

By: Kleinschmidt

H.B. No. 3042

A BILL TO BE ENTITLED

AN ACT

relating to the creation of an instant-ticket lottery game with revenue dedicated to providing grants for breast cancer research, education, and patient treatment and support.

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

SECTION 1. Subchapter G, Chapter 403, Government Code, is amended by adding Section 403.110 to read as follows:

Sec. 403.110. PINK FOR EVER FUND. (a) The Pink for Ever fund is a special fund in the state treasury outside the general revenue fund.

(b) The fund is composed of:

(1) gifts and grants contributed to the fund;

(2) earnings on the principal of the fund; and

(3) other amounts deposited to the credit of the fund,

including:

(A) legislative appropriations; and

(B) money deposited under Section 466.355.

(c) Except as provided by Subsection (d), money in the fund may not be appropriated for any purpose other than to fund the Pink for Ever grant program established by Subchapter D, Chapter 86, Health and Safety Code.

(d) A gift or grant to the fund may 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

1 donor or granting entity.

2 (e) Sections 403.095 and 404.071 do not apply to the fund.

3 SECTION 2. Subchapter B, Chapter 466, Government Code, is
4 amended by adding Section 466.028 to read as follows:

5 Sec. 466.028. PINK FOR EVER GAME. (a) The commission shall
6 operate an instant-ticket lottery game to benefit the Pink for Ever
7 fund established by Section 403.110.

8 (b) The commission shall:

9 (1) determine the ticket price, payout amounts for
10 prizes, and manner in which the game is conducted;

11 (2) make tickets to the game available for sale
12 continuously to the extent practicable; and

13 (3) change the design or theme of the game regularly to
14 ensure that the game remains competitive with other instant-ticket
15 lottery games offered by the commission.

16 (c) The commission shall market and advertise the lottery
17 game operated under this section in a manner intended to inform the
18 public that the game tickets are available for purchase and that the
19 game proceeds are used to fund breast cancer research, education,
20 and patient treatment and support. The Department of State Health
21 Services may make recommendations to the commission relating to the
22 marketing and advertising of the game.

23 (d) The commission shall encourage each sales agent that
24 sells tickets to instant-ticket games or similar types of lottery
25 games to sell tickets to the game operated under this section.

26 SECTION 3. Section 466.355(b), Government Code, is amended
27 to read as follows:

1 (b) Money in the state lottery account may be used only for
2 the following purposes and shall be distributed as follows:

3 (1) the payment of prizes to the holders of winning
4 tickets;

5 (2) the payment of costs incurred in the operation and
6 administration of the lottery, including any fees received by a
7 lottery operator, provided that the costs incurred in a fiscal
8 biennium may not exceed an amount equal to 12 percent of the gross
9 revenue accruing from the sale of tickets in that biennium;

10 (3) the establishment of a pooled bond fund, lottery
11 prize reserve fund, unclaimed prize fund, and prize payment
12 account; and

13 (4) the balance, after creation of a reserve
14 sufficient to pay the amounts needed or estimated to be needed under
15 Subdivisions (1) through (3), to be transferred on or before the
16 15th day of each month as follows:

17 (A) the portion of the balance attributable to
18 the lottery game operated under Section 466.027 to the fund for
19 veterans' assistance established by Section 434.017; ~~and~~

20 (B) the portion of the balance attributable to
21 the lottery game operated under Section 466.028 to the Pink for Ever
22 fund established by Section 403.110; and

23 (C) the remainder to the foundation school fund.

24 SECTION 4. Chapter 86, Health and Safety Code, is amended by
25 adding Subchapter D to read as follows:

26 SUBCHAPTER D. PINK FOR EVER GRANT PROGRAM

27 Sec. 86.151. DEFINITION. In this subchapter, "department"

1 means the Department of State Health Services.

2 Sec. 86.152. PINK FOR EVER GRANT PROGRAM. The department
3 shall develop and administer a program to award grants to public and
4 nonprofit organizations that:

5 (1) provide treatment and support services for breast
6 cancer patients;

7 (2) increase public awareness of breast cancer; or

8 (3) conduct breast cancer research.

9 Sec. 86.153. RULES. The executive commissioner of the
10 Health and Human Services Commission shall adopt rules governing
11 the operation of the grant program and selection of grant
12 recipients, subject to the requirements of this subchapter.

13 Sec. 86.154. ELIGIBILITY. The department shall establish
14 eligibility guidelines for the grants awarded under this
15 subchapter.

16 Sec. 86.155. APPLICATIONS. (a) The department shall
17 establish application procedures for the grants awarded under this
18 subchapter.

19 (b) An applicant for a grant under this subchapter shall
20 submit to the department for approval:

21 (1) a description of the objectives established by the
22 applicant for the activities funded by the grant;

23 (2) a description of the methods the applicant will
24 use to evaluate the activities funded by the grant to determine if
25 the objectives are met; and

26 (3) any other information requested by the department.

27 Sec. 86.156. FUNDING. (a) The department shall award

1 grants under this subchapter from the Pink for Ever fund
2 established under Section 403.110, Government Code.

3 (b) The department may solicit and accept gifts and grants
4 from any public or private source for the purposes of this
5 subchapter. Money accepted by the department under this subsection
6 must be deposited in the Pink for Ever fund.

7 Sec. 86.157. ADVISORY COMMITTEE. The department may
8 appoint an advisory committee to assist in the evaluation of
9 applications for grants under this subchapter.

10 SECTION 5. (a) Section 466.355, Government Code, as
11 amended by this Act, applies only to a transfer from the state
12 lottery account made on or after the effective date of this Act.

13 (b) The Texas Lottery Commission shall establish and begin
14 selling tickets to the lottery game as required by Section 466.028,
15 Government Code, as added by this Act, not later than March 1, 2012.

16 (c) Not later than March 1, 2012, the executive commissioner
17 of the Health and Human Services Commission shall adopt necessary
18 rules for, and the Department of State Health Services shall
19 establish and implement, the grant program required under
20 Subchapter D, Chapter 86, Health and Safety Code, as added by this
21 Act.

22 SECTION 6. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2011.