

*Oklahoma Tobacco Settlement Endowment Trust*

**Administrative Rules Report | Executive Order 2020-03**

**Comprehensive Review of Administrative Rules as of July 30, 2020**

**Report Submitted by:** Julie Bisbee

**Title:** Executive Director

**Email:** [julieb@tset.ok.gov](mailto:julieb@tset.ok.gov)

**Phone:** 405-301-3693

**Method Used to Conduct Review:** Agency leadership reviewed the administrative rules with four questions in mind: 1. Is this necessary? 2. Is it still the practice? 3. Does it create additional costs? 4. Is it limiting the agency’s ability to meet its mission? The executive director also consulted with the Assistant Attorney General assigned to the agency to ensure that administrative rules were not in conflict with existing statute that may have been put in place since the rules were adopted.

**TOTAL NUMBER OF UNECESSARY, COSTLY, INEFFECTIVE, DUPLICATIVE OR OUTDATE REGULATIONS:** *One rule appears to be in need of updated language, 723-1-1-4. TSET’s administrative rules were adopted in 2010, and the rules are still in use today. An update to 723-1-1-4 would be to remove language that says information requests must come by a variety of methods to include facsimile but not email. Despite the antiquated wording, the spirit of the law remains the same.*

**Title 723 Tobacco Settlement Endowment Trust**

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
1-1-1	Purpose	6/25/2010	No	NA	NA	NA	No	Yes	Defines the purpose of the rules for the agency and its functions.
1-1-2	Definitions	6/25/2010	No	No	No	NA	No	Yes	Clarifies, defines terms used in rules. Language matches TSET’s legal authority as found in Article 10, Section 40 of the Constitution.
1-1-3	TSET	6/25/2010	No	No	No	Mirrors Constitutional language	No	Yes	Defines the agency’s mission, defines the frequency at which the two governing boards (Board of Directors and Board of Investors) will meet. Mirrors constitutional language. OKCONST O.S. § Article 10 section 40
1-1-4	Requests for Information	6/25/2010	No	No	No	Mirrors applicable statute	Outdated	Yes	Most records are provided in electronic format, not in hard copy. Updated language should delete antiquated means of requests while still outlining how fees, if any, may be applied.
1-1-5	Applications	6/25/2010	No	No	No	NA	No	Yes	These rules provide a timeline, framework for how TSET will issue and accept applications for grants, notify fund seekers and timelines on funding opportunities.
1-1-6	Petition for Rulemaking	6/25/2010	No	No	No	Mirrors applicable statute	No	Yes	Defines how a petition for a change in administrative rules can be initiated. Mirrors applicable statute.
1-1-7	Official Decisions	6/25/2010	No	No	No	NA	No	Yes	Defines how official decisions are made by governing board and

									outlines a process for recourse of governing board decision.
1-1-8	Severability	6/25/2010	No	No	No	NA	No	Yes	Rules are severable.

**Title 723 Tobacco Settlement Endowment Trust**

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
10-1-1	Purpose	6/25/2010	No	No	No	NA	No	Yes	Defines procedures for allocating funds for grants and programs.
10-1-2	Definitions	6/25/2010	No	No	Yes	723-1-1-2	No	Yes	Repeats definitions in previous section.
10-1-3	Advisory Panels	6/25/2010	No	No	No	NA	No	Yes	Outlines procedures by which experts may inform program design, funding recommendations to agency management. Expresses governing board authority.
10-1-4	Proposal Review Panels	6/25/2010	No	No	No	NA	No	Yes	Outlines how proposal review panels may assist in making unbiased funding decisions. Provides express authority to the governing board for funding decisions.
10-1-5	Application Process	6/25/2010	No	No	No	NA	No	Yes	Provides clear outline of application process, timeliness and process triggered in the event an applicant does not submit a complete application.
10-1-6	Award Process	6/25/2010	No	No	No	NA	No	Yes	Provides clear framework of how applications are evaluated, by whom, and the type of information provided to governing board.
10-1-7	Grants	6/25/2010	No	No	No	NA	No	Yes	Outlines types of legal agreements used to enter into grantor/grantee relationship.
10-1-8	Performance evaluations	6/25/2010	No	No	No	NA	No	Yes	Provides clear guidance on how programs and outcomes are defined, allows for the use of subcontractors for outcome evaluations. Provides that evaluations will be provided to governing board.
10-1-9	Grant cancellations or withholding of monies	6/25/2010	No	No	No	NA	No	Yes	Outlines the process by which TSET would stop funding a grantee, including opportunity for corrective action, and governing board authority.
10-1-10	Severability	6/25/2010	No	No	No	NA	No	Yes	Rules are severable.

END OF REPORT