

By: Keffer

H.B. No. 1358

A BILL TO BE ENTITLED

AN ACT

relating to the Cancer Prevention and Research Institute of Texas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 102.001(3), Health and Safety Code, is amended to read as follows:

(3) "Research and prevention programs committee" means the Cancer Prevention and Research Institute of Texas Scientific Research and Prevention Programs committees appointed by the executive director [~~Committee~~].

SECTION 2. Section 102.151, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The executive director shall appoint as members of scientific research and prevention programs committees experts in the field of cancer research and prevention.

SECTION 3. The heading to Subchapter D, Chapter 102, Health and Safety Code, is amended to read as follows:

SUBCHAPTER D. COMMITTEES [~~RESEARCH AND PREVENTION PROGRAMS COMMITTEE~~]

SECTION 4. Section 102.153, Health and Safety Code, is amended to read as follows:

Sec. 102.153. EXPENSES. Members of the university advisory committee or any ad hoc advisory committee appointed under this subchapter [~~the research and prevention programs committee~~] serve without compensation but are entitled to reimbursement for actual

1 and necessary expenses in attending meetings of the committee or
2 performing other official duties authorized by the presiding
3 officer.

4 SECTION 5. Subchapter D, Chapter 102, Health and Safety
5 Code, is amended by adding Sections 102.154, 102.155, and 102.156
6 to read as follows:

7 Sec. 102.154. UNIVERSITY ADVISORY COMMITTEE. (a) The
8 Cancer Prevention and Research Institute of Texas University
9 Advisory Committee is composed of the following nine members:

10 (1) two members appointed by the governor representing
11 private or independent institutions of higher education in this
12 state that have demonstrated success and leadership in cancer
13 research;

14 (2) two members appointed by the chancellor of The
15 University of Texas System to represent:

16 (A) The University of Texas Southwestern Medical
17 Center at Dallas;

18 (B) The University of Texas Medical Branch at
19 Galveston;

20 (C) The University of Texas Health Science Center
21 at Houston;

22 (D) The University of Texas Health Science Center
23 at San Antonio;

24 (E) The University of Texas Health Center at
25 Tyler; or

26 (F) The University of Texas M. D. Anderson Cancer
27 Center;

1 (3) one member appointed by the chancellor of The
2 Texas A&M University System to represent:

3 (A) The Texas A&M University System Health
4 Science Center; or

5 (B) the teaching hospital for The Texas A&M
6 Health Science Center College of Medicine;

7 (4) one member appointed by the chancellor of the
8 Texas Tech University System to represent the Texas Tech University
9 Health Sciences Center;

10 (5) one member appointed by the chancellor of the
11 University of Houston System to represent the system;

12 (6) one member appointed by the chancellor of the
13 Texas State University System to represent the system; and

14 (7) one member appointed by the chancellor of the
15 University of North Texas System to represent the system.

16 (b) The university advisory committee shall advise the
17 oversight committee and the research and prevention programs
18 committee regarding the role of institutions of higher education in
19 cancer research.

20 Sec. 102.155. AD HOC ADVISORY COMMITTEE. (a) The oversight
21 committee, as necessary, may create ad hoc committees of experts to
22 advise the oversight committee on issues relating to cancer.

23 (b) Ad hoc committee members shall serve for a period
24 determined by the oversight committee.

25 Sec. 102.156. CONFLICT OF INTEREST. (a) A member of a
26 research and prevention programs committee, the university
27 advisory committee, or any ad hoc committee appointed under this

1 subchapter shall disclose in writing to the executive director if
2 the member has an interest in the matter or has a substantial
3 financial interest in an entity that has a direct interest in the
4 matter.

5 (b) The member shall recuse himself or herself from the
6 committee's deliberations and actions on the matter in Subsection
7 (a) and may not participate in the committee's decision on the
8 matter.

9 (c) A person has a substantial financial interest in an
10 entity if the person:

11 (1) is an employee, member, director, or officer of
12 the entity; or

13 (2) owns or controls, directly or indirectly, more
14 than a five percent interest in the entity.

15 SECTION 6. Sections 102.203(c) and (d), Health and Safety
16 Code, are amended to read as follows:

17 (c) A person receiving money under this subchapter for
18 cancer research may not spend more than five percent of the money
19 for indirect costs. For purposes of this subsection, "indirect
20 costs" means the expenses of doing business that are not readily
21 identified with a particular grant, contract, project, function, or
22 activity, but are necessary for the general operation of the
23 organization or the performance of the organization's activities.

24 (d) Not more than five percent of the money awarded under
25 this subchapter may be used for facility purchase, construction,
26 remodel, or renovation purposes during any year. Expenditures of
27 money awarded under this subchapter for facility purchase,

1 construction, remodel, or renovation projects must benefit cancer
2 prevention and research.

