

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 814

By: Matthews

4
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 powers and duties of the Board of Directors;
12 requiring prioritization for certain purposes; and
13 providing an effective date.

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

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

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

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

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

25 3. Promulgate rules in accordance with the Administrative
26 Procedures Act and not inconsistent with the Tobacco Settlement

1 Endowment Trust Fund Act to implement its duties and
2 responsibilities as provided by law.

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

16 C. The Board shall develop a multiyear strategy by January 1,
17 2002, and annually update it in order to guide the Board's funding
18 for those programs set forth in Section 40 of Article X of the
19 Oklahoma Constitution. The strategy shall be used to maximize the
20 outcomes of the grants awarded by the Board of Directors.

21 D. The Board of Directors shall develop grant programs for
22 private, nonprofit, and public entities for the purposes set forth
23 in Section 40 of Article X of the Oklahoma Constitution.

24

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

6 2. The Board of Directors shall develop competitive processes
7 for awarding grants under programs developed under this subsection,
8 giving priority to community health centers for the purposes of
9 improving the health of Oklahomans. Such competitive processes for
10 selection shall not be required for contracts awarded for program
11 support services, including, but not limited to, professional
12 service contracts to evaluate, audit or provide budgeting,
13 accounting, auditing or legal services for specific programs or
14 program grantees, contractors or participants.

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

18 4. The terms of any request for proposals, request for
19 applications, invitation for bid, bid notice, or grant proposal or
20 any other solicitation issued by the Board of Directors to solicit
21 or invite applications, proposals, bids or responses to obtain
22 funding under grant programs developed under this subsection shall
23 be confidential until the date and time at which the solicitation is
24 to be made equally and uniformly known to all prospective applicants

1 and the public, at which point all such documents and information
2 shall be uniformly known to all prospective applicants and the
3 public, 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 application, proposal, bid, or any other document to
6 obtain funding responsive to any solicitation of the Board of
7 Directors under grant programs developed under this subsection shall
8 be confidential until the date and time of award of the grant or
9 contract, at which point all such documents and information shall be
10 subject to the Oklahoma Open Records Act and Oklahoma Open Meeting
11 Act. Any unsolicited application, proposal, bid, or any other
12 document to obtain funding shall not be considered to be
13 confidential and shall be subject to the Oklahoma Open Records Act
14 and Oklahoma Open Meeting Act at all times.

15 E. The Board of Directors shall encourage grantees to match
16 grant monies awarded with monetary commitments and in-kind matches.

17 F. The Board of Directors shall be required to develop a
18 performance evaluation component for the Board of Directors'
19 activities and those of its grantees so that the performance of
20 grantees can be measured by their attainment of outcomes.

21 G. The Board of Directors shall contract periodically for
22 performance evaluations. Copies of the evaluations shall be filed
23 with the Governor, the Speaker of the House of Representatives, and
24 the President Pro Tempore of the Senate.

1 H. The Board of Directors shall prepare an annual report
2 detailing the Board of Directors' activities and reporting its
3 expenditures and the outcomes achieved by the expenditures. A copy
4 of the report shall be submitted to the Governor, the Speaker of the
5 House of Representatives, and the President Pro Tempore of the
6 Senate.

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

11 SECTION 2. This act shall become effective November 1, 2017.

12

13 56-1-746 AM 1/20/2017 8:04:08 AM

14

15

16

17

18

19

20

21

22

23

24