An Act

ENROLLED SENATE
BILL NO. 330

By: McCortney of the Senate

and

McEntire of the House

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.

SUBJECT: University Hospitals Authority

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 upon receipt of the proposed agreement meet within fifteen (15) business days to review the proposed agreement; and unless the Contingency Review Board disapproves the proposed agreement, the proposed agreement may be executed, but no lease of the ~~University Hospitals~~ hospital or hospitals owned by the University Hospitals Authority shall become effective until after Supreme Court approval

pursuant to subsection B of this section; provided, any amendment to the provisions of this section shall not be construed to affect or abrogate any agreement approved pursuant to the provisions of this section prior to the effective date of such amendment.

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

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

3. If the Court is satisfied that the proposed agreement is in accordance with the University Hospitals Authority Act and Oklahoma laws, the Court shall enter a declaratory judgment approving and declaring the proposed agreement to be valid and conclusive as to the Authority, the Trust, and all other parties to the proposed agreement; and, upon petition of the Authority, shall issue an order permanently enjoining all persons described in the notice required

by this subsection from thereafter instituting any action or proceeding contesting the validity of the proposed agreement. A declaratory judgment rendered pursuant to this subsection shall have the force and effect of a final judgment or decree and shall be incontestable in any court in this state.

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

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

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

Passed the Senate the 21st day of February, 2023.

Brent Howard

Presiding Officer of the Senate

Passed the House of Representatives the 20th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th

day of April, 20 23, at 4:12 o'clock p. M.

By: Summer Curry

Approved by the Governor of the State of Oklahoma this 28th

day of April, 20 23, at 4:31 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 28th

day of April, 20 23, at 5:32 o'clock P. M.

By: Brian Bingman