

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 267

By: Crain of the Senate

3 and

4 Cox of the House

5  
6  
7 ( public finance - Tobacco Settlement Endowment Trust

8 Fund -

9 effective date )

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11  
12 AUTHOR: Add the following House Coauthor: Ritze

13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
14 entire bill and insert

15 "An Act relating to public finance; amending 62 O.S.  
16 2001, Section 2309, as amended by Section 1, Chapter  
17 169, O.S.L. 2006 (62 O.S. Supp. 2008, Section 2309),  
18 which relates to duties of the Board of Directors of  
19 the Tobacco Settlement Endowment Trust Fund;  
20 providing that funding for certain capital  
21 expenditures and operating expenses deemed to be  
22 allowable purpose for which earnings from Trust Fund  
23 may be expended; authorizing Board to expend  
24 earnings for such purposes; and providing an  
effective date.

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

1 SECTION 1. AMENDATORY 62 O.S. 2001, Section 2309, as  
2 amended by Section 1, Chapter 169, O.S.L. 2006 (62 O.S. Supp. 2008,  
3 Section 2309), is amended to read as follows:

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

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

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

11 3. Promulgate rules in accordance with the Administrative  
12 Procedures Act and not inconsistent with ~~this act~~ the Tobacco  
13 Settlement Endowment Trust Fund Act to implement its duties and  
14 responsibilities ~~under the act~~ as provided by law.

15 B. Funding for capital expenditures and operating expenses  
16 incurred by the University of Oklahoma Health Sciences Center and  
17 the Oklahoma State University College of Osteopathic Medicine, for  
18 educational programs and residency training to maintain or improve  
19 the health of Oklahomans or to enhance the provision of health care  
20 services to Oklahomans, is hereby deemed to be an allowable purpose  
21 for which earnings from the trust fund may be expended pursuant to  
22 the provisions of paragraph 3 of subsection E of Section 40 of  
23 Article X of the Oklahoma Constitution. Pursuant to its authority  
24 as set forth in subsection G of Section 40 of Article X of the

1 Oklahoma Constitution, the Legislature hereby authorizes the Board  
2 to expend earnings from the trust fund for such purposes, in  
3 addition to other purposes provided by law.

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

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

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

17 2. The Board of Directors shall develop competitive processes  
18 for awarding grants under programs developed under this subsection.  
19 Such competitive processes for selection shall not be required for  
20 contracts awarded for program support services, including, but not  
21 limited to, professional service contracts to evaluate, audit or  
22 provide budgeting, accounting, auditing or legal services for  
23 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.

22           ~~D.~~ E. The Board of Directors shall encourage grantees to match  
23 grant monies awarded with monetary commitments and in-kind matches.

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

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

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

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

19       SECTION 2. This act shall become effective November 1, 2009."  
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1 Passed the House of Representatives the 16th day of April, 2009.

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4 Presiding Officer of the House of  
Representatives

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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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9 Presiding Officer of the Senate