/Block 1002	
		Tract003200/Block 1003	
		Tract003200/Block 1004	
		Tract003200/Block 1005	
		Tract003200/Block 1006	
		Tract003200/Block 1007	
		Tract003200/Block 1008	
		Tract003200/Block 1009	
		Tract003200/Block 1010	
		Tract003200/Block 1011	
		Tract003200/Block 1012	

		Tract003200/Block 1013	
		Tract003200/Block 1086	
VTD	48	Total	160
VTD	49		1,517
VTD	50		2,134
VTD	51		1,821
VTD	52		2,267
VTD	53		1,392
VTD	54		1,379
VTD	55		1,931
VTD	56		3,733
VTD	57		1,153
VTD	70		1,272
VTD	71		1,847
VTD	72		1,547
VTD	73		825
VTD	74		1,922
VTD	75		1,474
VTD	76		1,826
VTD	77		1,994
VTD	78		1,187
VTD	79		1,541
VTD	80		1,961

VTD	81		1,702
VTD	82		2,500
VTD	83		1,828
VTD	84		1,373
VTD	85		1,725
VTD	86		2,374
VTD	87		2,003
VTD	88		856
VTD	89	(Part)	
		Tract007000/Block 1000	
		Tract007000/Block 1001	
		Tract007000/Block 1009	
		Tract007000/Block 1010	
		Tract008502/Block 5002	
		Tract008502/Block 5003	
		Tract008502/Block 5004	
		Tract008502/Block 5005	
		Tract008502/Block 5006	
		Tract008502/Block 5007	
		Tract008502/Block 5008	
		Tract008502/Block 5012	
		Tract008502/Block 5013	
		Tract008502/Block 5014	

Tract008502/Block 5015

Tract008502/Block 5016

Tract008502/Block 5017

Tract008502/Block 5018

Tract008502/Block 5019

Tract008502/Block 5020

VTD 89 Total 952

VTD 90 3,128

VTD 91 937

Tulsa County Total 117,218

For District Number 1 Total Population: 117,218

District 02

Tulsa County (Part)

VTD 116 1,669

VTD 117 3,215

VTD 118 5,408

VTD 119 1,357

VTD 124 2,108

VTD 128 2,710

VTD 134 (Part)

Tract007619/Block 2000

Tract007619/Block 2001

Tract007619/Block 2002

Tract007619/Block 2003

Tract007619/Block 2004

Tract007619/Block 2006

Tract007619/Block 2007

Tract007619/Block 2008

Tract007619/Block 2009

Tract007619/Block 2010

Tract007619/Block 2011

Tract007619/Block 2012

Tract007619/Block 2013

Tract007619/Block 2014

Tract007619/Block 2015

Tract007619/Block 2016

Tract007619/Block 2017

Tract007619/Block 3000

Tract007619/Block 3001

Tract007619/Block 3002

Tract007619/Block 3004

Tract007619/Block 3005

Tract007619/Block 3006

Tract007619/Block 3007

Tract007619/Block 3008

Tract007619/Block 3009

1 Tract007619/Block 3010

2 Tract007619/Block 3011

3 Tract007619/Block 3012

4 Tract007619/Block 3013

5 Tract007619/Block 3014

6 Tract007619/Block 3015

7 VTD 134 Total 1,957

8 VTD 135 3,581

9 VTD 138 2,936

10 VTD 150 3,021

11 VTD 151 (Part)

12 Tract007411/Block 1000

13 Tract007411/Block 1001

14 Tract007411/Block 1002

15 Tract007411/Block 1003

16 Tract007411/Block 1004

17 Tract007411/Block 1005

18 Tract007411/Block 1006

19 Tract007411/Block 1007

20 Tract007411/Block 1008

21 Tract007411/Block 1009

22 Tract007411/Block 1010

23 Tract007411/Block 1011

Tract007411/Block 1012

Tract007411/Block 1013

Tract007411/Block 1014

Tract007618/Block 2000

Tract007618/Block 2001

Tract007618/Block 2002

Tract007618/Block 2003

Tract007618/Block 2004

Tract007618/Block 2007

Tract007618/Block 2008

Tract007618/Block 2009

Tract007618/Block 2010

Tract007618/Block 2011

Tract007618/Block 2012

Tract007618/Block 2013

Tract007618/Block 2014

Tract007618/Block 2015

Tract007618/Block 2016

Tract007618/Block 2017

Tract007618/Block 2018

Tract007618/Block 2019

Tract007618/Block 2020

Tract007618/Block 2021

		Tract007618/Block 2022	
		Tract007618/Block 2023	
		Tract007618/Block 2024	
		Tract007618/Block 2025	
		Tract007618/Block 2026	
		Tract007618/Block 2027	
		Tract007618/Block 2028	
VTD	151	Total	4,745
VTD	162		2,325
VTD	165		1,291
VTD	166		5,874
VTD	167		4,044
VTD	170		3,683
VTD	172		67
VTD	174		3,505
VTD	175		2,222
VTD	351	(Part)	
		Tract007702/Block 4000	
		Tract007702/Block 4001	
		Tract007702/Block 4002	
		Tract007702/Block 4007	
		Tract007702/Block 4010	
		Tract007702/Block 4011	

Tract007702/Block 4012

Tract007702/Block 4013

Tract007702/Block 4014

Tract007702/Block 4015

Tract007702/Block 4025

Tract007702/Block 4092

Tract007801/Block 1000

Tract007801/Block 1001

Tract007801/Block 1002

Tract007801/Block 1003

Tract007801/Block 1004

Tract007801/Block 1005

Tract007801/Block 1006

Tract007801/Block 1007

Tract007801/Block 1008

Tract007801/Block 1009

Tract007801/Block 1010

Tract007801/Block 1011

Tract007801/Block 1012

Tract007801/Block 1013

Tract007801/Block 1014

Tract007801/Block 1015

Tract007801/Block 1016

Tract007801/Block 1017

Tract007801/Block 1018

Tract007801/Block 1019

Tract007801/Block 1020

Tract007801/Block 1021

Tract007801/Block 1022

Tract007801/Block 1023

Tract007801/Block 1024

Tract007801/Block 1025

Tract007801/Block 1026

Tract007801/Block 1027

Tract007801/Block 1028

Tract007801/Block 1029

Tract007801/Block 1030

Tract007801/Block 1031

Tract007801/Block 1032

Tract007801/Block 1033

Tract007801/Block 1034

Tract007801/Block 1035

Tract007801/Block 1036

Tract007801/Block 1037

Tract007801/Block 1038

Tract007801/Block 1039

Tract007801/Block 1040

Tract007801/Block 1041

Tract007801/Block 1042

Tract007801/Block 1043

Tract007801/Block 1998

Tract007801/Block 1999

Tract007801/Block 2000

Tract007801/Block 2001

Tract007801/Block 2002

Tract007801/Block 2003

Tract007801/Block 2004

Tract007801/Block 2005

Tract007801/Block 2006

Tract007801/Block 2007

Tract007801/Block 2008

Tract007801/Block 2009

Tract007801/Block 2010

Tract007801/Block 2011

Tract007801/Block 2012

Tract007801/Block 2013

Tract007801/Block 2014

Tract007801/Block 2015

Tract007801/Block 2016

Tract007801/Block 2017

Tract007801/Block 2018

Tract007801/Block 2019

Tract007801/Block 2020

Tract007801/Block 2021

Tract007801/Block 2022

Tract007801/Block 2023

Tract007801/Block 2024

Tract007801/Block 2025

Tract007801/Block 2026

Tract007801/Block 2027

Tract007801/Block 2028

Tract007801/Block 2029

Tract007801/Block 3019

Tract007801/Block 3020

Tract007801/Block 3021

Tract007801/Block 3022

Tract007801/Block 3023

Tract007801/Block 3024

Tract007801/Block 3025

Tract007801/Block 3026

Tract007801/Block 3027

Tract007801/Block 3028

Tract007801/Block 3029

Tract007801/Block 3030

Tract007802/Block 1000

Tract007802/Block 1001

Tract007802/Block 1002

Tract007802/Block 1003

Tract007802/Block 1004

Tract007802/Block 1005

Tract007802/Block 1006

Tract007802/Block 1007

Tract007802/Block 1008

Tract007802/Block 1009

Tract007802/Block 1010

Tract007802/Block 1011

Tract007802/Block 1012

Tract007802/Block 1013

Tract007802/Block 1014

Tract007802/Block 1015

Tract007802/Block 1016

Tract007802/Block 1017

Tract007802/Block 1018

Tract007802/Block 1019

Tract007802/Block 1020

		Tract007802/Block 1021	
		Tract007802/Block 1022	
		Tract007802/Block 1023	
		Tract007802/Block 1024	
		Tract007802/Block 1025	
		Tract007802/Block 1026	
		Tract007802/Block 1027	
		Tract007802/Block 1028	
		Tract007802/Block 1029	
		Tract007802/Block 1030	
		Tract007802/Block 1031	
		Tract007802/Block 1032	
		Tract007802/Block 1033	
		Tract007802/Block 1034	
		Tract007802/Block 1998	
		Tract007802/Block 1999	
	VTD	351 Total	3,925
	VTD	352	1,194
	VTD	353	1,097
	VTD	354	826
	VTD	401	922
	VTD	402	2,657
	VTD	403	4,161

1	VTD	404	1,295
2	VTD	405	6,565
3	VTD	406	3,165
4	VTD	407	1,719
5	VTD	408	2,588
6	VTD	451	2,508
7	VTD	452	2,030
8	VTD	453	2,552
9	VTD	454	6,871
10	VTD	455	4,438
11	VTD	456	2,610
12	VTD	457	2,614
13	VTD	458	4,296
14	VTD	459	1,583
15	VTD	460	4,349
16	VTD	461	3,897
17	VTD	462	3,673
18	VTD	463	2,242
19	VTD	464	2,917
20	VTD	465	3,607
21	VTD	466	1,693
22	VTD	467	4,147
23	VTD	468	5,951

VTD	650		1,243	
VTD	704	(Part)		
		Tract007624/Block 2995		
		Tract007624/Block 2996		
VTD	704	Total	0	
VTD	705		3,884	
Tulsa County		Total		152,937

For District Number 2 Total Population: 152,937

District 03

Tulsa County (Part)

VTD	1		1,677	
VTD	10		3,796	
VTD	11	(Part)		
		Tract000500/Block 1000		
VTD	11	Total	0	
VTD	12		2,541	
VTD	122		262	
VTD	13		1,962	
VTD	14		2,832	
VTD	15		2,475	
VTD	154		2,185	
VTD	155		1,407	
VTD	159	(Part)		

Tract002300/Block 1042

Tract002300/Block 1043

Tract002300/Block 1044

Tract002300/Block 1053

Tract002300/Block 1054

Tract002300/Block 1055

Tract002300/Block 1056

Tract002300/Block 1067

Tract002300/Block 1068

Tract002300/Block 1069

Tract002300/Block 1070

Tract002300/Block 1071

Tract002300/Block 1072

Tract002300/Block 1073

Tract002300/Block 1074

Tract002300/Block 1075

Tract002300/Block 1076

Tract002300/Block 1077

Tract002300/Block 1078

Tract002300/Block 1089

Tract002300/Block 1090

VTD 159 Total 615

VTD 2 4,308

VTD	21		599
VTD	22	(Part)	
		Tract011100/Block 1003	
		Tract011100/Block 1008	
		Tract011100/Block 1009	
		Tract011100/Block 1010	
		Tract011100/Block 1050	
		Tract011100/Block 1051	
		Tract011100/Block 1052	
		Tract011100/Block 1053	
VTD	22	Total	3
VTD	24	(Part)	
		Tract000100/Block 1011	
VTD	24	Total	3
VTD	3		3,378
VTD	30		3,063
VTD	4		2,666
VTD	5		2,320
VTD	552	(Part)	
		Tract009101/Block 2015	
		Tract009101/Block 2016	
		Tract009101/Block 2017	
		Tract009101/Block 2018	

