

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1549

By: Brecheen

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6 AS INTRODUCED

7 An Act relating to Tobacco Settlement Endowment Trust
8 Fund; amending 62 O.S. 2011, Section 2309, as amended
9 by Section 1, Chapter 98, O.S.L. 2015 (62 O.S. Supp.
10 2015, Section 2309), which relates to the duties of
11 the Board of Directors; broadening scope of allowable
12 uses of certain funds to include public health
13 programs; clarifying language; and providing
14 conditional effective date.

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

16 SECTION 1. AMENDATORY 62 O.S. 2011, Section 2309, as
17 amended by Section 1, Chapter 98, O.S.L. 2015 (62 O.S. Supp. 2015,
18 Section 2309), is amended to read as follows:

19 Section 2309. A. The Board of Directors of the Tobacco
20 Settlement Endowment Trust Fund shall be empowered to:

21 1. Appoint an executive director and other staff necessary to
22 perform the duties of the Board ~~of Directors~~;

23 2. Make and execute contracts and other instruments necessary
24 or convenient to the exercise of its powers on such terms and for
such period of time as the Board ~~of Directors~~ shall determine; and

1 3. Promulgate rules in accordance with the Administrative
2 Procedures Act and not inconsistent with the Tobacco Settlement
3 Endowment Trust Fund Act to implement its duties and
4 responsibilities as provided by law.

5 B. Funding for capital expenditures and operating expenses
6 incurred by the University of Oklahoma Health Sciences Center and
7 the Oklahoma State University College of Osteopathic Medicine, for
8 educational programs and residency training to maintain or improve
9 the health of Oklahomans or to enhance the provision of health care
10 services to Oklahomans, is hereby deemed to be an allowable purpose
11 for which earnings from the trust fund may be expended pursuant to
12 the provisions of paragraph 3 of subsection E of Section 40 of
13 Article X of the Oklahoma Constitution. Pursuant to its authority
14 as set forth in subsection G of Section 40 of Article X of the
15 Oklahoma Constitution, the Legislature hereby authorizes the Board
16 to expend earnings from the trust fund for such purposes, in
17 addition to other purposes provided by law.

18 C. Funding for other public health programs, including but not
19 limited to the Oklahoma Medicaid Program, is hereby deemed to be an
20 allowable purpose for which earnings from the trust fund may be
21 expended pursuant to the provisions of paragraph 3 of subsection E
22 of Section 40 of Article X of the Oklahoma Constitution. Pursuant
23 to its authority as set forth in subsection G of Section 40 of
24 Article X of the Oklahoma Constitution, the Legislature hereby

1 authorizes the Board to expend earnings from the trust fund for such
2 purposes.

3 ~~C.~~ D. The Board shall develop a multiyear strategy by January
4 1, 2002, and annually update it in order to guide the Board's
5 funding for those programs set forth in Section 40 of Article X of
6 the Oklahoma Constitution. The strategy shall be used to maximize
7 the outcomes of the grants awarded by the Board ~~of Directors~~.

8 ~~D.~~ E. The Board ~~of Directors~~ shall develop grant programs for
9 private, nonprofit, and public entities for the purposes set forth
10 in Section 40 of Article X of the Oklahoma Constitution.

11 1. The selection and awarding of grants, whether in the form of
12 professional service contracts or any other funding mechanism
13 developed by the Board ~~of Directors~~, awarded pursuant to grant
14 programs developed under this subsection, shall be exempt from the
15 requirements of The Oklahoma Central Purchasing Act.

16 2. The Board ~~of Directors~~ shall develop competitive processes
17 for awarding grants under programs developed under this subsection.
18 Such competitive processes for selection shall not be required for
19 contracts awarded for program support services, including, but not
20 limited to, professional service contracts to evaluate, audit or
21 provide budgeting, accounting, auditing or legal services for
22 specific programs or program grantees, contractors or participants.

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1 3. The Board ~~of Directors~~ may promulgate rules to assist in the
2 implementation and administration of grant programs developed under
3 this subsection.

4 4. The terms of any request for proposals, request for
5 applications, invitation for bid, bid notice, or grant proposal or
6 any other solicitation issued by the Board ~~of Directors~~ to solicit
7 or invite applications, proposals, bids or responses to obtain
8 funding under grant programs developed under this subsection shall
9 be confidential until the date and time at which the solicitation is
10 to be made equally and uniformly known to all prospective applicants
11 and the public, at which point all such documents and information
12 shall be uniformly known to all prospective applicants and the
13 public, at which point all such documents and information shall be
14 subject to the Oklahoma Open Records Act and Oklahoma Open Meeting
15 Act. Any application, proposal, bid, or any other document to
16 obtain funding responsive to any solicitation of the Board ~~of~~
17 ~~Directors~~ under grant programs developed under this subsection shall
18 be confidential until the date and time of award of the grant or
19 contract, at which point all such documents and information shall be
20 subject to the Oklahoma Open Records Act and Oklahoma Open Meeting
21 Act. Any unsolicited application, proposal, bid, or any other
22 document to obtain funding shall not be considered to be
23 confidential and shall be subject to the Oklahoma Open Records Act
24 and Oklahoma Open Meeting Act at all times.

1 ~~E.~~ F. The Board ~~of Directors~~ shall encourage grantees to match
2 grant monies awarded with monetary commitments and in-kind matches.

3 ~~F.~~ G. The Board ~~of Directors~~ shall be required to develop a
4 performance evaluation component for the ~~Board of Directors'~~ Board's
5 activities and those of its grantees so that the performance of
6 grantees can be measured by their attainment of outcomes.

7 ~~G.~~ H. The Board ~~of Directors~~ shall contract periodically for
8 performance evaluations. Copies of the evaluations shall be filed
9 with the Governor, the Speaker of the House of Representatives, and
10 the President Pro Tempore of the Senate.

11 ~~H.~~ I. The Board ~~of Directors~~ shall prepare an annual report
12 detailing the ~~Board of Directors'~~ Board's activities and reporting
13 its expenditures and the outcomes achieved by the expenditures. A
14 copy of the report shall be submitted to the Governor, the Speaker
15 of the House of Representatives, and the President Pro Tempore of
16 the Senate.

17 ~~I.~~ J. All records associated with the expenditure of monies
18 received by the Board ~~of Directors~~ or its grantees pursuant to the
19 Tobacco Settlement Endowment Trust Fund Act shall be subject to the
20 Oklahoma Open Records Act.

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1 SECTION 2. This act shall become effective upon certification
2 of election returns favoring passage of the Constitutional Amendment
3 proposed in Senate Joint Resolution No. 71 of the 2nd Session of the
4 55th Oklahoma Legislature.

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