

1 **SENATE FLOOR VERSION**

2 February 9, 2023

3 SENATE BILL NO. 704

By: Haste

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5  
6 An Act relating to the Oklahoma State University  
7 Medical Authority; amending 63 O.S. 2021, Section  
8 3275, which relates to members; modifying  
9 qualifications; adding members; removing obsolete  
10 language; authorizing virtual meetings under certain  
11 conditions; amending 63 O.S. 2021, Section 3276,  
12 which relates to powers and duties of the Authority;  
13 modifying and adding powers and duties; removing  
14 certain prohibition; amending 63 O.S. 2021, Section  
15 3283, which relates to revenue bonds; specifying  
16 allowed payment sources for bonds; amending 63 O.S.  
2021, Section 3290, which relates to the Oklahoma  
State University Medical Trust; increasing certain  
asset limit for purpose of certain determination;  
authorizing virtual meetings under certain  
conditions; exempting the Authority from the Public  
Competitive Bidding Act of 1974; defining term;  
repealing 63 O.S. 2021, Sections 3287 and 3291, which  
relate to the Oklahoma State University Medical  
Authority; providing for codification; and providing  
an effective date.

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

20 SECTION 1. AMENDATORY 63 O.S. 2021, Section 3275, is  
21 amended to read as follows:

22 Section 3275. A. There is hereby created the Oklahoma State  
23 University Medical Authority, an agency of the State of Oklahoma, a  
24 body corporate and politic, with powers of government and with the

1 authority to exercise the rights, privileges and functions as  
2 specified in the Oklahoma State University Medical Authority Act.  
3 The Oklahoma State University Medical Authority is covered by the  
4 Governmental Tort Claims Act.

5 B. The Authority shall consist of ~~seven (7)~~ eight (8) members  
6 as follows:

7 1. One member shall be appointed by the Governor, with the  
8 advice and consent of the Senate;

9 2. One member shall be appointed by the President Pro Tempore  
10 of the Senate;

11 3. One member shall be appointed by the Speaker of the House of  
12 Representatives;

13 4. One member shall be the Chief Executive Officer of the  
14 Oklahoma Health Care Authority, or a designee;

15 5. One member shall be the President of the Oklahoma State  
16 University Center for Health Sciences;

17 6. One member ~~to~~ shall be appointed by the President of  
18 Oklahoma State University ~~who shall be the Chief Executive Officer~~  
19 ~~of any entity, other than the Oklahoma State University Medical~~  
20 ~~Trust, with whom the Oklahoma State University College of~~  
21 ~~Osteopathic Medicine has entered into an Academic Affiliation~~  
22 ~~Agreement to serve as the primary site of practice and teaching~~  
23 ~~hospital for medical residency programs, or a designee; and;~~  
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1       7. One member shall be a member of the Board of Regents for the  
2 Oklahoma Agricultural and Mechanical Colleges, or his or her  
3 designee, as selected by the chair of the Board of Regents; and

4       8. One member shall be the Chief Executive Officer of the  
5 Oklahoma State University Medical Authority who shall be an ex  
6 officio, nonvoting member.

7       C. ~~All appointed members shall be appointed by June 1, 2006.~~  
8 ~~Of the members of the Authority initially appointed, the member~~  
9 ~~appointed by the President Pro Tempore of the Senate shall serve a~~  
10 ~~term of three (3) years; the member appointed by the Speaker of the~~  
11 ~~House of Representatives shall serve a term of two (2) years; and~~  
12 ~~the member appointed by the Governor shall serve a term of one (1)~~  
13 ~~year. Successors Members shall be appointed for terms of three (3)~~  
14 ~~years.~~

15       D. ~~Each member of the Authority, prior to appointment, shall be~~  
16 ~~a resident of the state and a qualified elector.~~

17       ~~E.~~ Members shall be removable only for cause by the appointing  
18 authority. Any vacancy occurring on the Authority shall be filled  
19 by the original appointing authority.

20       ~~F.~~ E. The members of the Authority shall serve without  
21 compensation but may be reimbursed for all actual and necessary  
22 travel expenses incurred in performance of their duties in  
23 accordance with the provisions of the State Travel Reimbursement  
24 Act.

1       ~~G.~~ F. All members of the Authority and administrative personnel  
2 of the Authority shall be subject to the provisions of the Oklahoma  
3 Ethics Commission Rules, Chapter 62 Appendix of Title 74 of the  
4 Oklahoma Statutes.