Tract009101/Block 2019

Tract009101/Block 2020

Tract009101/Block 2021

Tract009101/Block 2022

Tract009101/Block 2023

Tract009101/Block 2024

Tract009101/Block 2025

Tract009101/Block 2026

Tract009101/Block 2027

Tract009101/Block 2028

Tract009101/Block 2029

Tract009101/Block 2030

Tract009101/Block 2031

Tract009101/Block 2032

Tract009101/Block 2033

Tract009101/Block 2034

Tract009101/Block 2035

Tract009101/Block 2036

Tract009101/Block 2037

Tract009101/Block 2038

Tract009101/Block 2039

Tract009101/Block 2040

Tract009101/Block 2041

			Tract009101/Block 2042	
			Tract009101/Block 2043	
			Tract009101/Block 2044	
			Tract009101/Block 2045	
			Tract009101/Block 3000	
			Tract009101/Block 3001	
			Tract009101/Block 3002	
			Tract009101/Block 3003	
			Tract009101/Block 3004	
			Tract009101/Block 3005	
			Tract009104/Block 2014	
			Tract009104/Block 2015	
	VTD	552	Total	640
	VTD	6		2,792
	VTD	7		767
	VTD	757		2
	VTD	8	(Part)	
			Tract000200/Block 1000	
			Tract000200/Block 1001	
			Tract000200/Block 1002	
			Tract000200/Block 1003	
			Tract000200/Block 1004	
			Tract000200/Block 1005	

Tract000200/Block 1006

Tract000200/Block 1007

Tract000200/Block 1008

Tract000200/Block 1009

Tract000200/Block 1010

Tract000200/Block 1011

Tract000200/Block 1012

Tract000200/Block 1013

Tract000200/Block 1014

Tract000200/Block 1015

Tract000200/Block 1016

Tract000200/Block 1017

Tract000200/Block 1018

Tract000200/Block 1019

Tract000200/Block 1020

Tract000200/Block 1021

Tract000200/Block 1022

Tract000200/Block 1023

Tract000200/Block 1024

Tract000200/Block 1025

Tract000200/Block 1026

Tract000200/Block 1027

Tract000200/Block 1028

Tract000200/Block 1029

Tract000200/Block 1030

Tract000200/Block 1031

Tract000200/Block 1032

Tract000200/Block 1033

Tract000200/Block 1034

Tract000200/Block 1035

Tract000200/Block 1036

Tract000200/Block 1037

Tract000200/Block 1038

Tract000200/Block 1039

Tract000200/Block 1040

Tract000200/Block 1041

Tract000200/Block 1042

Tract000200/Block 1043

Tract000200/Block 1044

Tract000200/Block 1045

Tract000200/Block 1046

Tract000200/Block 1047

Tract000200/Block 1048

Tract000200/Block 1049

Tract000200/Block 1050

Tract000200/Block 1051

Tract000200/Block 1052

Tract000200/Block 1053

Tract000200/Block 1054

Tract000200/Block 1055

Tract000200/Block 1056

Tract000200/Block 1057

Tract000200/Block 1058

Tract000200/Block 1059

Tract000200/Block 1060

Tract000200/Block 1061

Tract000200/Block 1062

Tract000200/Block 1063

Tract000200/Block 1064

Tract000200/Block 1065

Tract000200/Block 1066

Tract000200/Block 1067

Tract000200/Block 1068

Tract000200/Block 1069

Tract000200/Block 1070

Tract000200/Block 1071

Tract000200/Block 1072

Tract000200/Block 1073

Tract000200/Block 1074

Tract000200/Block 1075

Tract000200/Block 1076

Tract000200/Block 1077

Tract000200/Block 1078

Tract000200/Block 1079

Tract000200/Block 1080

Tract000200/Block 1081

Tract000200/Block 1082

Tract000200/Block 1083

Tract000200/Block 1084

Tract000200/Block 1085

Tract000200/Block 1086

Tract000200/Block 1098

Tract000200/Block 1099

Tract000200/Block 1100

Tract000200/Block 1101

Tract000200/Block 1104

Tract000200/Block 1105

Tract000200/Block 1106

Tract000200/Block 1107

Tract000200/Block 1109

Tract000300/Block 1000

Tract000300/Block 1001

Tract000300/Block 1002

Tract000300/Block 1003

Tract000300/Block 1004

Tract000300/Block 1005

Tract000300/Block 2000

Tract000300/Block 2001

Tract000300/Block 2002

Tract000300/Block 2003

Tract000300/Block 2004

Tract000300/Block 2005

Tract000300/Block 2006

Tract000300/Block 2013

Tract011100/Block 1004

Tract011100/Block 1005

Tract011100/Block 1006

Tract011100/Block 1007

Tract011100/Block 1045

Tract011100/Block 1046

Tract011100/Block 1048

Tract011100/Block 1049

Tract011100/Block 1107

Tract011100/Block 1108

Tract011100/Block 1109

Tract011100/Block 1110

Tract011100/Block 1111

Tract011100/Block 1112

Tract011100/Block 1113

Tract011100/Block 1114

Tract011100/Block 1115

Tract011100/Block 1116

Tract011100/Block 1117

Tract011100/Block 1999

VTD 8 Total 2,502

VTD 9 1,140

Tulsa County Total 43,935

For District Number 3 Total Population: 43,935

District 04

Tulsa County (Part)

VTD 100 5,005

VTD 101 2,839

VTD 102 3,174

VTD 103 3,339

VTD 104 4,586

VTD 105 2,774

VTD 131 83

VTD 132 1,603

VTD	133		1,894
VTD	134	(Part)	
		Tract007619/Block 2005	
		Tract007619/Block 3003	
VTD	134	Total	158
VTD	136		3,013
VTD	137		2,184
VTD	151	(Part)	
		Tract007618/Block 1007	
		Tract007618/Block 1008	
		Tract007618/Block 1009	
		Tract007618/Block 1010	
		Tract007618/Block 2005	
		Tract007618/Block 2006	
VTD	151	Total	404
VTD	152		3,185
VTD	160		2,979
VTD	168		1,959
VTD	169		2,864
VTD	22	(Part)	
		Tract011100/Block 1043	
VTD	22	Total	0
VTD	23		1,917

VTD 24 (Part)

