

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 267

By: Crain

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5  
6 AS INTRODUCED

7 An Act relating to public finance; amending 62 O.S.  
8 2001, Section 2309, as amended by Section 1, Chapter  
9 169, O.S.L. 2006 (62 O.S. Supp. 2008, Section 2309),  
10 which relates to duties of the Board of Directors of  
11 the Tobacco Settlement Endowment Trust Fund;  
12 providing that funding for certain capital  
13 expenditures and operating expenses deemed to be  
14 allowable purpose for which earnings from Trust Fund  
15 may be expended; authorizing Board to expend earnings  
16 for such purposes; and providing an effective date.

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

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

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

23 1. Appoint an executive director and other staff necessary to  
24 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

1           3. Promulgate rules in accordance with the Administrative  
2 Procedures Act and not inconsistent with ~~this act~~ the Tobacco  
3 Settlement Endowment Trust Fund Act to implement its duties and  
4 responsibilities ~~under the act~~ 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           B. The Board shall develop a multiyear strategy by January 1,  
19 2002, and annually update it in order to guide the Board's funding  
20 for those programs set forth in Section 40 of Article X of the  
21 Oklahoma Constitution. The strategy shall be used to maximize the  
22 outcomes of the grants awarded by the Board of Directors.

1 C. The Board of Directors shall develop grant programs for  
2 private, nonprofit, and public entities for the purposes set forth  
3 in Section 40 of Article X of the Oklahoma Constitution.

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

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

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

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

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

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

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

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

23 G. The Board of Directors shall prepare an annual report  
24 detailing the Board of Directors' activities and reporting its

1 expenditures and the outcomes achieved by the expenditures. A copy  
2 of the report shall be submitted to the Governor, the Speaker of the  
3 House of Representatives, and the President Pro Tempore of the  
4 Senate.

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

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

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