

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1113

By: Thomas

AS INTRODUCED

An Act relating to public health and poor persons;  
amending 56 O.S. 1991, Section 201, which relates  
to authority of the Department of Human Services;  
amending Section 2, Chapter 226, O.S.L. 1994 (63  
O.S. Supp. 1994, Section 1-706.2), which relates to  
rural hospitals; amending Section 2, Chapter 148,  
O.S.L. 1992, as amended by Section 2, Chapter 366,  
O.S.L. 1993 (18 O.S. Supp. 1994, Section 2001),  
which relates to corporations; clarifying language;  
and declaring an emergency.

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

SECTION 1. AMENDATORY 56 O.S. 1991, Section 201, is  
amended to read as follows:

Section 201. The Department of ~~Public Welfare~~ Human Services is  
hereby authorized to procure group hospitalization and medical care  
insurance in any of the forms customarily issued by any company or  
companies, association or associations authorized to do business in  
the State of Oklahoma for all persons eligible to receive old age  
assistance under the provisions of subsection ~~(a)~~ A of Section 4 ~~of~~

~~the Oklahoma Social Security Act 164 of this title~~, at a rate not to exceed the amount of the actual costs.

SECTION 2. AMENDATORY Section 2, Chapter 226, O.S.L. 1994 (63 O.S. Supp. 1994, Section 1-706.2), is amended to read as follows:

Section 1-706.2 The Legislature finds and declares ~~all of the following that~~:

1. Rural primary care hospitals serve as the hub of health care in the communities which they serve, and through that role attract and retain in their communities physicians, nurses and other primary care providers;

2. Because of economics of scale compounded by changes in payment for services, many rural hospitals may close. The smallest and most remote facilities are at highest risk of closure;

3. Closure of rural primary care hospitals will result in the departure of health care providers and the loss of emergency medical services both to residents and persons traveling through the area;

4. Licensure rules which may be appropriate for larger and urban hospitals are often unduly burdensome for some rural primary care hospitals; and

5. The intent of the Oklahoma Rural Primary Care Hospital and Emergency Medical Services Act is to establish a mechanism for a comprehensive assessment of regulatory requirements applicable to rural primary care hospitals and rural emergency medical services, to provide for the implementation of less restrictive rules, to assure the promulgation of those standards by the Oklahoma State Board of Health and to otherwise implement the full intent of the Oklahoma Rural Primary Care Hospital and Emergency Medical Services Act.

SECTION 3. AMENDATORY Section 2, Chapter 148, O.S.L. 1992, as amended by Section 2, Chapter 366, O.S.L. 1993 (18 O.S. Supp. 1994, Section 2001), is amended to read as follows:

Section 2001. As used in ~~this act~~ the Oklahoma Limited Liability Company Act, unless the context otherwise requires:

1. "Articles of organization" means documents filed under Section ~~20~~ 2036 of this ~~act~~ title for the purpose of forming a limited liability company;

2. "Bankrupt" means bankrupt under the United States Bankruptcy Code, as amended, or insolvent under any state insolvency act;

3. "Business" means any trade, occupation, profession or other activity regardless of whether engaged in for gain, profit or livelihood;

4. "Capital contribution" means anything of value that a person contributes to the limited liability company as a prerequisite for, or in connection with, membership, including cash, property, services rendered, or a promissory note or other binding obligation to contribute cash or property or to perform services;

5. "Capital interest" means the fair market value as of the date contributed of a member's capital contribution as adjusted for any additional capital contributions or withdrawals;

6. "Corporation" means a corporation formed under the laws of this state or a foreign corporation as defined in this section;

7. "Event of dissociation" means an event that causes a person to cease to be a member, as provided in Section 2036 of this title;

8. "Court" includes every court and judge having jurisdiction in the case;

9. "Foreign corporation" means a corporation formed under the laws of any state other than this state, or under the laws of the District of Columbia or any foreign country;

10. "Foreign limited liability company" means an entity that is:

- a. an unincorporated association,

- b. organized under the laws of a state other than the laws of this state or organized under the laws of any foreign country,
- c. organized under a statute pursuant to which an association may be formed that affords to each of its members limited liability with respect to the liabilities of the entity, and
- d. not required to be registered or organized under any statute of this state other than this act;

11. "Foreign limited partnership" means a limited partnership formed under the laws of any state other than this state, or under the laws of the District of Columbia or any foreign country;

12. "Limited liability company" or "domestic limited liability company" means an entity that is an unincorporated association having two or more members that is organized and existing under the laws of this state;

13. "Limited partnership" means a limited partnership formed under the laws of this state or a foreign limited partnership as defined in this section;

14. "Manager" or "managers" means a person or persons designated by the members of a limited liability company to manage the limited liability company as provided in the articles of organization or an operating agreement;

15. "Member" means a person with an ownership interest in a limited liability company, with the rights and obligations specified under this act;

16. "Membership interest" or "interest" means a member's rights in the limited liability company, collectively, including the member's share of the profits and losses of the limited liability company, the right to receive distributions of the limited liability company's assets, and any right to vote or participate in management;

17. "Operating agreement" means any agreement of the members as to the affairs of a limited liability company and the conduct of its business;

18. "Person" means an individual, a general partnership, a limited partnership, a limited liability company, a trust, an estate, an association, a corporation or any other legal or commercial entity; and

19. "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-6161

KSM