Tract000100/Block 1000

Tract000100/Block 1001

Tract000100/Block 1002

Tract000100/Block 1003

Tract000100/Block 1004

Tract000100/Block 1005

Tract000100/Block 1006

Tract000100/Block 1007

Tract000100/Block 1008

Tract000100/Block 1009

Tract000100/Block 1010

Tract000100/Block 1012

Tract000100/Block 1013

Tract000100/Block 1014

Tract000100/Block 1015

Tract000100/Block 1016

Tract000100/Block 1017

Tract000100/Block 1018

Tract000100/Block 1019

Tract000100/Block 1020

Tract000100/Block 1021

Tract000100/Block 1022

Tract000100/Block 1023

Tract000100/Block 1024

Tract000100/Block 1025

Tract000100/Block 1026

Tract000100/Block 1027

Tract000100/Block 1028

Tract000100/Block 1029

Tract000100/Block 1030

Tract000100/Block 1031

Tract000100/Block 1032

Tract000100/Block 1033

Tract000100/Block 1034

Tract000100/Block 1035

Tract000100/Block 1036

Tract000100/Block 1037

Tract000100/Block 1038

Tract000100/Block 1039

Tract000100/Block 1040

Tract000100/Block 1041

Tract000100/Block 1042

Tract000100/Block 1043

Tract000100/Block 1044

Tract000100/Block 1045

Tract000100/Block 1046

Tract000100/Block 1047

Tract000100/Block 1048

Tract000100/Block 1049

Tract000100/Block 1050

Tract000100/Block 1051

Tract000100/Block 1052

Tract000100/Block 1053

Tract000100/Block 1054

Tract000100/Block 1055

Tract000100/Block 1056

Tract000100/Block 1057

Tract000100/Block 1058

Tract000100/Block 1059

Tract000100/Block 1060

Tract000100/Block 1061

Tract000100/Block 1062

Tract000100/Block 1063

Tract000100/Block 1064

Tract000100/Block 1065

Tract000100/Block 1066

Tract000100/Block 1067

Tract000100/Block 1068

Tract000100/Block 1069

Tract000100/Block 1070

Tract000100/Block 1071

Tract000100/Block 1072

Tract000100/Block 1073

Tract000100/Block 1074

Tract000100/Block 1075

Tract000100/Block 1076

Tract000100/Block 1077

Tract000100/Block 1078

Tract000100/Block 1079

Tract000100/Block 1080

Tract000100/Block 1081

Tract000100/Block 1082

Tract000100/Block 1083

Tract000100/Block 1084

Tract000100/Block 1085

Tract000100/Block 1086

Tract000100/Block 1087

Tract000100/Block 1088

Tract000100/Block 1089

Tract000100/Block 1090

Tract000100/Block 1091

Tract000100/Block 1092

Tract000100/Block 1093

Tract000100/Block 1094

Tract000100/Block 1095

Tract000100/Block 1096

Tract000100/Block 1097

Tract000100/Block 1098

Tract000100/Block 1099

Tract000100/Block 1100

Tract000100/Block 1101

Tract000100/Block 1102

Tract000100/Block 1103

Tract000100/Block 1104

Tract000100/Block 1105

Tract000100/Block 1106

Tract000100/Block 1107

Tract000100/Block 1108

Tract000100/Block 1109

Tract000100/Block 1110

Tract000100/Block 1111

Tract000100/Block 1112

Tract000100/Block 1113

Tract000100/Block 1114

Tract000100/Block 1115

Tract000100/Block 1116

Tract000100/Block 1117

Tract000100/Block 1118

Tract011100/Block 1015

Tract011100/Block 1016

Tract011100/Block 1018

Tract011100/Block 1019

Tract011100/Block 1020

Tract011100/Block 1021

Tract011100/Block 1022

Tract011100/Block 1023

Tract011100/Block 1024

Tract011100/Block 1025

Tract011100/Block 1026

Tract011100/Block 1027

Tract011100/Block 1028

Tract011100/Block 1029

Tract011100/Block 1030

Tract011100/Block 1031

Tract011100/Block 1032

Tract011100/Block 1033

Tract011100/Block 1034

Tract011100/Block 1035

Tract011100/Block 1036

Tract011100/Block 1037

Tract011100/Block 1038

Tract011100/Block 1039

Tract011100/Block 1040

Tract011100/Block 1041

Tract011100/Block 1042

Tract011100/Block 1054

Tract011100/Block 1055

Tract011100/Block 1056

Tract011100/Block 1057

Tract011100/Block 1058

Tract011100/Block 1059

Tract011100/Block 1060

Tract011100/Block 1061

Tract011100/Block 1062

Tract011100/Block 1063

Tract011100/Block 1064

Tract011100/Block 1065

Tract011100/Block 1066

Tract011100/Block 1067

Tract011100/Block 1068

Tract011100/Block 1069

Tract011100/Block 1070

Tract011100/Block 1071

Tract011100/Block 1072

Tract011100/Block 1073

Tract011100/Block 1074

Tract011100/Block 1075

Tract011100/Block 1076

Tract011100/Block 1077

Tract011100/Block 1078

Tract011100/Block 1079

Tract011100/Block 1080

Tract011100/Block 1081

Tract011100/Block 1082

Tract011100/Block 1083

Tract011100/Block 1084

Tract011100/Block 1085

Tract011100/Block 1086

Tract011100/Block 1087

Tract011100/Block 1088

Tract011100/Block 1089

Tract011100/Block 1090

Tract011100/Block 1091

1 Tract011100/Block 1092

2 Tract011100/Block 1093

3 Tract011100/Block 1094

4 Tract011100/Block 1095

5 Tract011100/Block 1096

6 Tract011100/Block 1097

7 Tract011100/Block 1098

8 Tract011100/Block 1099

9 Tract011100/Block 1100

10 Tract011100/Block 1101

11 Tract011100/Block 1102

12 Tract011100/Block 1103

13 Tract011100/Block 1104

14 Tract011100/Block 1105

15 Tract011100/Block 1106

16 VTD 24 Total 2,794

17 VTD 27 (Part)

18 Tract006000/Block 2004

19 Tract006000/Block 2005

20 Tract006000/Block 2006

21 VTD 27 Total 116

22 VTD 28 (Part)

23 Tract006000/Block 2000

Tract006000/Block 2001

Tract006000/Block 2002

Tract006000/Block 2003

Tract006000/Block 2007

Tract006000/Block 2008

Tract006000/Block 2009

Tract006000/Block 2010

Tract006000/Block 2011

Tract006000/Block 2012

Tract006000/Block 3000

Tract006000/Block 3001

Tract006000/Block 3002

Tract006000/Block 3003

Tract006000/Block 3004

Tract006000/Block 3005

Tract006000/Block 3006

Tract006000/Block 3007

Tract006000/Block 3008

Tract006000/Block 3009

Tract006000/Block 3010

Tract006000/Block 3011

Tract006000/Block 3012

Tract006000/Block 3013

		Tract006000/Block 3014	
		Tract006000/Block 3015	
		Tract006000/Block 3016	
		Tract006000/Block 3017	
		Tract006000/Block 3018	
		Tract006000/Block 3019	
		Tract006000/Block 3020	
		Tract006000/Block 3021	
VTD	28	Total	2,349
VTD	29		2,171
VTD	40		1,543
VTD	41		2,875
VTD	42		1,336
VTD	43		1,194
VTD	44		3,183
VTD	45		2,902
VTD	501		2,132
VTD	502		3,019
VTD	503		2,249
VTD	551		2,851
VTD	552	(Part)	
		Tract005600/Block 1080	
		Tract009101/Block 1000	

		Tract009101/Block 1001	
		Tract009101/Block 2000	
		Tract009101/Block 2001	
		Tract009101/Block 2002	
		Tract009101/Block 2003	
		Tract009101/Block 2004	
		Tract009101/Block 2005	
		Tract009101/Block 2006	
		Tract009101/Block 2007	
		Tract009101/Block 2008	
		Tract009101/Block 2009	
		Tract009101/Block 2010	
		Tract009101/Block 2011	
		Tract009101/Block 2012	
		Tract009101/Block 2013	
		Tract009101/Block 2014	
	VTD 552	Total	372
	VTD 553		1,347
	VTD 554		1,360
	VTD 58		3,794
	VTD 59		1,769
	VTD 60		2,834
	VTD 750		2,314

VTD	751		3,947
VTD	752		2,838
VTD	753		2,722
VTD	754		5,057
VTD	755		4,720
VTD	756		377
VTD	8	(Part)	
		Tract011100/Block 1044	
		Tract011100/Block 1047	
VTD	8	Total	1
VTD	89	(Part)	
		Tract008502/Block 5000	
		Tract008502/Block 5001	
		Tract008502/Block 5009	
		Tract008502/Block 5010	
		Tract008502/Block 5011	
VTD	89	Total	0
VTD	900		2,852
VTD	92		2,153
VTD	93		1,113
VTD	94		1,873
VTD	95		1,986
VTD	96		1,913

1	VTD	97	3,968	
2	VTD	98	2,035	
3	VTD	99	2,299	
4	Tulsa County	Total		128,318

5 For District Number 4 Total Population: 128,318

6 District 05

7 Tulsa County (Part)

8	VTD	106	2,067	
9	VTD	107	2,475	
10	VTD	108	2,177	
11	VTD	109	2,456	
12	VTD	110	1,654	
13	VTD	111	2,425	
14	VTD	112	3,088	
15	VTD	113	2,708	
16	VTD	139	1,841	
17	VTD	140	3,397	
18	VTD	141	2,184	
19	VTD	142	2,367	
20	VTD	143	1,983	
21	VTD	144	3,137	
22	VTD	145	2,309	
23	VTD	146	3,116	

1 VTD 147 2,601

2 VTD 148 2,749

3 VTD 149 3,322

4 VTD 153 3,370

5 VTD 156 (Part)

6 Tract004301/Block 1001

7 Tract004301/Block 1005

8 Tract004301/Block 1014

9 Tract004301/Block 1015

10 Tract004301/Block 1016

11 Tract004301/Block 1017

12 Tract004301/Block 1018

13 Tract004301/Block 1019

14 Tract004301/Block 1020

15 Tract004301/Block 1021

16 Tract004301/Block 1022

17 Tract004301/Block 1023

18 Tract004301/Block 1024

19 Tract004301/Block 1025

20 Tract004301/Block 1026

21 Tract004301/Block 1027

22 Tract004301/Block 1028

23 Tract004301/Block 1029

Tract004301/Block 1030

Tract004301/Block 1031

Tract004301/Block 1032

Tract004301/Block 1033

Tract004301/Block 1034

Tract004301/Block 1035

VTD 156 Total 579

VTD 158 146

VTD 161 2,438

VTD 176 1,442

VTD 351 (Part)

Tract006706/Block 1000

Tract006706/Block 1001

Tract006706/Block 1002

Tract006706/Block 1040

Tract006706/Block 1041

Tract006706/Block 1042

Tract006706/Block 1043

Tract006706/Block 1044

Tract006706/Block 1045

Tract006706/Block 1046

Tract006706/Block 1047

Tract006706/Block 1048

Tract006706/Block 1049

Tract006706/Block 1050

Tract006706/Block 1051

Tract006706/Block 1052

Tract006706/Block 1053

Tract006706/Block 1054

Tract006706/Block 1055

Tract006706/Block 1056

Tract006706/Block 1057

Tract006706/Block 1058

Tract006706/Block 1059

Tract006706/Block 1060

Tract006706/Block 1061

Tract006706/Block 1065

Tract006706/Block 1066

Tract006706/Block 1067

Tract006706/Block 1068

Tract006706/Block 1069

Tract006706/Block 1070

Tract006706/Block 1071

Tract006706/Block 1072

Tract006706/Block 1073

Tract006706/Block 1074

1 Tract006706/Block 1075

2 Tract006706/Block 1076

3 Tract006706/Block 1980

4 Tract006706/Block 1981

5 Tract006706/Block 1982

6 Tract006706/Block 1983

7 Tract006706/Block 1996

8 Tract006706/Block 1997

9 Tract006706/Block 1998

10 Tract006706/Block 1999

11 Tract007638/Block 1988

12 Tract007802/Block 2087

13 VTD 351 Total 412

14 VTD 46 1,636

15 VTD 47 1,861

16 VTD 48 (Part)

17 Tract002500/Block 1194

18 Tract003200/Block 1014

19 Tract003200/Block 1015

20 Tract003200/Block 1016

21 Tract003200/Block 1017

22 Tract003200/Block 1018

23 Tract003200/Block 1019

Tract003200/Block 1020

Tract003200/Block 1021

Tract003200/Block 1022

Tract003200/Block 1023

Tract003200/Block 1056

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Tract003300/Block 2005

Tract003300/Block 2006

Tract003300/Block 2007

Tract003300/Block 2008

Tract003300/Block 2009

Tract003300/Block 2010

Tract003300/Block 2011

Tract003300/Block 2012

Tract003300/Block 2013

Tract003300/Block 2014

Tract003300/Block 2015

Tract003300/Block 3000

Tract003300/Block 3001

Tract003300/Block 3002

Tract003300/Block 3003

Tract003300/Block 3004

Tract003300/Block 3005

Tract003300/Block 3006

		Tract003300/Block 3007	
		Tract003300/Block 3008	
		Tract003300/Block 3009	
		Tract003300/Block 3010	
		Tract003300/Block 3011	
		Tract003300/Block 3012	
		Tract003300/Block 3013	
		Tract003300/Block 3014	
		Tract003300/Block 3015	
		Tract003300/Block 3016	
		Tract003300/Block 3017	
		Tract003300/Block 3018	
		Tract003300/Block 3019	
VTD	48	Total	2,020
VTD	61		1,647
VTD	62		998
VTD	63		1,596
VTD	64		2,027
VTD	65		1,257
VTD	66		1,554
VTD	67		1,644
VTD	68		1,441
VTD	69		2,608

1 VTD 701 3,699

2 VTD 702 1,731

3 VTD 703 3,039

4 VTD 704 (Part)

5 Tract006706/Block 1003

6 Tract006706/Block 1004

7 Tract006706/Block 1036

8 Tract006706/Block 1037

9 Tract006706/Block 1038

10 Tract006706/Block 1986

11 Tract006706/Block 1987

12 Tract006706/Block 1990

13 Tract006706/Block 1991

14 Tract006706/Block 1992

15 Tract006706/Block 1993

16 Tract006706/Block 1994

17 Tract006706/Block 1995

18 Tract007638/Block 1036

19 Tract007638/Block 1037

20 Tract007638/Block 1984

21 Tract007638/Block 1985

22 Tract007638/Block 1986

23 Tract007638/Block 1987

		Tract007638/Block 1989	
		Tract007638/Block 1990	
		Tract007638/Block 1991	
		Tract007638/Block 1992	
		Tract007638/Block 1993	
		Tract007638/Block 1994	
		Tract007638/Block 1995	
		Tract007638/Block 1996	
		Tract007638/Block 1997	
		Tract007638/Block 1998	
VTD	704	Total	59
VTD	706		4,662
VTD	801		2,304
VTD	802		1,886
VTD	851		2,338
VTD	852		2,182
VTD	853		2,558
VTD	854		2,982
VTD	855		2,742
VTD	856		4,083
VTD	857		1,086
VTD	858		836
VTD	871		2,145

	VTD 881	3,607	
	VTD 882	2,220	
Tulsa County	Total		120,891
For District Number 5	Total Population:	120,891	
Grand Total:			563,299

SECTION 30. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 92j of Title 20, unless there is created a duplication in numbering, reads as follows:

Beginning with the term of office commencing January 9, 2006, and for each term of office thereafter, the associate district judges for District Court Judicial District No. 7 and District Court Judicial District No. 14, except the associate district judge for Pawnee County, shall be appointed by the Governor. The Governor shall appoint each associate district judge from a list of three nominees for that office submitted by the Judicial Nominating Commission.

SECTION 31. AMENDATORY 23 O.S. 2001, Section 9.1, as amended by Section 1, Chapter 462, O.S.L. 2002 (23 O.S. Supp. 2004, Section 9.1), is amended to read as follows:

Section 9.1 A. In an action for the breach of an obligation not arising from contract, the jury, in addition to actual damages, may, subject to the provisions and limitations in subsections B, C and D of this section, award punitive damages for the sake of

example and by way of punishing the defendant based upon the following factors:

1. The seriousness of the hazard to the public arising from the defendant's misconduct;

2. The profitability of the misconduct to the defendant;

3. The duration of the misconduct and any concealment of it;

4. The degree of the defendant's awareness of the hazard and of its excessiveness;

5. The attitude and conduct of the defendant upon discovery of the misconduct or hazard;

6. In the case of a defendant which is a corporation or other entity, the number and level of employees involved in causing or concealing the misconduct; and

7. The financial condition of the defendant.

B. Category I. Where the jury finds by clear and convincing evidence that:

1. The defendant has been guilty of reckless disregard for the rights of others; or

2. An insurer has recklessly disregarded its duty to deal fairly and act in good faith with its insured; the jury, in a separate proceeding conducted after the jury has made such finding and awarded actual damages, may award punitive damages in an amount not to exceed the greater of:

a. One Hundred Thousand Dollars ($100,000.00), or

b. the amount of the actual damages awarded.

Any award of punitive damages under this subsection awarded in any manner other than as required in this subsection shall be void and reversible error.

