

SB 267

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THE STATE SENATE
Tuesday, February 17, 2009

Senate Bill No. 267
As Amended

SENATE BILL NO. 267 - By: Crain of the Senate and Cox of the House.

[public finance - Tobacco Settlement Endowment Trust Fund -
effective date]

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

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

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

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

2. Make and execute contracts and other instruments necessary
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

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

B. Funding for capital expenditures and operating expenses
incurred by the University of Oklahoma Health Sciences Center and

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

12 B. 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 C. 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

1 programs developed under this subsection, shall be exempt from the
2 requirements of the Oklahoma Central Purchasing Act.

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

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

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

1 Act. Any application, proposal, bid, or any other document to
2 obtain funding responsive to any solicitation of the Board of
3 Directors under grant programs developed under this subsection shall
4 be confidential until the date and time of award of the grant or
5 contract, at which point all such documents and information shall be
6 subject to the Oklahoma Open Records Act and Oklahoma Open Meeting
7 Act.

8 D. The Board of Directors shall encourage grantees to match
9 grant monies awarded with monetary commitments and in-kind matches.

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

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

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

1 H. All records associated with the expenditure of monies
2 received by the Board of Directors or its grantees pursuant to the
3 Tobacco Settlement Endowment Trust Fund Act shall be subject to the
4 Oklahoma Open Records Act.

5 SECTION 2. This act shall become effective November 1, 2009.

6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-11-09 - DO
7 PASS, As Amended and Coauthored.