An Act

ENROLLED HOUSE
BILL NO. 2185

By: Hickman of the House

and

Schulz of the Senate

An Act relating to the Tobacco Settlement Endowment Trust Fund; amending 62 O.S. 2011, Section 2309, which relates to the duties of the Board of Directors of the trust fund; requiring unsolicited proposals to be subject to certain acts; and providing an effective date.

SUBJECT: Tobacco Settlement Endowment Trust Fund

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

SECTION 1. AMENDATORY 62 O.S. 2011, 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. 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. 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. The Board of Directors shall encourage grantees to match grant monies awarded with monetary commitments and in-kind matches.

F. 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. 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. 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. 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, 2015.

Passed the House of Representatives the 5th day of March, 2015.

Presiding Officer of the House
of Representatives

Passed the Senate the 13th day of April, 2015.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 14th
day of April, 2015, at 2:25 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 20th
day of April, 2015, at 2:30 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 20th
day of April, 2015, at 3:35 o'clock P. M.
By: Chris Benge