C. Category II. Where the jury finds by clear and convincing evidence that:

1. The defendant has acted intentionally and with malice towards others; or

2. An insurer has intentionally and with malice breached its duty to deal fairly and act in good faith with its insured;

the jury, in a separate proceeding conducted after the jury has made such finding and awarded actual damages, may award punitive damages in an amount not to exceed the greatest of:

a. Five Hundred Thousand Dollars ($500,000.00),

b. twice the amount of actual damages awarded, or

c. the increased financial benefit derived by the defendant or insurer as a direct result of the conduct causing the injury to the plaintiff and other persons or entities.

The trial court shall reduce any award for punitive damages awarded pursuant to the provisions of subparagraph c of this paragraph by the amount it finds the defendant or insurer has previously paid as

a result of all punitive damage verdicts entered in any court of this state for the same conduct by the defendant or insurer. Any award of punitive damages under this subsection awarded in any manner other than as required in this subsection shall be void and reversible error.

D. Category III. Where the jury finds by clear and convincing evidence that:

1. The defendant has acted intentionally and with malice towards others; or

2. An insurer has intentionally and with malice breached its duty to deal fairly and act in good faith with its insured; and the court finds, on the record and out of the presence of the jury, that there is evidence beyond a reasonable doubt that the defendant or insurer acted intentionally and with malice and engaged in conduct life-threatening to humans,

the jury, in a separate proceeding conducted after the jury has made such finding and awarded actual damages, may award punitive damages in any amount the jury deems appropriate, without regard to the limitations set forth in subsections B and C of this section. Any award of punitive damages under this subsection awarded in any manner other than as required in this subsection shall be void and reversible error.

E. In determining the amount, if any, of punitive damages to be awarded under either subsection B, C or D of this section, the jury shall make the award based upon the factors set forth in subsection A of this section.

F. Punitive damages shall be awarded only if the jury is unanimous in regard to finding liability for punitive damages.

G. The provisions of this section are severable, and if any part or provision thereof shall be held void, the decision of the court shall not affect or impair any of the remaining parts or provisions thereof.

~~G. This~~ H. The provisions of this section, except subsection F of this section, shall apply to all civil actions filed after ~~the effective date of this act~~ August 25, 1995.

I. The provisions of subsection F of this section shall apply to all civil actions filed on or after November 1, 2005.

SECTION 32. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 15.1 of Title 23, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in subsections B and C of this section, in any civil action based on fault and not arising out of contract, the liability for damages caused by two or more persons shall be several only and a joint tortfeasor shall be liable only for the amount of damages allocated to that tortfeasor.

B. A defendant shall be jointly and severally liable for the damages recoverable by the plaintiff if the percentage of responsibility attributed to the defendant with respect to a cause of action is greater than fifty percent (50%).

C. If at the time the incident which gave rise to the cause of action occurred, any joint tortfeasors acted with willful and wanton conduct or with reckless disregard of the consequences of the conduct and such conduct proximately caused the damages legally recoverable by the plaintiff, the liability for damages shall be joint and several.

D. This section shall not apply to actions brought by the state or a political subdivision of the state or any action in which no comparative negligence is found to be attributable to the plaintiff. The provisions of this section shall apply to all civil actions based on fault and not arising out of contract that accrue on or after November 1, 2005.

SECTION 33. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 61A of Title 23, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in subsection B of this section, in any action not arising out of contract in which a good faith offer of judgment is made pursuant to Section 14 of this act, the amount of noneconomic damages awarded shall not exceed Three Hundred Thousand

Dollars ($300,000.00), regardless of the number of parties against whom the action is brought or the number of actions brought with respect to the personal injury. As used in this subsection, a good faith offer is an offer of judgment, made pursuant to Section 14 of this act, of not less than eighty percent (80%) of the judgment awarded to the plaintiff.

B. The dollar amount prescribed by subsection A of this section shall be adjusted annually based upon any positive increase in the Consumer Price Index that measures the average changes in prices of goods and services purchased by urban wage earners and clerical workers' families and single workers living alone (CPI-W) for the preceding calendar year. The adjustment required by this subsection shall be made on April 1 of each year or not later than thirty (30) days after the date upon which the Bureau of Labor Statistics releases the CPI-W inflationary data for the preceding calendar year, whichever date first occurs. No adjustment to the dollar amount prescribed by this section shall be made for any year in which there is a decline in the Consumer Price Index.

C. As used in this section, "noneconomic damages" means all subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental anguish, emotional distress, loss of enjoyment of life, loss of society and companionship, loss of consortium, injury to reputation and humiliation; provided, however,

noneconomic damages do not include exemplary damages, as provided for in Section 9.1 of Title 23 of the Oklahoma Statutes.

D. If the jury finds by clear and convincing evidence that the defendant committed negligence, the limits on noneconomic damages provided for in subsection A of this section shall not apply.

E. Nothing in this section shall apply to an action brought for wrongful death.

F. The provisions of this section shall apply only to actions that accrue on or after November 1, 2004.

SECTION 34. AMENDATORY 23 O.S. 2001, Section 103, is amended to read as follows:

Section 103. In any action ~~for damages for personal injury except injury resulting in death, or in any action for damages to personal rights~~ not arising out of contract, the court shall, upon granting a motion to dismiss an action or a motion for summary judgment or subsequent to adjudication on the merits ~~and upon motion of the prevailing party~~, determine whether a claim or defense asserted in the action by a nonprevailing party was frivolous. As used in this section "frivolous" means the action was asserted in bad faith, was without merit, was not well grounded in fact, or was unwarranted by existing law or a good faith argument for the extension, modification, or reversal of existing law. Upon so finding, the court shall enter a judgment ordering such

nonprevailing party to reimburse the prevailing party ~~an amount not to exceed Ten Thousand Dollars ($10,000.00)~~ for reasonable costs, including attorneys fees, incurred with respect to such claim or defense. In addition, the court may impose any sanction authorized by Section 2011 of Title 12 of the Oklahoma Statutes.

SECTION 35. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 152.2 of Title 51, unless there is created a duplication in numbering, reads as follows:

As used in The Governmental Tort Claims Act:

1. "Action" means a proceeding in a court of competent jurisdiction by which one party brings a suit against another;

2. "Agency" means any board, commission, committee, department or other instrumentality or entity designated to act in behalf of the state or a political subdivision;

3. "Claim" means any written demand presented by a claimant or the claimant's authorized representative in accordance with this act to recover money from the state or political subdivision as compensation for an act or omission of a political subdivision or the state or an employee;

4. "Claimant" means the person or the person's authorized representative who files notice of a claim in accordance with The Governmental Tort Claims Act. Only the following persons and no others may be claimants:

a. any person holding an interest in real or personal property which suffers a loss, provided that the claim of the person shall be aggregated with claims of all other persons holding an interest in the property and the claims of all other persons which are derivative of the loss, and that multiple claimants shall be considered a single claimant,

b. the individual actually involved in the accident or occurrence who suffers a loss, provided that the individual shall aggregate in the claim the losses of all other persons which are derivative of the loss, or

c. in the case of death, an administrator, special administrator or a personal representative who shall aggregate in the claim all losses of all persons which are derivative of the death;

5. "Employee" means any person who is authorized to act in behalf of a political subdivision or the state whether that person is acting on a permanent or temporary basis, with or without being compensated or on a full-time or part-time basis.

a. Employee also includes:

(1) all elected or appointed officers, members of governing bodies and other persons designated to act for an agency or political subdivision, but

the term does not mean a person or other legal entity while acting in the capacity of an independent contractor or an employee of an independent contractor, and

(2) from September 1, 1991, through June 30, 1996, licensed physicians, licensed osteopathic physicians and certified nurse-midwives providing prenatal, delivery or infant care services to State Department of Health clients pursuant to a contract entered into with the State Department of Health in accordance with paragraph 3 of subsection B of Section 1-106 of Title 63 of the Oklahoma Statutes but only insofar as services authorized by and in conformity with the terms of the contract and the requirements of Section 1-233 of Title 63 of the Oklahoma Statutes, and

(3) any volunteer, full-time or part-time firefighter when performing duties for a fire department provided for in subparagraph j of paragraph 8 of this section.

b. For the purpose of The Governmental Tort Claims Act, the following are employees of this state, regardless

of the place in this state where duties as employees are performed:

(1) physicians acting in an administrative capacity,

(2) resident physicians and resident interns participating in a graduate medical education program of the University of Oklahoma Health Sciences Center or the College of Osteopathic Medicine of Oklahoma State University, and

(3) faculty members and staff of the University of Oklahoma Health Sciences Center and the College of Osteopathic Medicine of Oklahoma State University, while engaged in teaching duties,

(4) physicians who practice medicine or act in an administrative capacity as an employee of an agency of the State of Oklahoma, and

(5) physicians who provide medical care to inmates pursuant to a contract with the Department of Corrections.

Physician faculty members and staff of the University of Oklahoma Health Sciences Center and the College of Osteopathic Medicine of Oklahoma State University not acting in an administrative capacity or engaged in

teaching duties are not employees or agents of the state.

c. Except as provided in subparagraph (b) of paragraph 5 of this section, in no event shall the state be held liable for the tortious conduct of any physician, resident physician or intern while practicing medicine or providing medical treatment to patients;

6. "Loss" means death or injury to the body or rights of a person or damage to real or personal property or rights therein;

7. "Municipality" means any incorporated city or town, and all institutions, agencies or instrumentalities of a municipality;

8. "Political subdivision" means:

a. a municipality,

b. a school district,

c. a county,

d. a public trust where the sole beneficiary or beneficiaries are a city, town, school district or county. For purposes of The Governmental Tort Claims Act, a public trust shall include a municipal hospital created pursuant to Section 30-101 et seq. of Title 11 of the Oklahoma Statutes, a county hospital created pursuant to Section 781 et seq. of Title 19 of the Oklahoma Statutes, or is created pursuant to a joint

agreement between such governing authorities, that is operated for the public benefit by a public trust created pursuant to Section 176 et seq. of Title 60 of the Oklahoma Statutes and managed by a governing board appointed or elected by the municipality, county, or both, who exercises control of the hospital, subject to the approval of the governing body of the municipality, county, or both,

e. for the purposes of The Governmental Tort Claims Act only, a housing authority created pursuant to the provisions of the Oklahoma Housing Authority Act,

f. for the purposes of The Governmental Tort Claims Act only, corporations organized not for profit pursuant to the provisions of the Oklahoma General Corporation Act for the primary purpose of developing and providing rural water supply and sewage disposal facilities to serve rural residents,

g. for the purposes of The Governmental Tort Claims Act only, districts formed pursuant to the Rural Water, Sewer, Gas and Solid Waste Management Districts Act,

h. for the purposes of The Governmental Tort Claims Act only, master conservancy districts formed pursuant to the Conservancy Act of Oklahoma,

i. for the purposes of The Governmental Tort Claims Act only, a fire protection district created pursuant to the provisions of Section 901.1 et seq. of Title 19 of the Oklahoma Statutes,

j. for the purposes of The Governmental Tort Claims Act only, a benevolent or charitable corporate volunteer or full-time fire department for an unincorporated area created pursuant to the provisions of Section 592 et seq. of Title 18 of the Oklahoma Statutes,

k. for purposes of The Governmental Tort Claims Act only, an Emergency Services Provider rendering services within the boundaries of a Supplemental Emergency Services District pursuant to an existing contract between the Emergency Services Provider and the Oklahoma State Department of Health. Provided, however, that the acquisition of commercial liability insurance covering the activities of such Emergency Services Provider performed within the State of Oklahoma shall not operate as a waiver of any of the limitations, immunities or defenses provided for political subdivisions pursuant to the terms of The Governmental Tort Claims Act,

l. for purposes of The Governmental Tort Claims Act only, a conservation district created pursuant to the provisions of Section 3-1-101 of Title 27A of the Oklahoma Statutes,

m. for purposes of The Governmental Tort Claims Act, districts formed pursuant to the Oklahoma Irrigation District Act, and

n. for purposes of The Governmental Tort Claims Act only, any community action agency established pursuant to Sections 5035 through 5040 of Title 74 of the Oklahoma Statutes,

and all their institutions, instrumentalities or agencies;

9. "Scope of employment" means performance by an employee acting in good faith within the duties of the employee's office or employment or of tasks lawfully assigned by a competent authority including the operation or use of an agency vehicle or equipment with actual or implied consent of the supervisor of the employee, but shall not include corruption or fraud;

10. "State" means the State of Oklahoma or any office, department, agency, authority, commission, board, institution, hospital, college, university, public trust created pursuant to Title 60 of the Oklahoma Statutes of which the State of Oklahoma is the beneficiary, or other instrumentality thereof; and

11. "Tort" means a legal wrong, independent of contract, involving violation of a duty imposed by general law or otherwise, resulting in a loss to any person, association or corporation as the proximate result of an act or omission of a political subdivision or the state or an employee acting within the scope of employment.

