

BILL ANALYSIS

Senate Research Center
81R24077 ALB-D

H.B. 1358
By: Keffer et al. (Nelson)
Health & Human Services
5/9/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 14, 80th Legislature, Regular Session, 2007, created the Cancer Prevention and Research Institute of Texas (institute). During the process of organizing the institute, several issues have been identified and suggestions made for potential improvements to the institute's operations.

H.B. 1358 relates to the institute.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Cancer Prevention and Research Institute of Texas Oversight Committee in SECTION 4 (Section 102.108, Health and Safety Code) and SECTION 11 (Section 102.251, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 102.001(3), Health and Safety Code, to redefine "research and prevention programs committee."

SECTION 2. Amends Subchapter B, Chapter 102, Health and Safety Code, by adding Section 102.056, as follows:

Sec. 102.056. SALARY. Authorizes the Cancer Prevention and Research Institute of Texas (institute) to supplement the salary of the executive director and other senior institute staff members. Authorizes funding for a salary supplement to come from gifts, grants, donations, or appropriations.

SECTION 3. Amends Section 102.103(a), Health and Safety Code, to provide that the institute's Oversight Committee (oversight committee) members appointed by the governor, lieutenant governor, and speaker of the house serve staggered six-year terms, rather than four-year terms, with the terms of three members expiring on January 31 of each odd-numbered year.

SECTION 4. Amends Subchapter C, Chapter 102, Health and Safety Code, by adding Section 102.108, as follows:

Sec. 102.108. RULEMAKING AUTHORITY. Authorizes the oversight committee to adopt rules to administer this chapter.

SECTION 5. Amends Section 102.151, Health and Safety Code, by adding Subsections (a-1) and (d), as follows:

(a-1) Requires the executive director of the institute (executive director), with approval by simple majority of the members of the oversight committee, to appoint as members of scientific research and prevention programs committees experts in the field of cancer research and prevention.

(d) Authorizes a member of a scientific research and prevention programs committee to receive an honorarium. Provides that Subchapter B (Consulting Services), Chapter 2254 (Professional and Consulting Services), Government Code, does not apply to an honorarium made to a committee member under this chapter.

SECTION 6. Amends Section 102.152, Health and Safety Code, to provide that members of a research and prevention program committee serve for terms as determined by the executive director, rather than members of the research and prevention programs committee serve four-year terms.

SECTION 7. Amends the heading to Subchapter D, Chapter 102, Health and Safety Code, to read as follows:

SUBCHAPTER D. COMMITTEES

SECTION 8. Amends Section 102.153, Health and Safety Code, to provide that members of the university advisory committee or any ad hoc advisory committee appointed under this subchapter, rather than members of the research and prevention programs committee, serve without compensation but are entitled to reimbursement for actual and necessary expenses in attending meetings of the committee or performing other official duties authorized by the presiding officer.

SECTION 9. Amends Subchapter D, Chapter 102, Health and Safety Code, by adding Sections 102.154-102.156, as follows:

Sec. 102.154. UNIVERSITY ADVISORY COMMITTEE. (a) Sets forth the member composition of the Cancer Prevention and Research Institute of Texas University Advisory Committee (university advisory committee).

(b) Requires the university advisory committee to advise the oversight committee and a research and prevention programs committee regarding the role of institutions of higher education in cancer research.

Sec. 102.155. AD HOC ADVISORY COMMITTEE. (a) Requires the oversight committee to create an ad hoc committee of experts to address childhood cancers. Authorizes the oversight committee, as necessary, to create additional ad hoc committees of experts to advise the oversight committee on issues relating to cancer.

(b) Requires ad hoc committee members to serve for a period determined by the oversight committee.

Sec. 102.156. CONFLICT OF INTEREST. (a) Requires a member of a research and prevention programs committee, the university advisory committee, or any ad hoc committee appointed under this subchapter to disclose in writing to the executive director if the member has an interest in a matter that comes before the member's committee or has a substantial financial interest in an entity that has a direct interest in the matter.

(b) Requires the member to recuse himself or herself from the committee's deliberations and actions on the matter in Subsection (a) and prohibits participation in the committee's decision on the matter.