5       ~~H.~~ G. A quorum of the Authority shall be four (4) voting  
6 members. The Authority shall elect a chair and vice chair from  
7 among its members. The chair must be an appointed member of the  
8 Authority.

9       ~~I.~~ H. The Authority shall be exempt from the Oklahoma Central  
10 Purchasing Act but shall be subject to the purchasing policies of  
11 Oklahoma State University Center for Health Sciences and shall be  
12 subject to the Oklahoma Open Meeting Act and the Oklahoma Open  
13 Records Act, except as otherwise provided by this act. Any  
14 information submitted to or compiled by the Authority except for  
15 budgetary information related to appropriations or the  
16 appropriations process with respect to the marketing plans,  
17 financial statements, trade secrets, research concepts, methods or  
18 products, or any other proprietary information of the Authority,  
19 persons, firms, associations, partnerships, agencies, corporations,  
20 institutions of higher education, nonprofit research institutions or  
21 other entities shall be confidential, except to the extent that the  
22 person or entity which provided the information or which is the  
23 subject of the information consents to disclosure. Executive

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1 sessions may be held to discuss such materials if deemed necessary  
2 by the Authority.

3 I. The Authority may hold meetings by videoconference where  
4 each member of the Authority is visible and audible to each other  
5 and the public through a video monitor at the designated meeting  
6 site and online website, subject to the following:

7 1. Each public meeting held by videoconference shall be  
8 recorded either by written, electronic, or other means;

9 2. The meeting notice and agenda prepared in advance of the  
10 meeting, as required by law, shall indicate at least one  
11 videoconferencing location and shall state the location, address,  
12 and telephone number of each available videoconference site and  
13 provide the online website address to view the meeting; and

14 3. The meeting agenda prepared in advance of the meeting, as  
15 required by law, shall indicate which members of the Authority will  
16 appear by video conference and which will be present at the  
17 designated meeting site.

18 SECTION 2. AMENDATORY 63 O.S. 2021, Section 3276, is  
19 amended to read as follows:

20 Section 3276. A. ~~On and after July 1, 2006, the~~ The Authority  
21 shall have the power and duty to:

22 1. Adopt bylaws and promulgate rules for the regulation of its  
23 affairs and the conduct of its business;

24 2. Adopt an official seal;

1           3. Maintain an office at a location to be determined by the  
2 Authority;

3           4. Sue and be sued, subject to the provisions of The  
4 Governmental Tort Claims Act;

5           5. Enter into cooperative agreements with the Board of Regents  
6 for the Oklahoma Agricultural and Mechanical Colleges for  
7 educational programs, professional staffing, research and other  
8 medical activities;

9           6. Make and enter into all contracts necessary or incidental to  
10 the performance of its duties and the execution of its powers  
11 pursuant to the Oklahoma State University Medical Authority Act;

12           7. Purchase or lease equipment, furniture, materials and  
13 supplies, and incur such other expenses as may be necessary to  
14 maintain and operate hospitals or clinics, or to discharge its  
15 duties and responsibilities or to make any of its powers effective;

16           8. Acquire by purchase, lease, gift, or by any other manner,  
17 and to maintain, use and operate or to contract for the maintenance,  
18 use and operation of or lease of any and all property of any kind,  
19 real, personal, or mixed or any interest therein unless otherwise  
20 provided by the Oklahoma State University Medical Authority Act;

21           9. Appoint such officers, agents and employees, including but  
22 not limited to attorneys, as it deems necessary and to prescribe  
23 their duties and to fix their compensation;

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1        10. Accept grants from the United States of America, or from  
2 any corporation or agency created or designed by the United States  
3 of America, and, in connection with any grant, to enter into such  
4 agreements as the United States of America or such corporation or  
5 agency may require;