SECTION 36. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1708.1A-1 of Title 63, unless there is created a duplication in numbering, reads as follows:

Sections 1-1708.1A-1 through 1-1708.1G of Title 63 of the Oklahoma Statutes and Sections 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49 of this act shall be known and may be cited as the "Affordable Access to Health Care Act".

SECTION 37. AMENDATORY Section 4, Chapter 390, O.S.L. 2003 (63 O.S. Supp. 2004, Section 1-1708.1D), is amended to read as follows:

Section 1-1708.1D A. In every medical liability action, the court shall admit evidence of payments of medical bills made to the injured party, unless the court makes the finding described in paragraph B of this section.

B. In any medical liability action, upon application of a party, the court shall make a determination whether amounts claimed by a health care provider to be a payment of medical bills from a collateral source is subject to <u>a formal, asserted claim of</u>

subrogation or other right of recovery. If the court makes a determination that any such payment is subject to a formal, asserted claim of subrogation or other right of recovery, evidence of the payment from the collateral source and subject to subrogation or other right of recovery shall not be admitted.

C. Any person or entity that would otherwise be entitled to make a subrogation or other type of recovery claim, but fails to do so in a written, formal asserted claim by the final pretrial conference in any medical liability action, shall be deemed to have waived the claim and shall be barred from recovery on the claim.

SECTION 38. AMENDATORY Section 5, Chapter 390, O.S.L. 2003 (63 O.S. Supp. 2004, Section 1-1708.1E), is amended to read as follows:

Section 1-1708.1E A. 1. In any medical liability action, a person asserting a health care liability claim or an authorized agent of the person shall give written notice of the claim by certified mail, return receipt requested, to each health care provider against whom such claim is being made at least sixty (60) days before the filing of the medical liability action.

2. If the plaintiff fails to comply with paragraph 1 of this subsection, the court shall, upon motion of the defendant, unless good cause is shown for such failure, dismiss the action without prejudice to its refiling.

B. 1. In any medical liability action, except as provided in subsection ~~B~~ C of this section, the plaintiff shall attach to the petition an affidavit attesting that:

a. the plaintiff has consulted and reviewed the facts of the claim with a qualified expert,

b. the plaintiff has obtained a written opinion from a qualified expert that clearly identifies the plaintiff and includes the expert's determination that, based upon a review of the available medical records, facts or other relevant material, a reasonable interpretation of the facts supports a finding that the acts or omissions of the health care provider against whom the action is brought constituted professional negligence, and

c. on the basis of the qualified expert's review and consultation, the plaintiff has concluded that the claim is meritorious and based on good cause.

2. If a medical liability action is filed:

a. without an affidavit being attached to the petition, as required in paragraph 1 of this subsection, and

b. no extension of time is subsequently granted by the court, pursuant to subsection ~~B~~ C of this section,

the court shall, upon motion of the defendant, dismiss the action without prejudice to its refiling.

3. The written opinion from the qualified expert shall state the acts or omissions of the defendant(s) that the expert then believes constituted professional negligence and shall include reasons explaining why the acts or omissions constituted professional negligence. The written opinion from the qualified expert shall not be admissible at trial for any purpose nor shall any inquiry be permitted with regard to the written opinion for any purpose either in discovery or at trial.

~~B.~~ C. 1. The court may, upon application of the plaintiff for good cause shown, grant the plaintiff an extension of time, not exceeding ninety (90) days after the date the petition is filed, except for good cause shown, to file in the action an affidavit attesting that the plaintiff has obtained a written opinion from a qualified expert as described in paragraph 1 of subsection ~~A~~ B of this section.

2. If on the expiration of an extension period described in paragraph 1 of this subsection, the plaintiff has failed to file in the action an affidavit as described above, the court shall, upon motion of the defendant, unless good cause is shown for such failure, dismiss the action without prejudice to its refiling.

~~C.~~ D. 1. Upon written request of any defendant in a medical liability action, the plaintiff shall, within ten (10) business days after receipt of such request, provide the defendant with:

a. a copy of the written opinion of a qualified expert mentioned in an affidavit filed pursuant to subsection ~~A~~ B or ~~B~~ C of this section, and

b. an authorization from the plaintiff in a form that complies with applicable state and federal laws, including the Health Insurance Portability and Accountability Act of 1996, for the release of any and all medical records related to the plaintiff for a period commencing five (5) years prior to the incident that is at issue in the medical liability action.

2. If the plaintiff fails to comply with paragraph 1 of this subsection, the court shall, upon motion of the defendant, unless good cause is shown for such failure, dismiss the action without prejudice to its refiling.

SECTION 39. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1708.1E-1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. In a medical liability action, a plaintiff shall, not later than one hundred twenty (120) days after the date the action was filed, serve on each party or the party's attorney one or more

1 expert reports, with a curriculum vitae of each expert listed in the
2 report for each health care provider against whom a liability claim
3 is asserted. The date for serving the report may be extended by
4 written agreement of the affected parties. Each party whose conduct
5 is implicated in a report shall file and serve any objection to the
6 sufficiency of the report not later than twenty-one (21) days after
7 the date a report was served, or all objections are waived.
8 B. If, as to any defendant, an expert report has not been
9 served within the period specified by subsection A of this section,
10 the court, on the motion of the defendant, may, subject to
11 subsection C of this section, enter an order that:
12 1. Awards to the affected health care provider reasonable
13 attorney fees and costs of court incurred by the defendant; and
14 2. Dismisses the claim with respect to the defendant, without
15 prejudice to the refiling of the claim.
16 C. If an expert report has not been served within the period
17 specified by subsection A of this section or is found to be
18 deficient, the court may grant one thirty-day extension to the
19 plaintiff in order to serve the expert report or cure the
20 deficiency.
21 D. A plaintiff may satisfy any requirement of this section for
22 serving an expert report by serving reports of separate experts
23 regarding different health care providers or regarding different

issues arising from the conduct of a health care provider, such as issues of liability and causation. Nothing in this section shall be construed to mean that a single expert must address all liability and causation issues with respect to all health care providers or with respect to both liability and causation issues for a health care provider.

E. Nothing in this section shall be construed to require the serving of an expert report regarding any issue other than an issue relating to liability or causation.

F. Subject to subsection J of this section, an expert report served under this section:

1. Is not admissible in evidence by any party;

2. Shall not be used in a deposition, trial, or other proceeding; and

3. Shall not be referred to by any party during the course of the action for any purpose.

G. A court shall grant a motion challenging the adequacy of an expert report only if it appears to the court, after hearing, that the report does not represent an objective good faith effort to comply with the definition of an expert report provided in subsection H of this section.

H. "Expert report" means a written report by an expert that provides a fair summary of the opinions of the expert as of the date

of the report regarding applicable standards of care, the manner in which the care rendered by the health care provider failed to meet the standards, and the causal relationship between that failure and the injury, harm, or damages claimed.

I. Until a plaintiff has served the expert report and curriculum vitae as required by subsection A of this section, all discovery in a health care liability claim is stayed except for the acquisition by the plaintiff of information, including medical or hospital records or other documents or tangible things, related to the patient's health care and the standard sets of interrogatories and requests for production as provided for in Section 40 of this act.

J. If an expert report is used by the plaintiff in the course of the action for any purpose other than to meet the service requirement of subsection A of this section, the restrictions imposed by subsection F of this section on use of the expert report by any party are waived.

SECTION 40. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1708.1E-2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. In every medical liability action, the plaintiff shall within forty-five (45) days after the date of filing of the original petition serve on the defendant's attorney or, if no attorney has

appeared for the defendant, on the defendant, full and complete answers to the appropriate standard set of interrogatories and full and complete responses to the appropriate standard set of requests for production of documents and things promulgated by the Health Care Discovery Panel, established by subsection I of this section.

B. Every health care provider who is a defendant in a health care liability claim shall within forty-five (45) days after the date on which an answer to the petition was due serve on the plaintiff's attorney or, if the plaintiff is not represented by an attorney, on the plaintiff, full and complete answers to the appropriate standard set of interrogatories and complete responses to the standard set of requests for production of documents and things promulgated by the Health Care Discovery Panel.

C. Except on motion and for good cause shown, no objection may be asserted regarding any standard interrogatory or request for production of documents and other items, but no response shall be required if a particular interrogatory or request is clearly inapplicable under the circumstances of the case.

D. Failure to file full and complete answers and responses to standard interrogatories and requests for production of documents and other items in accordance with subsections A and B of this section or the making of a groundless objection under subsection C

of this section shall be grounds for sanctions by the court in accordance with Section 3237 of Title 12 of the Oklahoma Statutes.

E. The time limits imposed under subsections A and B of this section may be extended by the court on the motion of a responding party for good cause shown and shall be extended if agreed in writing between the responding party and all opposing parties. In no event shall an extension be for a period of more than an additional thirty (30) days.

F. If a party is added by an amended pleading, intervention, or otherwise, the new party shall file full and complete answers to the appropriate standard set of interrogatories and full and complete responses to the standard set of requests for production of documents and things no later than forty-five (45) days after the date of filing of the pleading by which the party first appeared in the action.

G. If information or documents required to provide full and complete answers and responses as required by this section are not in the possession of the responding party or attorney when the answers or responses are filed, the party shall supplement the answers and responses.

H. Nothing in this section shall preclude any party from taking additional nonduplicative discovery of any other party. The standard sets of interrogatory and requests for production provided

for by this section shall not limit the number of interrogatories and requests for production allowed by the Oklahoma Discovery Code.

I. There is hereby created the Health Care Discovery Panel. The Panel shall develop standard sets of interrogatories and requests for documents and other items appropriate for each of the categories of plaintiffs and defendants usually involved in medical liability actions.

J. The Panel shall be composed of nine (9) members, to be appointed as follows:

1. Three attorneys licensed to practice law in this state, one physician licensed to practice medicine in this state, and one consumer advocate, to be appointed by the Governor;

2. One attorney licensed to practice law in this state and one physician licensed to practice medicine in this state, to be appointed by the Speaker of the House of Representatives; and

3. One attorney licensed to practice law in this state and one physician licensed to practice medicine in this state, to be appointed by the President Pro Tempore of the Senate.

K. Members of the Panel shall serve at the pleasure of the appointing authority. Any vacancy on the Panel shall be filled by the original appointing authority. A majority of the members present at a meeting shall constitute a quorum for the transaction of business. The Panel may elect a chair and a vice-chair.

Employees of the Office of the Administrative Director of the Courts shall serve as staff for the Panel.

L. Members of the Panel shall serve without compensation but shall be entitled reimbursement for necessary expenses pursuant to the State Travel Reimbursement Act.

M. The panel shall submit the standard sets of interrogatories and requests for documents developed pursuant to subsection I of this section to the Supreme Court by February 1, 2005.

