

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1732

By: Roberts (Sean), Montgomery
and McCullough of the House

6 and

7 Fields of the Senate

8
9 COMMITTEE SUBSTITUTE

10 [Tobacco Settlement Endowment Trust Fund - Board of
11 Directors -effective date]

12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 62 O.S. 2011, Section 2309, is
15 amended to read as follows:

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

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

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

23 3. Promulgate rules in accordance with the Administrative
24 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. The following are hereby deemed to be allowable purposes for
4 which earnings from the trust fund may be expended pursuant to the
5 provisions of paragraph 3 of subsection E of Section 40 of Article X
6 of the Oklahoma Constitution:

7 1. Funding for capital expenditures and operating expenses
8 incurred by the University of Oklahoma Health Sciences Center and
9 the Oklahoma State University College of Osteopathic Medicine, for
10 educational programs and residency training to maintain or improve
11 the health of Oklahomans or to enhance the provision of health care
12 services to Oklahomans, is hereby deemed to be an allowable purpose
13 for which earnings from the trust fund may be expended pursuant to
14 the provisions of paragraph 3 of subsection E of Section 40 of
15 Article X of the Oklahoma Constitution; and

16 2. Funding for the support of research, activities, and
17 programs at the Jimmy Everest Center for Cancer and Blood Disorders
18 through the University of Oklahoma Children's Hospital.

19 Pursuant to its authority as set forth in subsection G of Section 40
20 of Article X of the Oklahoma Constitution, the Legislature hereby
21 authorizes the Board to expend earnings from the trust fund for ~~such~~
22 the purposes set forth in this subsection, in addition to other
23 purposes provided by law.
24

1 C. The Board shall develop a multiyear strategy by January 1,
2 2002, and annually update it in order to guide the Board's funding
3 for those programs set forth in Section 40 of Article X of the
4 Oklahoma Constitution. The strategy shall be used to maximize the
5 outcomes of the grants awarded by the Board of Directors.

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

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

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

21 3. The Board of Directors may promulgate rules to assist in the
22 implementation and administration of grant programs developed under
23 this subsection.
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1 4. The terms of any request for proposals, request for
2 applications, invitation for bid, bid notice, or grant proposal or
3 any other solicitation issued by the Board of Directors to solicit
4 or invite applications, proposals, bids or responses to obtain
5 funding under grant programs developed under this subsection shall
6 be confidential until the date and time at which the solicitation is
7 to be made equally and uniformly known to all prospective applicants
8 and the public, at which point all such documents and information
9 shall be uniformly known to all prospective applicants and the
10 public, at which point all such documents and information shall be
11 subject to the Oklahoma Open Records Act and Oklahoma Open Meeting
12 Act. Any application, proposal, bid, or any other document to
13 obtain funding responsive to any solicitation of the Board of
14 Directors under grant programs developed under this subsection shall
15 be confidential until the date and time of award of the grant or
16 contract, at which point all such documents and information shall be
17 subject to the Oklahoma Open Records Act and Oklahoma Open Meeting
18 Act.

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

21 F. The Board of Directors shall be required to develop a
22 performance evaluation component for the Board of Directors'
23 activities and those of its grantees so that the performance of
24 grantees can be measured by their attainment of outcomes.

1 G. The Board of Directors shall contract periodically for
2 performance evaluations. Copies of the evaluations shall be filed
3 with the Governor, the Speaker of the House of Representatives, and
4 the President Pro Tempore of the Senate.

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

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

15 SECTION 2. This act shall become effective November 1, 2015.

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