

## **BILL ANALYSIS**

S.B. 1035  
By: West, Royce  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas Council on Cardiovascular Disease and Stroke ("Council") was created in 1999 and primarily charged to create a state plan to reduce the burden of cardiovascular disease and stroke. This bill is designed to reform the Council so that its structure may conform to that of other chronic disease councils, such as the Texas Diabetes Council, the Texas Cancer Council, and the Council on Alzheimer's and Related Disorders.

Changes are made to provide for the appointment of council members by the governor, to give guidelines for the removal of members and to restrict compensation for members. Two funds are established to allow for the acceptance of gifts, grants, and donations. This bill also adds secondary prevention and women's health education to the Council's list of duties and allows the council to advise the legislature on cardiovascular disease and stroke legislation, develop legislation, and comment on pending legislation.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Council on Cardiovascular Disease and Stroke in SECTION 5 of this bill.

### **ANALYSIS**

The bill makes changes to the public composition of the council. The governor will appoint the members with advice and consent of the senate. This bill outlines that the governor should take into consideration of appointing minority groups. The bill makes modifications to the terms of service that appointments will be in staggered six year terms. Provides that a nonvoting member representing a state agency serves at the will of the appointing agency.

The bill provides that Council members may be reimbursed for travel expenses as provided by the General Appropriations Act. This bill requires the council to provide a report to the governor, lieutenant governor, and speaker of the house of representatives on the funds that have been received and distributed by or on behalf of the council for the previous fiscal year.

The bill provides that a person is ineligible to serve as a public member if the person or the person's spouse is employed by an organization that receives funds from the council; owns or controls more than 10 percent interest in an organization that receives funds from the council; uses or receives goods, services or funds from the council, other than compensation or reimbursement authorized by law. The bill prohibits a person from serving as a member if the person is required to register as a lobbyist; an officer, employee, or paid consultant of a trade association in the field of health care; a spouse of an officer, employee, or paid consultant of a trade association in the field of health care.

The bill specifies the grounds for removal of a council member. Requires the council to inform its members as often as necessary of certain information. The governor shall designate a member of the council as the presiding officer of the council to serve in that capacity at the will of the governor. In addition, the presiding officer of the council is required to notify the governor if the presiding officer knows that a potential ground for removal exists.

The bill requires each agency represented on the council to provide the council with staff support of specialists as needed; authorizes each agency to provide staff support to an advisory committee. It adds a requirement for the separation of the policy-making responsibilities of the

council and the management responsibilities of the commissioner and staff. The bill establishes minimum requirements for the frequency of meetings to occur and to adopt rules for the conduct of its meetings.

The bill authorizes the council to receive gifts and grants. It establishes a special account within the general revenue fund. Five percent of an accepted monetary gift may be retained to pay for the administration.

The bill establishes the heart disease and stroke resource fund as an account of the general revenue fund. Authorizes the legislature to appropriate money deposited to this fund be used for heart disease and stroke prevention, research, medical care, grants to nonprofit heart disease and stroke organizations. Requires the council to develop policy governing awarding of funds. Interest earned from the investment of this fund will be deposited to the credit of the fund.

The Council will develop a cardiovascular disease and stroke plan that will also take into consideration primary and secondary prevention of cardiovascular disease, and will establish appropriate forums, programs, and initiatives to educate the public regarding the impact of heart disease and stroke on women's health, with an emphasis on a preventative healthy lifestyle. Requires the council to advise the legislature on needed legislation that will promote and maintain education services statewide or on pending legislation that affects persons with cardiovascular disease and stroke.

#### **EFFECTIVE DATE**

September 1, 2005.