SECTION 41. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1708.1F-2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in subsection B of this section, in any civil action brought against a hospital or hospital system, or its employees, officers, directors, or volunteers, for damages based on an act or omission by the hospital or hospital system, or its employees, officers, directors, or volunteers, the liability of the hospital or hospital system is limited to money damages in a maximum amount of Five Hundred Thousand Dollars ($500,000.00) for any act or omission resulting in damage or injury to a patient if the patient or, if the patient is a minor or is otherwise legally incompetent, the person responsible for the patient, signs a written statement that acknowledges:

1. That the hospital is providing care that is not administered for or in expectation of compensation; and

2. The limitations on the recovery of damages from the hospital in exchange for receiving the health care services.

B. This section shall not apply to wrongful death actions or to an act or omission that is the result of gross negligence or willful or wanton misconduct.

SECTION 42. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1708.1H-1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. In any medical liability action, any and all statements, affirmations, gestures, or conduct expressing apology, sympathy, commiseration, condolence, compassion, or a general sense of benevolence which are made by a health care provider or an employee of a health care provider to the plaintiff, a relative of the plaintiff, or a representative of the plaintiff and which relate solely to discomfort, pain, suffering, injury, or death as the result of the unanticipated outcome of the medical care shall be inadmissible as evidence of an admission of liability or as evidence of an admission against interest.

B. For purposes of this section, unless context otherwise requires "relative" means a spouse, parent, grandparent, stepfather, child, grandchild, brother, sister, half-brother, half-sister or

spouse's parents. The term includes said relationships that are created as a result of adoption. In addition, "relative" includes any person who has a family-type relationship with a plaintiff. "Representative" means a legal guardian, attorney, person designated to make decisions on behalf of a patient under a durable power of attorney or healthcare proxy, or any person recognized in law or custom as an agent for the plaintiff.

SECTION 43. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1708.1I-1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A health care provider performing charitable health care services, without expectation or actual receipt of compensation, shall not be liable for civil damages on the basis of any act or omission in providing the medical services if:

1. The health care provider was acting in good faith and within the scope of the license issued to the health care provider pursuant to Title 59 or 63 of the Oklahoma Statutes;

2. The acts or omissions were not caused by gross negligence or willful and wanton misconduct; and

3. The acts or omissions were committed in the course of providing health care services.

B. The charitable medical services provided without expectation of compensation on the part of a health care provider may be provided at any location.

C. The civil immunity for the health care provider provided in subsection A of this section does not apply unless the person receiving the charitable health care services, or the legal representative of the person receiving the charitable health care services, provides informed consent that:

1. The health care services are being provided with no expectation of compensation on the part of the health care provider; and

2. The health care services are governed by this section providing immunity from civil damages for the health care provider.

D. The civil immunity provided for in subsection A of this section applies only to the actions taken by the health care provider during the provision of the health care services and does not confer any immunity for actions taken prior to or subsequent to the provision of health care services.

E. In any civil action in which a health care provider prevails based upon the civil immunity provided for in subsection A of this section, the court may award all reasonable attorney fees incurred by the health care provider in defending the action.

F. The provisions of this section shall not apply to actions brought for wrongful death.

SECTION 44. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1708.1J of Title 63, unless there is created a duplication in numbering, reads as follows:

A. If the plaintiff in a medical liability action has settled with one or more persons, the court shall reduce the amount of damages to be recovered by the plaintiff with respect to a cause of action by an amount equal to one of the following, as elected by the defendant:

1. The sum of the dollar amounts of all settlements; or

2. A percentage equal to each settling person's percentage of responsibility as found by the trier of fact.

B. An election made under subsection A of this section shall be made by any defendant filing a written election before the issues of the action are submitted to the trier of fact and when made, shall be binding on all defendants. If no defendant makes this election or if conflicting elections are made, all defendants are considered to have elected the option provided for in paragraph 1 of subsection A of this section.

SECTION 45. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1708.1K of Title 63, unless there is created a duplication in numbering, reads as follows:

A. In an action for damages that involves a claim of negligence arising from the provision of emergency medical care in a hospital emergency department or obstetrical unit or in a surgical suite immediately following the evaluation or treatment of a patient in a hospital emergency department, the court shall instruct the jury to consider, together with all other relevant matters:

1. Whether the person providing care did or did not have the patient's medical history or was able or unable to obtain a full medical history, including the knowledge of preexisting medical conditions, allergies, and medications;

2. The presence or lack of a preexisting physician-patient relationship or health care provider-patient relationship;

3. The circumstances constituting the emergency; and

4. The circumstances surrounding the delivery of the emergency medical care.

B. The provisions of subsection A of this section shall not apply to medical care or treatment:

1. That occurs after the patient is stabilized and is capable of receiving medical treatment as a nonemergency patient;

2. That is unrelated to the original medical emergency; or

3. That is related to an emergency caused in whole or in part by the negligence of the defendant.

C. The provisions of this section shall apply to all actions filed on or after November 1, 2004.

SECTION 46. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1708.1L of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The court shall apply the criteria specified in subsection B of this section in determining whether an expert is qualified to offer expert testimony on the issue of whether the defendant health care provider departed from accepted standards of health care but may depart from those criteria if, under the circumstances, the court determines that there is good reason to admit the expert's testimony. The court shall state on the record the reason for admitting the testimony if the court departs from the criteria.

B. In determining whether a witness is qualified on the basis of training or experience, the court shall consider whether, at the time the claim arose or at the time the testimony is given, the witness:

1. Is certified by a licensing agency of one or more states of the United States or a national professional certifying agency, or has other substantial training or experience, in the area of health care relevant to the claim; and

2. Is actively practicing or retired from practicing health care in an area of health care services relevant to the claim.

1 C. This section shall not prevent a health care provider who is
2 a defendant, or an employee of the defendant health care provider,
3 from qualifying as an expert.
4 D. A pretrial objection to the qualifications of a witness
5 under this section shall be made not later than the later of the
6 twenty-first day after the date the objecting party receives a copy
7 of the witness's curriculum vitae or the twenty-first day after the
8 date of the witness's deposition. If circumstances arise after the
9 date on which the objection must be made that could not have been
10 reasonably anticipated by a party before that date and that the
11 party believes in good faith provide a basis for an objection to a
12 witness's qualifications, and if an objection was not made
13 previously, this subsection does not prevent the party from making
14 an objection as soon as practicable under the circumstances. The
15 court shall conduct a hearing to determine whether the witness is
16 qualified as soon as practicable after the filing of an objection
17 and, if possible, before trial. If the objecting party is unable to
18 object in time for the hearing to be conducted before the trial, the
19 hearing shall be conducted outside the presence of the jury. This
20 subsection does not prevent a party from examining or cross-
21 examining a witness at trial about the witness's qualifications.

SECTION 47. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1708.1M of Title 63, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Future damages" means damages that are incurred after the date of judgment for:

a. medical, health care, or custodial care services,

b. physical pain and mental anguish, disfigurement, or physical impairment,

c. loss of consortium, companionship, or society, or

d. loss of earnings;

2. "Future loss of earnings" means the following losses incurred after the date of the judgment:

a. loss of income, wages, or earning capacity and other pecuniary losses, and

b. loss of inheritance; and

3. "Periodic payments" means the payment of money or its equivalent to the recipient of future damages at defined intervals.

B. This section applies only to a medical liability action against a health care provider in which the present value of the award of future damages, as determined by the court, equals or exceeds One Hundred Thousand Dollars ($100,000.00).

C. At the request of a defendant or a plaintiff, the court shall order that medical, health care, or custodial services awarded in a medical liability action be paid in whole or in part in periodic payments rather than by a lump-sum payment.

D. At the request of a defendant health care provider or a plaintiff, the court may order that future damages other than medical, health care, or custodial services awarded in a health care liability claim be paid in whole or in part in periodic payments rather than by a lump-sum payment.

E. The court shall make a specific finding of the dollar amount of periodic payments that will compensate the plaintiff for the future damages.

F. The court shall specify in its judgment ordering the payment of future damages by periodic payments the:

1. Recipient of the payments;

2. Dollar amount of the payments;

3. Interval between payments; and

4. Number of payments or the period of time over which payments must be made.

G. The entry of an order for the payment of future damages by periodic payments constitutes a release of the health care liability claim filed by the plaintiff.

H. As a condition to authorizing periodic payments of future damages, the court shall require a defendant who is not adequately insured to provide evidence of financial responsibility in an amount adequate to assure full payment of damages awarded by the judgment.

I. The judgment must provide for payments to be funded by:

1. An annuity contract issued by a company licensed to do business as an insurance company, including an assignment within the meaning of Section 130, Internal Revenue Code of 1986, as amended;

2. An obligation of the United States;

3. Applicable and collectible liability insurance from one or more qualified insurers; or

4. Any other satisfactory form of funding approved by the court.

J. On termination of periodic payments of future damages, the court shall order the return of the security, or as much as remains, to the defendant.

K. On the death of the recipient, money damages awarded for loss of future earnings continue to be paid to the estate of the recipient of the award without reduction. Following the satisfaction or termination of any obligations specified in the judgment for periodic payments, any obligation of the defendant health care provider to make further payments ends and any security given reverts to the defendant.

L. For purposes of computing the award of attorney fees when the plaintiff is awarded a recovery that will be paid in periodic payments, the court shall place a total value on the payments based on the plaintiff's projected life expectancy and reduce the amount to present value.

SECTION 48. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1708.1N of Title 63, unless there is created a duplication in numbering, reads as follows:

A. No health care provider shall request or require a patient or prospective patient to execute an agreement to arbitrate a health care liability claim unless:

1. The form of agreement delivered to the patient contains a written notice in ten-point boldface type clearly and conspicuously stating:

"UNDER OKLAHOMA LAW, THIS AGREEMENT IS INVALID AND OF NO LEGAL EFFECT UNLESS IT IS ALSO SIGNED BY AN ATTORNEY OF YOUR OWN CHOOSING. THIS AGREEMENT CONTAINS A WAIVER OF IMPORTANT LEGAL RIGHTS, INCLUDING YOUR RIGHT TO A JURY. YOU SHOULD NOT SIGN THIS AGREEMENT WITHOUT FIRST CONSULTING WITH AN ATTORNEY."; and

2. The agreement shall be signed by the patient or prospective patient and the attorney for the patient or prospective patient.

B. A violation of this section by a physician or health care provider constitutes unprofessional conduct and shall be subject to

the applicable enforcement provisions, penalties, and sanctions contained in the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act or the Oklahoma Osteopathic Medicine Act.

C. A violation of this section by a health care provider other than a physician shall constitute an unfair or deceptive trade practice, as defined by Section 752 of Title 15 of the Oklahoma Statutes, and shall be subject to an action by the Attorney General or district attorney pursuant to Section 756.1 of Title 15 of the Oklahoma Statutes and be subject to the penalties and remedies contained in the Consumer Protection Act.

D. A violation of this section renders the agreement to arbitrate unenforceable.

SECTION 49. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1708.1O of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Medical Disclosure Panel is created to determine which risks and hazards related to medical care and surgical procedures must be disclosed by health care providers or physicians to their patients or persons authorized to consent for their patients and to establish the general form and substance of such disclosure.

B. The Panel shall be composed of nine (9) members to be appointed as follows:

1 1. Three physicians licensed to practice medicine in this
2 state, one attorney licensed to practice law in this state and one
3 consumer advocate to be appointed by the Governor;
4 2. One attorney licensed to practice law in this state and one
5 physician licensed to practice medicine in this state to be
6 appointed by the Speaker of the House of Representatives; and
7 3. One attorney licensed to practice law in this state and one
8 physician licensed to practice medicine in this state to be
9 appointed by the President Pro Tempore of the Senate.
10 C. Members of the Panel shall serve at the pleasure of the
11 respective appointing authority. Any vacancy on the Panel shall be
12 filled by the original appointing authority. A majority of the
13 members present at a meeting shall constitute a quorum for the
14 transaction of business. The Panel may elect a chair and vice-
15 chair. Employees of the State Department of Health shall serve as
16 staff for the Panel.
17 D. Members of the Panel are not entitled to compensation for
18 their services, but shall be entitled to reimbursement of any
19 necessary expense incurred in the performance of duties pursuant to
20 the State Travel Reimbursement Act.
21 E. 1. To the extent feasible, the Panel shall identify and
22 make a thorough examination of all medical treatments and surgical
23 procedures in which physicians and health care providers may be

involved in order to determine which of those treatments and procedures do and do not require disclosure of the risks and hazards to the patient or person authorized to consent for the patient.

