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H.J.R. No. 90

A JOINT RESOLUTION

1 proposing a constitutional amendment providing for the  
2 establishment of the Cancer Prevention and Research Institute of  
3 Texas and authorizing the issuance of general obligation bonds for  
4 the purpose of scientific research of all forms of human cancer.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article III, Texas Constitution, is amended by  
7 adding Section 67 to read as follows:

8 Sec. 67. (a) The legislature shall establish the Cancer  
9 Prevention and Research Institute of Texas to:

10 (1) make grants to provide funds to public or private  
11 persons to implement the Texas Cancer Plan, and to institutions of  
12 learning and to advanced medical research facilities and  
13 collaborations in this state for:

14 (A) research into the causes of and cures for all  
15 forms of cancer in humans;

16 (B) facilities for use in research into the  
17 causes of and cures for cancer; and

18 (C) research, including translational research,  
19 to develop therapies, protocols, medical pharmaceuticals, or  
20 procedures for the cure or substantial mitigation of all types of  
21 cancer in humans;

22 (2) support institutions of learning and advanced  
23 medical research facilities and collaborations in this state in all  
24 stages in the process of finding the causes of all types of cancer

1 in humans and developing cures, from laboratory research to  
2 clinical trials and including programs to address the problem of  
3 access to advanced cancer treatment; and

4 (3) establish the appropriate standards and oversight  
5 bodies to ensure the proper use of funds authorized under this  
6 provision for cancer research and facilities development.

7 (b) The members of the governing body and any other  
8 decision-making body of the Cancer Prevention and Research  
9 Institute of Texas may serve four-year terms.

10 (c) The legislature by general law may authorize the Texas  
11 Public Finance Authority to provide for, issue, and sell general  
12 obligation bonds of the State of Texas on behalf of the Cancer  
13 Prevention and Research Institute of Texas in an amount not to  
14 exceed \$3 billion and to enter into related credit agreements. The  
15 bonds shall be executed in the form, on the terms, and in the  
16 denominations, bear interest, and be issued in installments as  
17 prescribed by the Texas Public Finance Authority.

18 (d) Proceeds from the sale of the bonds shall be deposited  
19 in separate funds or accounts, as provided by general law, within  
20 the state treasury to be used by the Cancer Prevention and Research  
21 Institute of Texas for the purposes of this section without  
22 appropriation.

23 (e) Notwithstanding any other provision of this  
24 constitution, the Cancer Prevention and Research Institute of  
25 Texas, which is established in state government, may use the  
26 proceeds from bonds issued under Subsection (c) of this section and  
27 federal or private grants and gifts to pay for:

1           (1) grants for cancer research, for research  
2 facilities, and for research opportunities in this state to develop  
3 therapies, protocols, medical pharmaceuticals, or procedures for  
4 the cure or substantial mitigation of all types of cancer in humans;

5           (2) grants for cancer prevention and control programs  
6 in this state to mitigate the incidence of all types of cancer in  
7 humans;

8           (3) the purchase, subject to approval by the Cancer  
9 Prevention and Research Institute, of laboratory facilities by or  
10 on behalf of a state agency or grant recipient; and

11           (4) the operation of the Cancer Prevention and  
12 Research Institute of Texas.

13           (f) The bond proceeds may be used to pay the costs of issuing  
14 the bonds and any administrative expense related to the bonds.

15           (g) While any of the bonds or interest on the bonds  
16 authorized by this section is outstanding and unpaid, from the  
17 first money coming into the state treasury in each fiscal year not  
18 otherwise appropriated by this constitution, an amount sufficient  
19 to pay the principal of and interest on bonds that mature or become  
20 due during the fiscal year and to make payments that become due  
21 under a related credit agreement during the fiscal year is  
22 appropriated, less the amount in the sinking fund at the close of  
23 the previous fiscal year.

24           (h) Bonds issued under this section, after approval by the  
25 attorney general, registration by the comptroller of public  
26 accounts, and delivery to the purchasers, are incontestable and are  
27 general obligations of the State of Texas under this constitution.

1       (i) Before the Cancer Prevention and Research Institute of  
2 Texas may make a grant of any proceeds of the bonds issued under  
3 this section, the recipient of the grant must have an amount of  
4 funds equal to one-half the amount of the grant dedicated to the  
5 research that is the subject of the grant request.

6       (j) The Texas Public Finance Authority shall consider using  
7 a business whose principal place of business is located in the state  
8 to issue the bonds authorized by this section and shall include  
9 using a historically underutilized business as defined by general  
10 law.

11       SECTION 2. This proposed constitutional amendment shall be  
12 submitted to the voters at an election to be held November 6, 2007.  
13 The ballot shall be printed to permit voting for or against the  
14 proposition: "The constitutional amendment requiring the creation  
15 of the Cancer Prevention and Research Institute of Texas and  
16 authorizing the issuance of up to \$3 billion in bonds payable from  
17 the general revenues of the state for research in Texas to find the  
18 causes of and cures for cancer."