3 SECTION 7. Section 102.251, Health and Safety Code, is
4 amended to read as follows:

5 Sec. 102.251. RULES FOR GRANT AWARD PROCEDURE [~~DUTIES OF~~
6 ~~SCIENTIFIC RESEARCH AND PREVENTION PROGRAMS COMMITTEE~~]. (a) The
7 oversight committee shall issue rules regarding the procedure for
8 awarding grants to an applicant under this chapter. The rules must
9 include the following procedures:

10 (1) a [~~The~~] research and prevention programs committee
11 shall review grant applications and make recommendations to the
12 executive director [~~oversight committee~~] regarding the award of
13 cancer research grants, including a prioritized list that ranks the
14 grant applications in the order the committee determines
15 applications should be funded; and

16 (2) the executive director shall submit to the
17 oversight committee a list of grant applications that is
18 substantially based on the list submitted by the committee under
19 Subdivision (1) and, to the extent possible, gives [~~therapy~~
20 ~~development, and clinical trial grants.~~

21 [~~(b) The ex officio members of the research and prevention~~
22 ~~programs committee may participate in the review and discussion of~~
23 ~~grant applications but may not vote on recommendations to the~~
24 ~~oversight committee. In making recommendations to the oversight~~
25 ~~committee, the research and prevention programs committee shall~~
26 ~~give~~] priority to proposals that:

27 (A) [~~(1)~~] could lead to immediate or long-term

1 medical and scientific breakthroughs in the area of cancer
2 prevention or cures for cancer;

3 (B) [~~(2)~~] strengthen and enhance fundamental
4 science in cancer research;

5 (C) [~~(3)~~] ensure a comprehensive coordinated
6 approach to cancer research;

7 (D) [~~(4)~~] are interdisciplinary or
8 interinstitutional;

9 (E) [~~(5)~~] address federal or other major
10 research sponsors' priorities in emerging scientific or technology
11 fields in the area of cancer prevention or cures for cancer;

12 (F) [~~(6)~~] are matched with funds available by a
13 private or nonprofit entity and institution or institutions of
14 higher education;

15 (G) [~~(7)~~] are collaborative between any
16 combination of private and nonprofit entities, public or private
17 agencies or institutions in this state, and public or private
18 institutions outside this state;

19 (H) [~~(8)~~] have a demonstrable economic
20 development benefit to this state;

21 (I) [~~(9)~~] enhance research superiority at
22 institutions of higher education in this state by creating new
23 research superiority, attracting existing research superiority
24 from institutions not located in this state and other research
25 entities, or enhancing existing research superiority by attracting
26 from outside this state additional researchers and resources; and

27 (J) [~~(10)~~] expedite innovation and

1 commercialization, attract, create, or expand private sector
2 entities that will drive a substantial increase in high-quality
3 jobs, and increase higher education applied science or technology
4 research capabilities.

5 (b) [~~(c)~~] A member of the research and prevention programs
6 committee may not attempt to use the committee member's official
7 position to influence a decision to approve or award a grant or
8 contract to the committee member's employer.

9 SECTION 8. Section 102.252, Health and Safety Code, is
10 amended to read as follows:

11 Sec. 102.252. OVERRIDING [~~RESEARCH AND PREVENTION PROGRAMS~~
12 ~~COMMITTEE~~] RECOMMENDATIONS. The oversight committee must follow
13 the funding recommendations of the executive director in the order
14 the executive director submits the applications to the oversight
15 committee [~~research and prevention programs committee~~] unless
16 two-thirds of the members of the oversight committee vote to
17 disregard a recommendation.

18 SECTION 9. Section 102.255(d), Health and Safety Code, is
19 amended to read as follows:

20 (d) Before the oversight committee may make for cancer
21 research any grant of any proceeds of the bonds issued under
22 Subchapter E, the recipient of the grant must have an amount of
23 funds equal to one-half of the grant dedicated to the research that
24 is the subject of the grant request.

25 SECTION 10. Subchapter F, Chapter 102, Health and Safety
26 Code, is amended by adding Section 102.262 to read as follows:

27 Sec. 102.262. PUBLIC INFORMATION. The following

1 information is public information and may be disclosed under
2 Chapter 552, Government Code:

- 3 (1) the applicant's name and address;
4 (2) the amount of funding applied for;
5 (3) the type of cancer to be addressed under the
6 proposal; and
7 (4) any other information designated by the institute
8 with the consent of the grant applicant.

9 SECTION 11. Section 102.151(a), Health and Safety Code, is
10 repealed.

11 SECTION 12. This Act takes effect immediately if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this Act takes effect September 1, 2009.