2. The Panel shall prepare separate lists of those medical treatments and surgical procedures that do and do not require disclosure and, for those treatments and procedures that do require disclosure, shall establish the degree of disclosure required and the form in which the disclosure will be made.

3. Lists prepared under this section together with written explanations of the degree and form of disclosure shall be published in the Oklahoma Register.

F. At least annually, or at such other period as the Panel may determine from time to time, the Panel will identify and examine any new medical treatments and surgical procedures that have been developed since its last determination, shall assign them to the proper list, and shall establish the degree of disclosure required and the form in which the disclosure will be made. The Panel will also examine such treatments and procedures for the purpose of revising lists previously published. These determinations shall be published in the Oklahoma Register.

SECTION 50. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-140 of Title 70, unless there is created a duplication in numbering, reads as follows:

Sections 50 through 57 of this act shall be known and may be cited as the "School Protection Act".

SECTION 51. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-141 of Title 70, unless there is created a duplication in numbering, reads as follows:

As used in the School Protection Act:

1. "Education employee" means a member of the board of education of a school district or any individual who is employed by a school as a:

a. teacher, superintendent, principal, student teacher, school nurse, or support employee as defined in Section 1-116 of Title 70 of the Oklahoma Statutes,

b. resident teacher as defined in Section 6-182 of Title 70 of the Oklahoma Statutes, or

c. substitute teacher or teacher assistant; and

2. "School" means a public school district, including charter schools, the Oklahoma School of Science and Mathematics, or a governmental entity that employs teachers as defined in Section 1-116 of Title 70 of the Oklahoma Statutes.

SECTION 52. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-142 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. An education employee of a school district is not personally liable for any act that is within the scope of the duties of employment of the employee and that involves the exercise of judgment or discretion on the part of the employee, except in circumstances in which an education employee uses excessive force in the discipline of students or negligence resulting in bodily injury to students.

B. This section shall not apply to the operation, use, or maintenance of any motor vehicle.

C. In addition to the immunity provided under this section and under other provisions of state law, an individual is entitled to any immunity and any other protections afforded under the Paul D. Coverdell Teacher Protection Act of 2001, 20 U.S.C., Section 6731 et seq. Nothing in this section shall be construed to limit or abridge any immunity or protection afforded an individual under state law.

D. For purposes of this section, "individual" shall include a person who provides services to private schools, to the extent provided by federal law.

SECTION 53. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-143 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Within ninety (90) days before the date a person files a suit against an education employee of a school, the person shall

give written notice to the employee of the claim, reasonably describing the incident from which the claim arose.

B. An education employee of a school against whom a suit is pending who does not receive written notice, as required by subsection A of this section, may file a motion to dismiss the action within thirty (30) days after the date the person files an original answer in the court in which the suit is pending.

C. The court shall dismiss the action without prejudice if the court, after a hearing, finds that the education employee was not provided notice as required by this section.

SECTION 54. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-144 of Title 70, unless there is created a duplication in numbering, reads as follows:

A person may not file suit against an education employee of a school unless the person has exhausted the remedies provided by the school district for resolving the complaint.

SECTION 55. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-145 of Title 70, unless there is created a duplication in numbering, reads as follows:

A court in which a judicial proceeding is being brought against an education employee of a school may refer the case to an alternative dispute resolution procedure as provided by law.

SECTION 56. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-146 of Title 70, unless there is created a duplication in numbering, reads as follows:

In an action against an education employee of a school involving an act that is within the scope of duty of the employee's employment and brought against the employee in the individual capacity of the employee, the employee shall be entitled to recover attorney fees and court costs from the plaintiff if the employee is found immune from liability under the School Protection Act.

SECTION 57. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-147 of Title 70, unless there is created a duplication in numbering, reads as follows:

The School Protection Act shall be in addition to and shall not limit or amend The Governmental Tort Claims Act or any other applicable law.

SECTION 58. AMENDATORY 76 O.S. 2001, Section 5A, as amended by Section 1, Chapter 127, O.S.L. 2004 (76 O.S. Supp. 2004, Section 5A), is amended to read as follows:

Section 5A. A. 1. Any person who is qualified pursuant to this subsection and who, in good faith and without expectation of compensation, renders emergency care or treatment outside of a medical facility by the use of an automated external defibrillator shall be immune from civil liability for personal injury which

results from the use of the device, except for acts of gross negligence or willful or wanton misconduct in the use of such device.

2. A person is qualified pursuant to this subsection upon successful completion of appropriate training in the use of automated external defibrillators and cardiopulmonary resuscitation. Appropriate training shall consist of a course in the use of automated external defibrillators and cardiopulmonary resuscitation. Such courses shall be approved pursuant to rules promulgated by the State Board of Health ~~and shall be subject to approval or disapproval in the discretion of the Commissioner of Health~~. These rules may include appropriate periodic retraining at intervals established by the ~~Commissioner~~ State Board of Health by rule.

3. Course directors and trainers who have completed the training required by the State Department of Health for teaching courses in the use of automated external defibrillators and cardiopulmonary resuscitation shall be immune from civil liability for personal injury which results from the use of the device, except for acts of gross negligence or willful or wanton misconduct in the teaching of such training courses.

B. A prescribing physician who, in good faith and without expectation of or actual receipt of compensation, writes a prescription for the use of an automated external defibrillator to

render emergency care or treatment shall be immune from civil liability for personal injury which results from the use of the device, except for acts of gross negligence or willful or wanton misconduct in the prescribing of the device.

C. An entity which owns, leases, possesses, or otherwise controls an automated external defibrillator shall be immune from civil liability for personal injury which results from the use of the device, except for acts of gross negligence or willful or wanton misconduct, if the entity:

1. Requires its own authorized agents who may use the automated external defibrillator to be qualified pursuant to subsection A of this section if not available to the public; or

2. Maintains and stores its automated external defibrillator with a usage detection device which automatically signals first responders or designated qualified employees of the entity ~~if made available to the public~~; and

3. Maintains and tests its automated external defibrillator according to the manufacturer's instructions.

D. An entity which owns, leases, possesses or otherwise controls an automated external defibrillator shall communicate to the proper first responder the locations and placements of the automated external defibrillator owned, leased, possessed or otherwise controlled by the entity.

E. For purposes of this section:

1. "Automated external defibrillator" means a medical device consisting of a heart monitor and defibrillator which:

a. has received approval of its premarket notification, filed pursuant to 21 U.S.C., Section 360(k), from the United States Food and Drug Administration,

b. is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed, and

c. upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart;

2. "Entity" means public and private organizations including, but not limited to, the State of Oklahoma and its agencies and political subdivisions, a proprietorship, partnership, limited liability company, corporation, or other legal entity, whether or not operated for profit;

3. "First responder" means an individual certified by the State Department of Health to perform emergency medical services in accordance with the Oklahoma Emergency Response Systems Development

Act and in accordance with the rules and standards promulgated by the State Board of Health; and

4. "Prescribing physician" means a person licensed to practice medicine in the state pursuant to Chapters 11 and 14 of Title 59 of the Oklahoma Statutes.

SECTION 59. AMENDATORY 76 O.S. 2001, Section 18, as amended by Section 4, Chapter 462, O.S.L. 2002 (76 O.S. Supp. 2004, Section 18), is amended to read as follows:

Section 18. ~~An~~ A. Except as provided in subsection B of this section, an action for damages for injury or death against any physician, health care provider or hospital licensed under the laws of this state, whether based in tort, breach of contract or otherwise, arising out of patient care, shall be brought within two (2) years of the date the plaintiff knew or should have known, through the exercise of reasonable diligence, of the existence of the death, injury or condition complained of; provided, however, the minority or incompetency when the cause of action arises will extend said period of limitation.

B. Any action for damages for injury or death against any physician, health care provider, or hospital licensed under the laws of this state, based in tort and arising out of patient care, shall be brought within ten (10) years after the date of the act or omission that gives rise to the claim. This subsection is intended

as a statute of repose and all actions which are not brought within ten (10) years after the act or omission giving rise to the claim are time barred.

SECTION 60. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16.2 of Title 76, unless there is created a duplication in numbering, reads as follows:

A. An owner, lessee or occupant of real property or any structures or improvements thereto owes no duty of care to keep the premises safe for entry or use by others or to give any warning of a dangerous condition, use, structure or activity if the entry or use by another person is unauthorized or is for the purpose of committing a criminal act.

B. The provisions of subsection A of this section provide immunity from civil liability for simple negligence but do not provide immunity for willful, wanton or malicious acts of negligence or for gross negligence.

SECTION 61. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 71 of Title 76, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Asbestos claim" means any claim, wherever or whenever made, for damages, losses, indemnification, contribution, or other relief

arising out of, based on, or in any way related to asbestos, including:

a. property damage caused by the installation, presence, or removal of asbestos,

b. the health effects of exposure to asbestos, including any claim for:

(1) personal injury or death,

(2) mental or emotional injury,

(3) risk of disease or other injury, or

(4) the costs of medical monitoring or surveillance, and

c. any claim made by or on behalf of any person exposed to asbestos, or a representative, spouse, parent, child, or other relative of the person;

2. "Corporation" means a corporation for profit, including:

a. a domestic corporation organized under the laws of this state, or

b. a foreign corporation organized under laws other than the laws of this state;

3. "Successor asbestos-related liabilities" means any liabilities, whether known or unknown, asserted or unasserted, absolute or contingent, accrued or unaccrued, liquidated or unliquidated, or due or to become due, that are related in any way

to asbestos claims that were assumed or incurred by a corporation as a result of or in connection with a merger or consolidation, or the plan of merger or consolidation related to the merger or consolidation, with or into another corporation or that are related in any way to asbestos claims based on the exercise of control or the ownership of stock of the corporation before the merger or consolidation. The term includes liabilities that, after the time of the merger or consolidation for which the fair market value of total gross assets is determined under subsection D of this section, were or are paid or otherwise discharged, or committed to be paid or otherwise discharged, by or on behalf of the corporation, or by a successor of the corporation, or by or on behalf of a transferor, in connection with settlements, judgments, or other discharges in this state or another jurisdiction;

4. "Successor" means a corporation that assumes or incurs, or has assumed or incurred, successor asbestos-related liabilities; and

5. "Transferor" means a corporation from which successor asbestos-related liabilities are or were assumed or incurred.

B. 1. The limitations in subsection C of this section shall apply to a domestic corporation or a foreign corporation that has had a certificate of authority to transact business in this state or has done business in this state and that is a successor or which is a successor of a successor corporation, but in the latter case only

1 to the extent of the limitation of liability applied under paragraph
2 2 of subsection C of this section and subject to the limitations
3 found in this section.
4 2. The limitations in subsection C of this section shall not
5 apply to:
6 a. workers' compensation benefits,
7 b. any claim against a corporation that does not
8 constitute a successor asbestos-related liability,
9 c. an insurance company,
10 d. any obligations under the National Labor Relations Act
11 (29 U.S.C., Section 151 et seq.), as amended, or under
12 any collective bargaining agreement,
13 e. a successor that, after a merger or consolidation,
14 continued in the business of mining asbestos or in the
15 business of selling or distributing asbestos fibers or
16 in the business of manufacturing, distributing,
17 removing, or installing asbestos-containing products
18 which were the same or substantially the same as those
19 products previously manufactured, distributed,
20 removed, or installed by the transferor,
21 f. a contractual obligation existing as of November 1,
22 2004, that was entered into with claimants or

potential claimants or their counsel and which resolves asbestos claims or potential asbestos claims,

g. any claim made against the estate of a debtor in a bankruptcy proceeding commenced prior to November 1, 2004, under the United States Bankruptcy Code (11 U.S.C., Section 101 et seq.) by or against such debtor, or against a bankruptcy trust established under 11 U.S.C., Section 524(g) or similar provisions of the United States Code in such a bankruptcy proceeding commenced prior to such date, or

h. a cause of action for premises liability, but only if the successor owned or controlled the premises at issue after the merger or consolidation.

