

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 330

 By: McCortney of the Senate

 and

 McEntire of the House

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9 An Act relating to the University Hospitals
10 Authority; amending 63 O.S. 2021, Section 3225, which
11 relates to contractual agreements; modifying
12 applicability of certain provision; providing certain
13 construction; exempting amendments to specified
14 agreements from certain procedure; updating statutory
15 language; and providing an effective date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2021, Section 3225, is
18 amended to read as follows:

19 Section 3225. A. Contingent upon the creation of the
20 University Hospitals Trust as provided in Section 3224 of this
21 title, the Trust, prior to acceptance, shall submit to the
22 Contingency Review Board for review the proposed agreement regarding
23 the lease and operations of the ~~University Hospitals~~ hospital or
24 hospitals owned by the University Hospitals Authority to any entity
 authorized to transact business in the state and an independent

1 statement as to the fairness of ~~said~~ the proposed agreement for ~~the~~
2 ~~State of Oklahoma~~ this state. The Contingency Review Board shall
3 upon receipt of the proposed agreement meet within fifteen (15)
4 business days to review the proposed agreement; and unless the
5 Contingency Review Board disapproves the proposed agreement, the
6 proposed agreement may be executed, but no lease of the ~~University~~
7 ~~Hospitals~~ hospital or hospitals owned by the University Hospitals
8 Authority shall become effective until after Supreme Court approval
9 pursuant to subsection B of this section; provided, any amendment to
10 the provisions of this section shall not be construed to affect or
11 abrogate any agreement approved pursuant to the provisions of this
12 section prior to the effective date of such amendment.

13 B. 1. If a proposed agreement is not disapproved by the
14 Contingency Review Board pursuant to subsection A of this section,
15 the University Hospitals Authority and University Hospitals Trust,
16 within thirty (30) calendar days after the time for Contingency
17 Review Board action has expired, may file a petition with the
18 Supreme Court of Oklahoma for a declaratory judgment determining the
19 validity of the proposed agreement. The review of the Court shall
20 be based upon the exercise of any of the powers, rights, privileges,
21 and functions conferred upon the Authority or the University
22 Hospitals Trust, as applicable, under the University Hospitals
23 Authority Act and Oklahoma laws. Exclusive original jurisdiction is
24 conferred upon the Supreme Court to hear and determine such

1 petitions. The Supreme Court shall give such petitions precedence
2 over other business of the Court except habeas corpus proceedings.

3 2. Notice of the hearing of such a petition shall be given by a
4 notice published in a newspaper of general circulation in this state
5 that on a day specified the Supreme Court will hear the petition to
6 approve the proposed agreement and enter a declaratory judgment.

7 The notice shall be published one time not less than ten (10) days
8 prior to the date specified for the hearing. The notice shall
9 inform property owners, taxpayers, citizens, and all persons having
10 or claiming any right, title, or interest in the proposed agreement
11 or properties or funds to be affected by the implementation of the
12 proposed agreement, or affected in any way thereby, that they may
13 file protests against the approval of the proposed agreement, and be
14 present at the hearing to contest the legality of the proposed
15 agreement. The hearing may be adjourned from time to time at the
16 discretion of the Court.

17 3. If the Court is satisfied that the proposed agreement is in
18 accordance with the University Hospitals Authority Act and Oklahoma
19 laws, the Court shall enter a declaratory judgment approving and
20 declaring the proposed agreement to be valid and conclusive as to
21 the Authority, the Trust, and all other parties to the proposed
22 agreement; and, upon petition of the Authority, shall issue an order
23 permanently enjoining all persons described in the notice required
24 by this subsection from thereafter instituting any action or

1 proceeding contesting the validity of the proposed agreement. A
2 declaratory judgment rendered pursuant to this subsection shall have
3 the force and effect of a final judgment or decree and shall be
4 incontestable in any court in this state.

5 4. As used in the University Hospitals Authority Act, "proposed
6 agreement" means one or more contracts regarding the lease and
7 operations of the ~~University Hospitals~~ hospital or hospitals owned
8 by the University Hospitals Authority and all other agreements
9 contemplated by or referred to in the contract regarding such lease
10 and operations.

11 C. The procedure set forth in this section for review and
12 approval of agreements regarding the lease and operations of the
13 hospital or hospitals owned by the University Hospitals Authority
14 shall not be required for any amendment to an agreement which has
15 been so reviewed and approved which has the effect of increasing
16 payments due to the University Hospitals Authority or University
17 Hospitals Trust.

18 SECTION 2. This act shall become effective November 1, 2023.

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20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
21 04/13/2023 - DO PASS.

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