

BILL ANALYSIS

C.S.H.B. 3042
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Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Breast cancer is one of the most common types of cancer among Texas women. It is estimated more than 8,000 Texas women will develop breast cancer this year and that the disease will claim the lives of close to 2,000 women. If detected early, the chances of survival are greatly increased. C.S.H.B. 3042 intends to provide a means to support Texas women in their fight against breast cancer by establishing the Pink for Ever lottery ticket to generate funds for breast cancer research, education, and services for breast cancer patients and their families in Texas.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 4 and 5 of this bill.

ANALYSIS

C.S.H.B. 3042 amends the Government Code to establish the Pink for Ever fund as a special fund in the state treasury outside the general revenue fund. The bill establishes that the fund is composed of gifts and grants contributed to the fund, earnings on the principal of the fund, and other amounts deposited to the credit of the fund. The bill prohibits money in the fund from being appropriated for any purpose other than to fund the Pink for Ever grant program established by the bill's provisions, except that a gift or grant to the fund is authorized to be appropriated in the same manner as money in the fund derived from other sources, subject to any limitation or requirement placed on the gift or grant by the donor or granting entity. The bill makes provisions of law relating to the use of dedicated revenue and disposition of interest on investments inapplicable to the fund.

C.S.H.B. 3042 requires the Texas Lottery Commission to operate an instant-ticket lottery game to benefit the Pink for Ever fund. The bill requires the commission to determine the ticket price, payout amounts for prizes, and manner in which the game is conducted; make tickets to the game available for sale continuously to the extent practicable; and change the design or theme of the game regularly to ensure that the game remains competitive with other instant-ticket lottery games offered by the commission. The bill requires the commission to market and advertise the instant-ticket lottery game in a manner intended to inform the public that the game tickets are available for purchase and that the game proceeds are used to fund breast cancer research, education, and patient treatment and support. The bill authorizes the Department of State Health Services (DSHS) to make recommendations to the commission relating to the marketing and advertising of the game and authorizes the commission to use not more than two percent of the gross revenue accruing from the sale of tickets for the lottery game for such marketing and advertising purposes.

C.S.H.B. 3042 requires the commission to encourage each sales agent that sells tickets to instant-ticket games or similar types of lottery games to sell tickets to the instant-ticket lottery game to benefit the Pink for Ever fund. The bill requires the commission to establish and begin selling tickets to this lottery game not later than March 1, 2014. The bill requires the portion of the

balance of the state lottery account attributable to the lottery game operated to benefit the Pink for Ever fund, after the creation of a reserve in the account sufficient to make other required payments, to be transferred on or before the 15th day of each month to the Pink for Ever fund.

C.S.H.B. 3042 amends the Health and Safety Code to require DSHS to develop and administer a program to award grants to public and nonprofit organizations that provide treatment and support services for breast cancer patients, increase public awareness of breast cancer, or conduct breast cancer research. The bill requires the executive commissioner of the Health and Human Services Commission to adopt rules governing the operation of the grant program and selection of grant recipients, subject to the requirements of the bill's provisions relating to the grant program, and requires DSHS to establish eligibility guidelines and application procedures for the grants awarded. The bill requires an applicant for a grant to submit to DSHS for approval a description of the objectives established by the applicant for the activities funded by the grant, a description of the methods the applicant will use to evaluate the activities funded by the grant to determine if the objectives are met, and any other information requested by the department. The bill requires DSHS to award the grants from the Pink for Ever fund and authorizes the department to solicit and accept gifts and grants from any public or private source for the purposes of the program. The bill requires money accepted by DSHS under provisions of the bill relating to the grant program to be deposited in the Pink for Ever fund and authorizes the department to appoint an advisory committee to assist in the evaluation of applications for the grants. The bill defines "department" for purposes of its provisions relating to the Pink for Ever grant program.

C.S.H.B. 3042 requires the executive commissioner to adopt necessary rules for, and DSHS to establish and implement, the Pink for Ever grant program not later than March 1, 2014.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3042 contains a provision not included in the original authorizing the Texas Lottery Commission to use not more than two percent of the gross revenue accruing from the sale of tickets for the instant-ticket lottery game to benefit the Pink for Ever fund for certain marketing and advertising purposes.

C.S.H.B. 3042 differs from the original by requiring the commission to establish and begin selling tickets to the lottery game not later than March 1, 2014, whereas the original sets that date as March 1, 2012.

C.S.H.B. 3042 differs from the original by requiring the executive commissioner of the Health and Human Services Commission to adopt necessary rules for, and the Department of State Health Services to establish and implement, the Pink for Ever grant program not later than March 1, 2014, whereas the original sets that date as March 1, 2012.

C.S.H.B. 3042 differs from the original by making the bill effective September 1, 2013, whereas the original makes the bill effective on passage or, if the bill does not receive the necessary vote, September 1, 2011.