C. 1. Except as further limited in paragraph 2 of this subsection, the cumulative successor asbestos-related liabilities of a corporation are limited to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation. The corporation shall not have any responsibility for successor asbestos-related liabilities in excess of this limitation.

2. If the transferor had assumed or incurred successor asbestos-related liabilities in connection with a prior merger or consolidation with a prior transferor, the fair market value of the

total assets of the prior transferor, determined as of the time of such earlier merger or consolidation, shall be substituted for the limitation set forth in paragraph 1 of this subsection for purposes of determining the limitation of liability of a corporation.

D. 1. A corporation may establish the fair market value of total gross assets for the purpose of the limitations under subsection C of this section through any method reasonable under the circumstances, including:

a. by reference to the going concern value of the assets or to the purchase price attributable to or paid for the assets in an arm's-length transaction, or

b. in the absence of other readily available information from which fair market value can be determined, by reference to the value of the assets recorded on a balance sheet.

2. Total gross assets include intangible assets.

3. Total gross assets include the aggregate coverage under any applicable liability insurance that was issued to the transferor whose assets are being valued for purposes of this section and which insurance has been collected or is collectable to cover successor asbestos-related liabilities, except compensation for liabilities arising from workers' exposure to asbestos solely during the course of their employment by the transferor. A settlement of a dispute

concerning such insurance coverage entered into by a transferor or successor with the insurers of the transferor ten (10) years or more before the enactment of this section shall be determinative of the aggregate coverage of such liability insurance to be included in the calculation of the transferor's total gross assets.

4. The fair market value of total gross assets shall reflect no deduction for any liabilities arising from any asbestos claim.

E. 1. Except as otherwise provided in this section, the fair market value of total gross assets at the time of a merger or consolidation increases annually at a rate equal to the sum of:

a. the prime rate as listed in the first edition of the Wall Street Journal published for each calendar year since the merger or consolidation, and

b. one percent (1%).

2. The rate provided for in paragraph 1 of this subsection shall not be compounded.

3. The adjustment of fair market value of total gross assets continues as provided under paragraph 1 of this subsection until the date the adjusted value is exceeded by the cumulative amounts of successor asbestos-related liabilities paid or committed to be paid by or on behalf of the corporation or a predecessor, or by or on behalf of a transferor, after the time of the merger or

consolidation for which the fair market value of total gross assets is determined.

4. No adjustment of the fair market value of total gross assets shall be applied to any liability insurance otherwise included in the definition of total gross assets.

SECTION 62. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 101 of Title 76, unless there is created a duplication in numbering, reads as follows:

Sections 62 through 66 of this act shall be known and may be cited as the "Product Liability Act".

SECTION 63. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 102 of Title 76, unless there is created a duplication in numbering, reads as follows:

In the Product Liability Act:

1. "Claimant" means a party seeking relief, including a plaintiff, counterclaimant, or cross-claimant;

2. "Product liability action" means any action against a manufacturer or seller for recovery of damages arising out of personal injury, death, or property damage allegedly caused by a defective product whether the action is based in strict tort liability, strict products liability, negligence, misrepresentation, breach of express or implied warranty, or any other theory or combination of theories;

3. “Seller” means a person who is engaged in the business of distributing or otherwise placing, for any commercial purpose, in the stream of commerce for use or consumption a product or any component part thereof; and

4. “Manufacturer” means a person who is a designer, formulator, constructor, rebuilder, fabricator, producer, compounder, processor, or assembler of any product or any component part thereof and who places the product or any component part thereof in the stream of commerce.

SECTION 64. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 103 of Title 76, unless there is created a duplication in numbering, reads as follows:

A. A manufacturer shall indemnify and hold harmless a seller against loss arising out of a product liability action, except for any loss caused by the seller’s negligence, intentional misconduct, or other act or omission, such as negligently modifying or altering the product, for which the seller is independently liable.

B. For purposes of this section, “loss” includes court costs and other reasonable expenses, reasonable attorney fees, and any reasonable damages.

C. Damages awarded by the trier of fact shall, on final judgment, be deemed reasonable for purposes of this section.

D. For purposes of this section, a wholesale distributor or retail seller who completely or partially assembles a product in accordance with the manufacturer's instructions shall be considered a seller.

E. The duty to indemnify under this section:

1. Applies without regard to the manner in which the action is concluded; and

2. Is in addition to any duty to indemnify established by law, contract, or otherwise.

F. A seller eligible for indemnification under this section shall give reasonable notice to the manufacturer of a product claimed in a petition or complaint to be defective, unless the manufacturer has been served as a party or otherwise has actual notice of the action.

G. A seller is entitled to recover from the manufacturer court costs and other reasonable expenses, reasonable attorney fees, and any reasonable damages incurred by the seller to enforce the seller's right to indemnification under this section.

SECTION 65. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 104 of Title 76, unless there is created a duplication in numbering, reads as follows:

A. In a product liability action alleging that an injury was caused by a failure to provide adequate warnings or information with

regard to a pharmaceutical product, there is a rebuttable presumption that the defendant or defendants, including a health care provider, distributor, and prescriber, are not liable with respect to the allegations involving failure to provide adequate warnings or information if:

1. The warnings or information that accompanied the product in its distribution were those approved by the United States Food and Drug Administration for a product approved under the federal Food, Drug, and Cosmetic Act (21 U.S.C., Section 301 et seq.), as amended, or Section 351, Public Health Service Act (43 U.S.C., Section 262), as amended; or

2. The warnings provided were those stated in monographs developed by the United States Food and Drug Administration for pharmaceutical products that may be distributed without an approved new drug application.

B. The claimant may rebut the presumption provided for in subsection A of this section as to each defendant by establishing that:

1. The defendant, before or after premarket approval or licensing of the product, withheld from or misrepresented to the United States Food and Drug Administration required information that was material and relevant to the performance of the product and was causally related to the claimant's injury;

2. The pharmaceutical product was sold or prescribed in the United States by the defendant after the effective date of an order of the United States Food and Drug Administration to remove the product from the market or to withdraw its approval of the product;

3. a. The defendant recommended, promoted, or advertised the pharmaceutical product for an indication not approved by the United States Food and Drug Administration,

b. The product was used as recommended, promoted, or advertised, and

c. The claimant's injury was causally related to the recommended, promoted, or advertised use of the product;

4. a. The defendant prescribed the pharmaceutical product for an indication not approved by the United States Food and Drug Administration,

b. The product was used as prescribed, and

c. The claimant's injury was causally related to the prescribed use of the product;

5. The defendant, before or after premarket approval or licensing of the product, engaged in conduct that would constitute a violation of 18 U.S.C., Section 201 and that conduct caused the warnings or instructions approved for the product by the United States Food and Drug Administration to be inadequate; or

6. The warning or information provided was inadequate to protect the public from harm.

SECTION 66. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 105 of Title 76, unless there is created a duplication in numbering, reads as follows:

A. In a product liability action brought against a product manufacturer or seller, there is a rebuttable presumption that the product manufacturer or seller is not liable for any injury to a claimant caused by some aspect of the formulation, labeling, or design of a product if the product manufacturer or seller establishes that the formula, labeling, or design for the product complied with mandatory safety standards or regulations adopted and promulgated by the appropriate regulatory agency of the federal government that were applicable to the product at the time of manufacture and that specifically related to the formula, labeling or design that directly caused harm.

B. The claimant may rebut the presumption in subsection A of this section by establishing that:

1. The mandatory federal safety standards or regulations applicable to the product were inadequate to protect the public from harm; or

2. The manufacturer, before or after marketing the product, withheld or misrepresented information or material relevant to the

federal government's or agency's determination of adequacy of the safety standards or regulations at issue in the action.

C. This section does not extend to manufacturing flaws or defects even though the product manufacturer has complied with all quality control and manufacturing practices mandated by the appropriate regulatory agency of the federal government.

SECTION 67. REPEALER 20 O.S. 2001, Sections 92.8b, as amended by Section 4, Chapter 490, O.S.L. 2002, and 92.15b, as amended by Section 6, Chapter 490, O.S.L. 2002 (20 O.S. Supp. 2004, Sections 92.8b and 92.15b), are hereby repealed.

SECTION 68. REPEALER Section 1, Chapter 368, O.S.L. 2004 (5 O.S. Supp. 2004, Section 7.1), is hereby repealed.

Section 2, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, Section 130), is hereby repealed.

12 O.S. 2001, Section 683, as amended by Section 3, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, Section 683), is hereby repealed.

12 O.S. 2001, Section 684, as amended by Section 4, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, Section 684), is hereby repealed.

Section 5, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, Section 684.1), is hereby repealed.

12 O.S. 2001, Section 727, as amended by Section 6, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, Section 727), is hereby repealed.

Section 7, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, Section 727.1), is hereby repealed.

12 O.S. 2001, Section 990.4, as amended by Section 9, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, Section 990.4), is hereby repealed.

12 O.S. 2001, Section 2011, as amended by Section 10, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, Section 2011), is hereby repealed.

12 O.S. 2001, Section 2020, as amended by Section 11, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, Section 2020), is hereby repealed.

12 O.S. 2001, Section 2021, as amended by Section 12, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, Section 2021), is hereby repealed.

12 O.S. 2001, Section 3226, as last amended by Section 13, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, Section 3226), is hereby repealed.

Section 14, Chapter 368, O.S.L. 2004 (12 O.S. Supp. 2004, Section 3226.1), is hereby repealed.

Section 15, Chapter 368, O.S.L. 2004 (20 O.S. Supp. 2004, Section 81), is hereby repealed.

20 O.S. 2001, Section 91.2, as amended by Section 16, Chapter 368, O.S.L. 2004 (20 O.S. Supp. 2004, Section 91.2), is hereby repealed.

Section 17, Chapter 368, O.S.L. 2004 (20 O.S. Supp. 2004, Section 91.7), is hereby repealed.

Section 18, Chapter 368, O.S.L. 2004 (23 O.S. Supp. 2004, Section 15), is hereby repealed.

51 O.S. 2001, Section 152, as last amended by Section 19, Chapter 368, O.S.L. 2004 (51 O.S. Supp. 2004, Section 152), is hereby repealed.

Section 1, Chapter 390, O.S.L. 2003, as amended by Section 20, Chapter 368, O.S.L. 2004 (63 O.S. Supp. 2004, Section 1-1708.1A), is hereby repealed.

Section 22, Chapter 368, O.S.L. 2004 (63 O.S. Supp. 2004, Section 1-1708.1F-1), is hereby repealed.

Section 23, Chapter 368, O.S.L. 2004 (63 O.S. Supp. 2004, Section 1-1708.1H), is hereby repealed.

Section 33, Chapter 368, O.S.L. 2004 (76 O.S. Supp. 2004, Section 16.1), is hereby repealed.

SECTION 69. Sections 1 through 25, 31 through 66 and 68 of this act shall become effective November 1, 2004.

SECTION 70. Sections 26, 27, 28, 29, 30 and 67 of this act shall become effective upon passage by a vote of the people of a

constitutional amendment amending Section 9 of Article VII of the Oklahoma Constitution.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-5-05 - DO PASS, As Amended.