

1-1 By: Keffer, et al. (Senate Sponsor - Nelson) H.J.R. No. 90  
1-2 (In the Senate - Received from the House May 10, 2007;  
1-3 May 14, 2007, read first time and referred to Committee on Finance;  
1-4 May 19, 2007, reported favorably by the following vote: Yeas 12,  
1-5 Nays 0; May 19, 2007, sent to printer.)

1-6 HOUSE JOINT RESOLUTION

1-7 proposing a constitutional amendment providing for the  
1-8 establishment of the Cancer Prevention and Research Institute of  
1-9 Texas and authorizing the issuance of general obligation bonds for  
1-10 the purpose of scientific research of all forms of human cancer.

1-11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Article III, Texas Constitution, is amended by  
1-13 adding Section 67 to read as follows:

1-14 Sec. 67. (a) The legislature shall establish the Cancer  
1-15 Prevention and Research Institute of Texas to:

1-16 (1) make grants to provide funds to public or private  
1-17 persons to implement the Texas Cancer Plan, and to institutions of  
1-18 learning and to advanced medical research facilities and  
1-19 collaborations in this state for:

1-20 (A) research into the causes of and cures for all  
1-21 forms of cancer in humans;

1-22 (B) facilities for use in research into the  
1-23 causes of and cures for cancer; and

1-24 (C) research, including translational research,  
1-25 to develop therapies, protocols, medical pharmaceuticals, or  
1-26 procedures for the cure or substantial mitigation of all types of  
1-27 cancer in humans;

1-28 (2) support institutions of learning and advanced  
1-29 medical research facilities and collaborations in this state in all  
1-30 stages in the process of finding the causes of all types of cancer  
1-31 in humans and developing cures, from laboratory research to  
1-32 clinical trials and including programs to address the problem of  
1-33 access to advanced cancer treatment; and

1-34 (3) establish the appropriate standards and oversight  
1-35 bodies to ensure the proper use of funds authorized under this  
1-36 provision for cancer research and facilities development.

1-37 (b) The members of the governing body and any other  
1-38 decision-making body of the Cancer Prevention and Research  
1-39 Institute of Texas may serve four-year terms.

1-40 (c) The legislature by general law may authorize the Texas  
1-41 Public Finance Authority to provide for, issue, and sell general  
1-42 obligation bonds of the State of Texas on behalf of the Cancer  
1-43 Prevention and Research Institute of Texas in an amount not to  
1-44 exceed \$3 billion and to enter into related credit agreements. The  
1-45 bonds shall be executed in the form, on the terms, and in the  
1-46 denominations, bear interest, and be issued in installments as  
1-47 prescribed by the Texas Public Finance Authority.

1-48 (d) Proceeds from the sale of the bonds shall be deposited  
1-49 in separate funds or accounts, as provided by general law, within  
1-50 the state treasury to be used by the Cancer Prevention and Research  
1-51 Institute of Texas for the purposes of this section without  
1-52 appropriation.

1-53 (e) Notwithstanding any other provision of this  
1-54 constitution, the Cancer Prevention and Research Institute of  
1-55 Texas, which is established in state government, may use the  
1-56 proceeds from bonds issued under Subsection (c) of this section and  
1-57 federal or private grants and gifts to pay for:

1-58 (1) grants for cancer research, for research  
1-59 facilities, and for research opportunities in this state to develop  
1-60 therapies, protocols, medical pharmaceuticals, or procedures for  
1-61 the cure or substantial mitigation of all types of cancer in humans;

1-62 (2) grants for cancer prevention and control programs  
1-63 in this state to mitigate the incidence of all types of cancer in  
1-64 humans;

2-1                   (3) the purchase, subject to approval by the Cancer  
2-2 Prevention and Research Institute, of laboratory facilities by or  
2-3 on behalf of a state agency or grant recipient; and

2-4                   (4) the operation of the Cancer Prevention and  
2-5 Research Institute of Texas.

2-6                   (f) The bond proceeds may be used to pay the costs of issuing  
2-7 the bonds and any administrative expense related to the bonds.

2-8                   (g) While any of the bonds or interest on the bonds  
2-9 authorized by this section is outstanding and unpaid, from the  
2-10 first money coming into the state treasury in each fiscal year not  
2-11 otherwise appropriated by this constitution, an amount sufficient  
2-12 to pay the principal of and interest on bonds that mature or become  
2-13 due during the fiscal year and to make payments that become due  
2-14 under a related credit agreement during the fiscal year is  
2-15 appropriated, less the amount in the sinking fund at the close of  
2-16 the previous fiscal year.

2-17                   (h) Bonds issued under this section, after approval by the  
2-18 attorney general, registration by the comptroller of public  
2-19 accounts, and delivery to the purchasers, are incontestable and are  
2-20 general obligations of the State of Texas under this constitution.

2-21                   (i) Before the Cancer Prevention and Research Institute of  
2-22 Texas may make a grant of any proceeds of the bonds issued under  
2-23 this section, the recipient of the grant must have an amount of  
2-24 funds equal to one-half the amount of the grant dedicated to the  
2-25 research that is the subject of the grant request.

2-26                   (j) The Texas Public Finance Authority shall consider using  
2-27 a business whose principal place of business is located in the state  
2-28 to issue the bonds authorized by this section and shall include  
2-29 using a historically underutilized business as defined by general  
2-30 law.

2-31                   SECTION 2. This proposed constitutional amendment shall be  
2-32 submitted to the voters at an election to be held November 6, 2007.  
2-33 The ballot shall be printed to permit voting for or against the  
2-34 proposition: "The constitutional amendment requiring the creation  
2-35 of the Cancer Prevention and Research Institute of Texas and  
2-36 authorizing the issuance of up to \$3 billion in bonds payable from  
2-37 the general revenues of the state for research in Texas to find the  
2-38 causes of and cures for cancer."

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