6        11. Make and issue bonds and to pledge revenues of the  
7 Authority subject to the Oklahoma Bond Oversight and Reform Act.  
8 Nothing in the Oklahoma State University Medical Authority Act shall  
9 authorize the issuance of any bonds of the Authority payable other  
10 than from revenues of the Authority. ~~Funds appropriated to the~~  
11 ~~Authority shall not be used for issuance of bonds.~~ Authority  
12 revenue bonds issued under the provisions of this act shall not at  
13 any time be deemed to constitute a debt of the state or of any  
14 political subdivision thereof or a pledge of the faith and credit of  
15 the state or of any political subdivision, but such bonds shall be  
16 payable solely from the funds herein provided. Such revenue bonds  
17 shall contain on the face thereof a statement to the effect that  
18 neither the state nor the Authority shall be obligated to pay the  
19 same or the interest thereon except from the revenues of the project  
20 or projects for which they are issued and that neither the faith and  
21 credit nor the taxing power of the state or any political  
22 subdivision thereof is pledged, or may hereafter be pledged, to the  
23 payment of the principal of or the interest on such bonds. The  
24 maximum amount of outstanding bonds at any time shall not exceed

1 Fifty Million Dollars (\$50,000,000.00) unless a greater amount is  
2 expressly approved by the Legislature by a concurrent resolution  
3 adopted prior to commencing any action in anticipation of issuance  
4 of revenue bonds of the Oklahoma State University Medical Authority  
5 for the greater amount;

6 12. Provide for complete financial audits on all accounts of  
7 the Oklahoma State University Medical Authority and to authorize  
8 periodic audits by an independent external auditing agency. Such  
9 audits shall be performed annually in a format approved by the State  
10 Auditor and Inspector, and all such audits shall be submitted to the  
11 State Auditor and Inspector for review. Such audits shall be made  
12 in accordance with generally accepted auditing standards and  
13 government auditing standards. Financial statements shall be  
14 prepared in accordance with generally accepted accounting  
15 principles. In addition to said audits, whenever the State Auditor  
16 and Inspector deems it appropriate, and at least once each five (5)  
17 years, or upon receipt of a request to do so from the Governor, the  
18 Attorney General, the President Pro Tempore of the Senate, the  
19 Speaker of the House of Representatives or the Authority, the State  
20 Auditor and Inspector shall conduct a special audit of the  
21 Authority;

22 13. Engage in long-term planning for the operation and  
23 management of the Authority;

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1       14. Establish petty cash funds and provide for appropriate  
2 accounting procedures and controls;

3       15. Contract with national manufacturers and distributors of  
4 drugs and medical supplies when appropriate to carry out the  
5 purposes of this act;

6       16. Provide funding to other entities for purposes related to  
7 public health, teaching, research, and the purposes of the Oklahoma  
8 State University Medical Authority Act when provided funding for  
9 such purposes by the Legislature;

10       17. Do all other things necessary and proper to implement the  
11 provisions of the Oklahoma State University Medical Authority Act;

12       ~~17.~~ 18. Waive, by such means as the Authority deems  
13 appropriate, the exemption from federal income taxation of interest  
14 on the Authority's bonds provided by the Internal Revenue Code of  
15 1986, as amended, or any other federal statute providing a similar  
16 exemption;

17       ~~18.~~ 19. Arrange for guaranties or insurance of its bonds by the  
18 federal government or by any private insurer, and to pay any  
19 premiums therefor; and

20       ~~19.~~ 20. Make a declaration of necessity as provided in Section  
21 3273 of this title. The Authority may, in its exclusive judgment,  
22 make a declaration of necessity when such a declaration is deemed  
23 necessary to effectuate the purposes of the Oklahoma State  
24 University Medical Authority Act.

1 B. The Oklahoma State University Medical Authority shall be  
2 subject to the Oklahoma Budget Law of 1947.

3 C. The Authority shall prepare monthly a "budget vs. actual"  
4 report which shows by budget activity the monthly and year-to-date  
5 revenues and expenditures compared to budgeted revenues and  
6 expenditures. Such report shall be submitted to the Office of  
7 Management and Enterprise Services and to the Directors of the House  
8 of Representatives Fiscal Division and the Senate Fiscal Division.

9 D. The Authority shall be subject to the professional risk  
10 management program provided for in Section 85.58A of Title 74 of the  
11 Oklahoma Statutes.

12 SECTION 3. AMENDATORY 63 O.S. 2021, Section 3283, is  
13 amended to read as follows:

14 Section 3283. Revenue bonds of the Oklahoma State University  
15 Medical Authority issued pursuant to the provisions of the Oklahoma  
16 State University Medical Authority shall not constitute a debt of  
17 the state or of any political subdivision thereof, or a pledge of  
18 the full faith and credit of the state, or of any political  
19 subdivision thereof, but such bonds shall be payable solely from the  
20 funds provided therefor from the Authority's revenues or  
21 appropriated by the Legislature. The forms of the bonds so issued  
22 shall contain on the face thereof a statement to the effect that  
23 neither the state nor the Authority shall be obligated to pay the  
24 same or the interest thereon except from the revenues of the

1 Authority pledged to the payment of such bonds and that neither the  
2 faith and credit nor the taxing power of the state or any political  
3 subdivision thereof is pledged, or may hereafter be pledged, to the  
4 payment of the principal of or interest on such bonds. The bonds so  
5 issued shall be exempt from taxation by the State of Oklahoma and  
6 any political subdivision thereof, including the income therefrom,  
7 and any gain from the sale thereof.

