STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1529 By: Standridge

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; broadening scope of allowable uses of certain funds to include public health programs; clarifying language; and providing conditional 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 the programs, required by the Oklahoma Medicaid Healthcare Options Act, 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.

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'~~ Board's 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'~~ Board's 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 upon certification of election returns favoring passage of the Constitutional Amendment proposed in Senate Joint Resolution No. 70 of the 2nd Session of the 55th Oklahoma Legislature.

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