

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 330

By: McCortney

AS INTRODUCED

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

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

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

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

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

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

1 2. Notice of the hearing of such a petition shall be given by a
2 notice published in a newspaper of general circulation in this state
3 that on a day specified the Supreme Court will hear the petition to
4 approve the proposed agreement and enter a declaratory judgment.
5 The notice shall be published one time not less than ten (10) days
6 prior to the date specified for the hearing. The notice shall
7 inform property owners, taxpayers, citizens, and all persons having
8 or claiming any right, title, or interest in the proposed agreement
9 or properties or funds to be affected by the implementation of the
10 proposed agreement, or affected in any way thereby, that they may
11 file protests against the approval of the proposed agreement, and be
12 present at the hearing to contest the legality of the proposed
13 agreement. The hearing may be adjourned from time to time at the
14 discretion of the Court.

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

1 the force and effect of a final judgment or decree and shall be
2 incontestable in any court in this state.

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

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

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

18 59-1-468 DC 1/13/2023 12:09:00 PM