8 SECTION 4. AMENDATORY 63 O.S. 2021, Section 3290, is  
9 amended to read as follows:

10 Section 3290. A. The State of Oklahoma expressly approves the  
11 creation of a public trust to be named the "Oklahoma State  
12 University Medical Trust", of which the State of Oklahoma shall be  
13 the beneficiary, provided such approval shall be contingent upon  
14 satisfaction of the following conditions:

15 1. Finalizing of the declaration of trust;

16 2. Adoption of the declaration of trust by an official action  
17 of the trustees of the Trust;

18 3. Submission of the Trust for acceptance of the beneficial  
19 interest and approval as required by Section 177 of Title 60 of the  
20 Oklahoma Statutes; and

21 4. The approved declaration of trust shall:

22 a. clearly state that the principal purpose of the  
23 Oklahoma State University Medical Trust is to  
24 effectuate the purposes of the Oklahoma State

- 1 University Medical Authority as established in the  
2 Oklahoma State University Medical Authority Act,
- 3 b. except as otherwise provided by law, provide that the  
4 title to real property held by the Oklahoma State  
5 University Medical Authority shall not be transferred,  
6 conveyed, or assigned to the Oklahoma State University  
7 Medical Trust without the express consent of the  
8 Legislature as the governing entity of the beneficiary  
9 pursuant to Section 176 of Title 60 of the Oklahoma  
10 Statutes,
- 11 c. provide that any indebtedness incurred by the Oklahoma  
12 State University Medical Trust or the trustees of the  
13 Trust shall not be secured with or create a lien upon  
14 real property to which title is held by the Oklahoma  
15 State University Medical Authority and shall not  
16 involve the bonding capacity of the Oklahoma State  
17 University Medical Authority,
- 18 d. provide that the trust estate of the Oklahoma State  
19 University Medical Trust shall not include fee simple  
20 title to real property owned by the Oklahoma State  
21 University Medical Authority,
- 22 e. clearly state that the creation of the Oklahoma State  
23 University Medical Trust shall not in any way reduce,  
24 limit or interfere with the power granted to the

Oklahoma State University Medical Authority in the  
Oklahoma State University Medical Authority Act,  
f. provide that any lease or contractual agreement  
involving use of the real property to which title is  
held by the Oklahoma State University Medical  
Authority and any improvements thereto shall contain a  
provision and covenants requiring the proper  
maintenance and upkeep of the real property and  
improvements,  
g. provide that the trustees of the Oklahoma State  
University Medical Trust shall be the acting members  
of the Oklahoma State University Medical Authority as  
provided in the Oklahoma State University Medical  
Authority Act, and  
h. provide that the trustees of the Oklahoma State  
University Medical Trust shall have the duty to submit  
an annual report to the Governor, the President Pro  
Tempore of the Senate and the Speaker of the House of  
Representatives. The report shall be submitted by  
January 1 of each year and shall include an account of  
all operations, actions of the Trust, account of all  
revenue received and disbursed by the Trust for the  
previous fiscal year. The report shall also provide a  
complete accounting of how the Trust meets its primary

1 function of effectuating the purposes of the Oklahoma  
2 State University Medical Authority, as established in  
3 the Oklahoma State University Medical Authority Act.

