STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2814 By: Nelson and Thomsen

AS INTRODUCED

An Act relating to the Tobacco Settlement Endowment Trust Fund; amending 62 O.S. 2011, Section 2309, as amended by Section 1, Chapter 98, O.S.L. 2015 (62 O.S. Supp. 2015, Section 2309), which relates to the duties of the Board of Directors of the Tobacco Settlement Endowment Trust Fund; requiring certain percentage of earnings directed for certain purpose be used for pediatric cancer research; and providing an effective date.

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

SECTION 1. AMENDATORY 62 O.S. 2011, Section 2309, as amended by Section 1, Chapter 98, O.S.L. 2015 (62 O.S. Supp. 2015, 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 the Tobacco Settlement Endowment Trust Fund Act to implement its duties and responsibilities as provided by law.

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

C. Funding for pediatric cancer research shall be provided in one or more of the following areas in order to:

1. Improve the treatment of childhood cancer;

2. Enhance the provision of childhood cancer treatment services within the state and reduce the need for children to seek treatment outside the state;

3. Improve access and continuity to educational services for children who receive cancer treatment; and

4. Improve or eliminate the late effects of treatment for childhood cancer.

A minimum of five percent (5%) of earnings directed for clinical and basic research and treatment efforts shall be used for the purposes described in this subsection. Pursuant to its authority as set forth in subsection G of Section 40 of Article X of the Oklahoma Constitution, the Legislature hereby directs the Board to expend earnings from the trust fund for such purposes, in addition to other purposes provided by law.

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

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

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

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

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

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

be confidential until the date and time of award of the grant or contract, at which point all such documents and information shall be subject to the Oklahoma Open Records Act and Oklahoma Open Meeting Act. Any unsolicited application, proposal, bid, or any other document to obtain funding shall not be considered to be confidential and shall be subject to the Oklahoma Open Records Act and Oklahoma Open Meeting Act at all times.

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

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

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

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

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

SECTION 2. This act shall become effective November 1, 2016.

55-2-8847 AM 01/20/16