

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1266

By: Rosecrants

4
5 AS INTRODUCED

6 An Act relating to public health and safety; amending
7 62 O.S. 2011, Section 2309, as amended by Section 1,
8 Chapter 98, O.S.L. 2015 (62 O.S. Supp. 2018, Section
9 2309), which relates to the Tobacco Settlement
10 Endowment Trust Fund; directing Board of Directors to
11 allocate funds to educational materials; providing
12 for educational materials to be provided to pregnant
13 women on the importance of consumption of nut-based
14 proteins; providing for codification; and providing
15 an effective date.

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

17 SECTION 1. AMENDATORY 62 O.S. 2011, Section 2309, as
18 amended by Section 1, Chapter 98, O.S.L. 2015 (62 O.S. Supp. 2018,
19 Section 2309), is amended to read as follows:

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

22 1. Appoint an executive director and other staff necessary to
23 perform the duties of the Board of Directors;

24 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. 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 educational materials based on studies to advise
19 expectant mothers who have shown no previous sensitivity to nut-
20 based proteins on the importance of the consumption of nut-based
21 proteins as a preventative for future sensitivity to nut protein in
22 offspring is hereby deemed to be an allowable purpose for which
23 earnings from the trust fund may be expended pursuant to the
24 provisions of paragraph 4 of subsection E of Section 40 of Article X

1 of the Oklahoma Constitution. Educational materials shall be made
2 available through media campaigns, hard copy form upon request, all
3 facilities providing prenatal care to expectant mothers or other
4 persons receiving care from facilities receiving all or in part
5 state funding. Pursuant to its authority as set forth in subsection
6 G of Section 40 of Article X of the Oklahoma Constitution, the
7 Legislature hereby authorizes the Board to expend earnings from the
8 trust fund to provide for such purpose, in addition to other
9 purposes provided by law.

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

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

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

23 2. The Board of Directors shall develop competitive processes
24 for awarding grants under programs developed under this subsection.

1 Such competitive processes for selection shall not be required for
2 contracts awarded for program support services, including, but not
3 limited to, professional service contracts to evaluate, audit or
4 provide budgeting, accounting, auditing or legal services for
5 specific programs or program grantees, contractors or participants.

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

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

1 subject to the Oklahoma Open Records Act and Oklahoma Open Meeting
2 Act. Any unsolicited application, proposal, bid, or any other
3 document to obtain funding shall not be considered to be
4 confidential and shall be subject to the Oklahoma Open Records Act
5 and Oklahoma Open Meeting Act at all times.

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

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

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

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

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

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-232.3 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 Any health care facility, as defined in Section 1-728b of Title
7 63 of the Oklahoma Statutes, or state agency that receives state
8 funding to provide prenatal care to expectant mothers shall include
9 in that care educational materials based on studies to advise on the
10 importance of the consumption of nut-based proteins as a
11 preventative for future sensitivity to nut protein in offspring.

12 SECTION 3. This act shall become effective November 1, 2019.

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