

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 2255

By: Roberts (Sean)

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. 2016, Section 2309), which relates to the Board of Directors of the Tobacco Settlement Endowment Trust Fund; providing that funding used for specific purposes be used from minimum percentage of earnings and for certain amount; 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. 2016, 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

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. The following are hereby deemed to be allowable purposes for
6 which earnings from the trust fund may be expended pursuant to the
7 provisions of paragraph 3 of subsection E of Section 40 of Article X
8 of the Oklahoma Constitution:

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

18 2. Funding for operating expenses incurred by the University of
19 Oklahoma Health Sciences Center and the Oklahoma State University
20 College of Osteopathic Medicine to endow chairs relating to
21 research, treatment or prevention of cancer and other tobacco-
22 related diseases; provided, that a minimum of two and one-half
23 percent (2.5%) of earnings from the trust fund each year shall be
24 used for such purpose to fund the endowed chairs;

1 3. Funding for the operating expenses incurred by the
2 University of Oklahoma Health Sciences Center and the Oklahoma State
3 University College of Osteopathic Medicine to fund residency
4 programs related to research, treatment or prevention of cancer and
5 other tobacco-related diseases; provided, that a minimum of two and
6 one-half percent (2.5%) of earnings from the trust fund each year
7 shall be matched with appropriate Medicaid federal funds through the
8 Oklahoma Health Care Authority in order to fund resident programs;
9 and

10 4. Funding in the amount of One Million Seven Hundred Thousand
11 Dollars (\$1,700,000.00) each fiscal year for the support of the
12 Jimmy Everest Center for Cancer and Blood Disorders through the
13 University of Oklahoma Children's Hospital.

14 Pursuant to its authority as set forth in subsection G of
15 Section 40 of Article X of the Oklahoma Constitution, the
16 Legislature hereby authorizes the Board to expend earnings from the
17 trust fund for such purposes, in addition to other purposes provided
18 by law.

19 C. The Board shall develop a multiyear strategy by January 1,
20 2002, and annually update it in order to guide the Board's funding
21 for those programs set forth in Section 40 of Article X of the
22 Oklahoma Constitution. The strategy shall be used to maximize the
23 outcomes of the grants awarded by the Board of Directors.

1 D. 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. Any unsolicited application, proposal, bid, or any other
13 document to obtain funding shall not be considered to be
14 confidential and shall be subject to the Oklahoma Open Records Act
15 and Oklahoma Open Meeting Act at all times.

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

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

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

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

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

13 SECTION 2. This act shall become effective November 1, 2017.
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