4 B. The Oklahoma State University Medical Trust shall require  
5 any agreements which it enters into with any entity pursuant to  
6 Section 22 of this act for the operations of facilities leased by  
7 the Oklahoma State University Medical Authority to the Trust to  
8 include, but not be limited to:

9 1. The inclusion of all the members of the Trust, except the  
10 Chief Executive Officer of the Oklahoma Health Care Authority, as  
11 five of the six members representing the State of Oklahoma in a  
12 governing committee, and the sixth member of the governing committee  
13 representing the State of Oklahoma to be designated by the President  
14 of Oklahoma State University;

15 2. Binding arbitration shall not be required by such agreements  
16 for resolving issues under consideration by the governing committee;  
17 and

18 3. Major decisions shall be resolved by the governing  
19 committee, and approval of any major decision by the governing  
20 committee must include the approval of a majority of the state  
21 appointees and the approval of a majority of the private entity  
22 appointees to the governing committee. Major decisions shall  
23 include:

24 a. approval of the operating and capital budgets,

1           b.    sale or disposition of assets over ~~Two Hundred Fifty~~  
2                    ~~Thousand Dollars (\$250,000.00)~~ Five Hundred Thousand  
3                    Dollars (\$500,000.00),

4           c.    the termination or transfer or material addition or  
5                    material diminution of medical services at the  
6                    Oklahoma State University Medical Center related to  
7                    and part of a teaching program of the Oklahoma State  
8                    University Center for Health Sciences, and

9           d.    other major decisions as may be agreed upon by the  
10                   Trust and the private entity.

11           C.    To the extent it is determined by legislative enactment that  
12                   the Trust has expended funds in contravention of its mission as set  
13                   forth in this section, the Trust shall remit, upon thirty (30) days'  
14                   written notice from the Oklahoma State University Medical Authority,  
15                   such sum or sums to the Oklahoma State University Medical Authority.

16           D.    In the event the Trust enters into a joint venture or  
17                   acquires an interest in a not-for-profit entity to effectuate the  
18                   administration of the mission of the Trust, that entity shall not be  
19                   subject to the Oklahoma Open Meeting Act and the Oklahoma Open  
20                   Records Act. Any information submitted to or compiled by the Trust  
21                   with respect to marketing plans, financial statements, trade  
22                   secrets, research concepts, methods or products or any other  
23                   proprietary information submitted to or compiled by the Trust,  
24                   persons, firms, associations, partnerships, agencies, corporations,

1 institutions of higher education, nonprofit research institutions or  
2 other entities shall be confidential, except to the extent that the  
3 person or entity which provided such information or which is the  
4 subject of such information consents to disclosure. Executive  
5 sessions may be held to discuss such materials if deemed necessary  
6 by the Trust. The provisions of this subsection shall not apply to  
7 budgetary information related to appropriations or the  
8 appropriations process.

9 E. The Trust may hold meetings by videoconference where each  
10 member of the Trust is visible and audible to each other and the  
11 public through a video monitor at the designated meeting site and  
12 online website, subject to the following:

13 1. Each public meeting held by videoconference shall be  
14 recorded either by written, electronic, or other means;

15 2. The meeting notice and agenda prepared in advance of the  
16 meeting, as required by law, shall indicate at least one  
17 videoconferencing location and shall state the location, address,  
18 and telephone number of each available videoconference site and  
19 provide the online website address to view the meeting; and

20 3. The meeting agenda prepared in advance of the meeting, as  
21 required by law, shall indicate which members of the Trust will  
22 appear by video conference and which will be present at the  
23 designated meeting site.

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1 SECTION 5. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3294 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. The Oklahoma State University Medical Authority and the  
5 Oklahoma State University Medical Trust shall be, to the extent not  
6 already authorized by law, exempt from the Public Competitive  
7 Bidding Act of 1974 for the purposes of the constructing of clinical  
8 facilities in furtherance of the purposes authorized by the Oklahoma  
9 State University Medical Authority Act.

10 B. As used in this section, "clinical facilities" means any  
11 facility where the majority of the activity occurring is the  
12 delivery of direct patient care services either in person or via  
13 telehealth technology.

14 SECTION 6. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 103.9 of Title 61, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. The Oklahoma State University Medical Authority and the  
18 Oklahoma State University Medical Trust shall be, to the extent not  
19 already authorized by law, exempt from the Public Competitive  
20 Bidding Act of 1974 for the purposes of the constructing of clinical  
21 facilities in furtherance of the purposes authorized by the Oklahoma  
22 State University Medical Authority Act.

23 B. As used in this section, "clinical facilities" means any  
24 facility where the majority of the activity occurring is the

1 delivery of direct patient care services either in person or via  
2 telehealth technology.

3 SECTION 7. REPEALER 63 O.S. 2021, Sections 3287 and  
4 3291, are hereby repealed.

5 SECTION 8. This act shall become effective November 1, 2023.

6 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
7 February 9, 2023 - DO PASS

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