(c) Provides that a person has a substantial financial interest in an entity if the person is an employee, member, director, or officer of the entity or owns or controls, directly or indirectly, more than five percent interest in the entity.

SECTION 10. Amends Sections 102.203(c) and (d), Health and Safety Code, as follows:

(c) Prohibits a person receiving money under this subchapter for cancer research from spending more than five percent of the money for indirect costs. Defines "indirect costs" for the purpose of this subsection.

(d) Authorizes not more than five percent of the money awarded under this subchapter to be used for facility purchase, construction, remodel, or renovation purposes during any year. Requires that expenditures of money awarded under this subchapter for facility purchase, construction, remodel, or renovation projects benefit cancer prevention and research.

SECTION 11. Amends Section 102.251, Health and Safety Code, as follows:

Sec. 102.251. New heading: **RULES FOR GRANT AWARD PROCEDURE.** (a) Requires the oversight committee to issue rules regarding the procedure for awarding grants to an applicant under this chapter. Requires that the rules include certain procedures.

(b) Redesignates Subsection (c) as Subsection (b). Makes a conforming change. Deletes existing text of Subsection (b) authorizing the ex officio members of the research and prevention programs committee to participate in the review and discussion of grant applications but prohibits voting on recommendations to the oversight committee. Deletes existing text of Subsection (b) requiring the research and prevention programs committee, in making recommendation to the oversight committee, to give priority to certain proposals.

SECTION 12. Amends Section 102.252, Health and Safety Code, as follows:

Sec. 102.252. New heading: **OVERRIDING RECOMMENDATIONS.** Requires the oversight committee to follow the funding recommendations of the executive director in the order the executive director submits the applications to the oversight committee, rather than the funding recommendations of the research and prevention programs committee, unless two-thirds of the members of the oversight committee vote to disregard a recommendation.

SECTION 13. Amends Section 102.255(d), Health and Safety Code, to require the recipient of the grant, before the oversight committee is authorized to make for cancer research any grant of any proceeds of the bonds issued under Subchapter E (Cancer Prevention and Research Fund), to have an amount of funds equal to one-half of the grant dedicated to the research that is the subject of the grant request.

SECTION 14. Amends Section 102.260, Health and Safety Code, as follows:

Sec. 102.260. New heading: **GRANT EVALUATION.** (a) Creates this subsection from existing text. Requires the oversight committee to require as a condition of a grant that the grant recipient submit to regular inspection reviews of the grant project by institute staff, including progress oversight reviews, to ensure compliance with the terms of the award and to ensure the scientific merit of the research. Deletes existing text requiring the research and prevention programs committee to require a peer review progress oversight review of each grant recipient to ensure compliance with the terms of the award and to ensure the scientific merit of the research. Deletes existing text requiring the research and prevention programs committee to report to the oversight committee any recommendations for subsequent actions.

(b) Requires the executive director to determine the grant review process under this section. Authorizes the executive director to terminate grants that do not meet contractual obligations.

(c) Requires the executive director to report at least annually to the oversight committee on the progress and continued merit of each research program funded by the institute.

SECTION 15. Amends Subchapter F, Chapter 102, Health and Safety Code, by adding Section 102.262, as follows:

Sec. 102.262. **PUBLIC INFORMATION.** Provides that the following information is public information and is authorized to be disclosed under Chapter 552 (Public Information), Government Code: the applicant's name and address, the amount of funding applied for, the type of cancer to be addressed under the proposal, and any other information designated by the institute with the consent of the grant applicant.

SECTION 16. Repealers: Sections 102.151(a) (relating to the member composition of the research and prevention programs committee) and (c) (relating to requiring the members of the research and prevention programs committee to represent the geographic and cultural diversity of the state), Health and Safety Code.

SECTION 17. Requires the governor, lieutenant governor, and speaker of the house of representatives, not later than December 1, 2009, to each designate one member of the oversight committee appointed by that person to serve a term expiring January 31, 2011, one member appointed by that person to serve a term expiring January 31, 2013, and one member appointed by that person to serve a term expiring January 31, 2015.

SECTION 18. Effective date: upon passage or September 1, 2009.