

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1171

By: Standridge

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6 AS INTRODUCED

7 An Act relating to the Tobacco Settlement Endowment  
8 Trust Fund; amending 62 O.S. 2011, Section 2309, as  
9 amended by Section 1, Chapter 98, O.S.L. 2015 (62  
10 O.S. Supp. 2015, Section 2309), which relates to the  
duties of the Board of Directors; permitting certain  
use of funds; clarifying language; and providing  
conditional effective date.

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

14 SECTION 1. AMENDATORY 62 O.S. 2011, Section 2309, as  
15 amended by Section 1, Chapter 98, O.S.L. 2015 (62 O.S. Supp. 2015,  
16 Section 2309), is amended to read as follows:

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

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

21 2. Make and execute contracts and other instruments necessary  
22 or convenient to the exercise of its powers on such terms and for  
23 such period of time as the Board ~~of Directors~~ shall determine; and  
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1 3. Promulgate rules in accordance with the Administrative  
2 Procedures Act and not inconsistent with the Tobacco Settlement  
3 Endowment Trust Fund Act to implement its duties and  
4 responsibilities 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 C. Funding for medical insurance benefits for public school  
19 teachers as provided by Section 6-104 of Title 70 of the Oklahoma  
20 Statutes is hereby deemed to be an allowable purpose for which  
21 earnings from the trust fund may be expended pursuant to the  
22 provisions of paragraph 3 of subsection E of Section 40 of Article X  
23 of the Oklahoma Constitution. Pursuant to its authority as set  
24 forth in subsection G of Section 40 of Article X of the Oklahoma

1 Constitution, the Legislature hereby authorizes the Board to expend  
2 earnings from the trust fund for such purposes.

3 1. Such funding shall be made available to the school district  
4 wherein the teacher is employed if the teacher attests in writing  
5 that he or she does not use any tobacco products, including but not  
6 limited to cigarettes, chewing tobacco or cigars.

7 2. Each school district may redirect funds not used in the  
8 provision of medical insurance benefits for teachers meeting the  
9 requirements of this subsection for functions required by state and  
10 federal law.

11 ~~C. D.~~ The Board shall develop a multiyear strategy by January  
12 1, 2002, and annually update it in order to guide the Board's  
13 funding for those programs set forth in Section 40 of Article X of  
14 the Oklahoma Constitution. The strategy shall be used to maximize  
15 the outcomes of the grants awarded by the Board ~~of Directors~~.

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

19 1. The selection and awarding of grants, whether in the form of  
20 professional service contracts or any other funding mechanism  
21 developed by the Board ~~of Directors~~, awarded pursuant to grant  
22 programs developed under this subsection, shall be exempt from the  
23 requirements of The Oklahoma Central Purchasing Act.  
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1           2. The Board ~~of Directors~~ shall develop competitive processes  
2 for awarding grants under programs developed under this subsection.  
3 Such competitive processes for selection shall not be required for  
4 contracts awarded for program support services, including, but not  
5 limited to, professional service contracts to evaluate, audit or  
6 provide budgeting, accounting, auditing or legal services for  
7 specific programs or program grantees, contractors or participants.

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

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

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

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

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

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