

1 STATE OF OKLAHOMA

2 2nd Extraordinary Session of the 56th Legislature (2017)

3 SENATE BILL 3xx

By: Brecheen

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5  
6 AS INTRODUCED

7 An Act relating to the Tobacco Settlement Endowment  
8 Trust Fund; amending 62 O.S. 2011, Section 2309, as  
9 amended by Section 1, Chapter 98, O.S.L. 2015 (62  
10 O.S. Supp. 2016, Section 2309), which relates to  
11 duties of the Board of Directors; broadening  
12 permitted uses of certain funds; clarifying language;  
and providing a conditional effective date.

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

14 SECTION 1. AMENDATORY 62 O.S. 2011, Section 2309, as  
15 amended by Section 1, Chapter 98, O.S.L. 2015 (62 O.S. Supp. 2016,  
16 Section 2309), is amended to read as follows:

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

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

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

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

B. Funding for capital expenditures and operating expenses  
incurred by the University of Oklahoma Health Sciences Center and  
the Oklahoma State University College of Osteopathic Medicine, for  
educational programs and residency training to maintain or improve  
the health of Oklahomans or to enhance the provision of health care  
services to Oklahomans, is hereby deemed to be an allowable purpose  
for which earnings from the trust fund may be expended pursuant to  
the provisions of paragraph 3 of subsection E of Section 40 of

1 Article X of the Oklahoma Constitution. Pursuant to its authority  
2 as set forth in subsection G of Section 40 of Article X of the  
3 Oklahoma Constitution, the Legislature hereby authorizes the Board  
4 to expend earnings from the trust fund for such purposes, in  
5 addition to other purposes provided by law.

6 C. Funding for other programs to improve the health of  
7 Oklahomans, including but not limited to the Oklahoma Medicaid  
8 Program, is hereby deemed to be an allowable purpose for which  
9 earnings from the trust fund may be expended pursuant to the  
10 provisions of paragraph 3 of subsection E of Section 40 of Article X  
11 of the Oklahoma Constitution.

12 D. The Board shall develop a multiyear strategy by January 1,  
13 2002, and annually update it in order to guide the Board's funding  
14 for those programs set forth in Section 40 of Article X of the  
15 Oklahoma Constitution. The strategy shall be used to maximize the  
16 outcomes of the grants awarded by the Board ~~of Directors~~.

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

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

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

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

4. The terms of any request for proposals, request for  
applications, invitation for bid, bid notice, or grant proposal or  
any other solicitation issued by the Board ~~of Directors~~ to solicit  
or invite applications, proposals, bids or responses to obtain  
funding under grant programs developed under this subsection shall  
be confidential until the date and time at which the solicitation is  
to be made equally and uniformly known to all prospective applicants  
and the public, at which point all such documents and information  
shall be uniformly known to all prospective applicants and the  
public, and at which point all such documents and information shall  
be subject to the Oklahoma Open Records Act and Oklahoma Open  
Meeting Act. Any application, proposal, bid, or any other document  
to obtain funding responsive to any solicitation of the Board ~~of~~

1 ~~Directors~~ under grant programs developed under this subsection shall  
2 be confidential until the date and time of award of the grant or  
3 contract, at which point all such documents and information shall be  
4 subject to the Oklahoma Open Records Act and Oklahoma Open Meeting  
5 Act. Any unsolicited application, proposal, bid, or any other  
6 document to obtain funding shall not be considered to be  
7 confidential and shall be subject to the Oklahoma Open Records Act  
8 and Oklahoma Open Meeting Act at all times.

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

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

15 G. H. The Board ~~of Directors~~ shall contract periodically for  
16 performance evaluations. Copies of the evaluations shall be filed  
17 with the Governor, the Speaker of the House of Representatives, and  
18 the President Pro Tempore of the Senate.

19 H. I. The Board ~~of Directors~~ shall prepare an annual report  
20 detailing the ~~Board of Directors'~~ Board's activities and reporting  
21 its expenditures and the outcomes achieved by the expenditures. A  
22 copy of the report shall be submitted to the Governor, the Speaker  
23 of the House of Representatives, and the President Pro Tempore of  
24 the Senate.

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

SECTION 2. This act shall become effective upon certification  
of election returns favoring passage of the Constitutional Amendment  
proposed in Senate Joint Resolution No. \_\_\_ of the 2nd Extraordinary  
Session of the 56th Oklahoma Legislature.

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