

By: Coleman

H.B. No. 3732

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. Subchapter B, Chapter 102, Health and Safety Code, is amended by adding Section 102.057 to read as follows:

Sec. 102.057. RELATIONSHIP WITH CERTAIN NONPROFIT ENTITIES. An oversight committee member may not serve on the board of directors or other governing board of a nonprofit entity a primary purpose of which is to support the institute.

SECTION 2. Section 102.101(b), Health and Safety Code, is amended to read as follows:

(b) The oversight committee is composed of the following nine [~~11~~] members:

(1) three members appointed by the governor;

(2) three members appointed by the lieutenant governor; and

(3) three members appointed by the speaker of the house of representatives[+]

~~[(4) the comptroller or the comptroller's designee,~~  
~~and~~

~~[(5) the attorney general or the attorney general's designee].~~

SECTION 3. Section 102.104, Health and Safety Code, is amended to read as follows:

1           Sec. 102.104. OFFICERS. (a) The oversight committee shall  
2 elect [~~select~~] a presiding officer and assistant presiding officer  
3 from among its members every two years. The oversight committee may  
4 elect additional officers from among its members.

5           (b) The presiding officer and assistant presiding officer  
6 may not serve more than two years.

7           (c) The oversight committee shall:

8                   (1) establish and approve duties and responsibilities  
9 for officers of the committee; and

10                   (2) develop and implement policies that distinguish  
11 the responsibilities of the oversight committee and the committee's  
12 officers from the responsibilities of the chief executive officer  
13 and the employees of the institute.

14           SECTION 4. Section 102.251, Health and Safety Code, is  
15 amended by amending Subsection (a) and adding Subsections (c) and  
16 (d) to read as follows:

17           (a) The oversight committee shall issue rules regarding the  
18 procedure for awarding grants to an applicant under this chapter.  
19 The rules must include the following procedures:

20                   (1) a research and prevention programs committee shall  
21 score [~~review~~] grant applications and make recommendations to the  
22 oversight committee and the executive director regarding the award  
23 of cancer research grants, including a prioritized list that ranks  
24 the grant applications in the order the committee determines  
25 applications should be funded; and

26                   (2) the executive director shall submit to the  
27 oversight committee a list of grant applications that:

1           (A) includes documentation on the factors the  
2 executive director considered in making the grant recommendations;

3           (B) [~~that~~] is substantially based on the list  
4 submitted by the research and prevention programs committee under  
5 Subdivision (1); and

6           (C) [~~r~~] to the extent possible, gives priority to  
7 proposals that:

8           (i) [~~(A)~~] could lead to immediate or  
9 long-term medical and scientific breakthroughs in the area of  
10 cancer prevention or cures for cancer;

11           (ii) [~~(B)~~] strengthen and enhance  
12 fundamental science in cancer research;

13           (iii) [~~(C)~~] ensure a comprehensive  
14 coordinated approach to cancer research;

15           (iv) [~~(D)~~] are interdisciplinary or  
16 interinstitutional;

17           (v) [~~(E)~~] address federal or other major  
18 research sponsors' priorities in emerging scientific or technology  
19 fields in the area of cancer prevention or cures for cancer;

20           (vi) [~~(F)~~] are matched with funds available  
21 by a private or nonprofit entity and institution or institutions of  
22 higher education;

23           (vii) [~~(G)~~] are collaborative between any  
24 combination of private and nonprofit entities, public or private  
25 agencies or institutions in this state, and public or private  
26 institutions outside this state;

27           (viii) [~~(H)~~] have a demonstrable economic

1 development benefit to this state;

2 (ix) [~~(I)~~] enhance research superiority at  
3 institutions of higher education in this state by creating new  
4 research superiority, attracting existing research superiority  
5 from institutions not located in this state and other research  
6 entities, or enhancing existing research superiority by attracting  
7 from outside this state additional researchers and resources; and

8 (x) [~~(J)~~] expedite innovation and  
9 commercialization, attract, create, or expand private sector  
10 entities that will drive a substantial increase in high-quality  
11 jobs, and increase higher education applied science or technology  
12 research capabilities.

13 (c) The executive director may not discuss a grant applicant  
14 recommendation with a member of the oversight committee unless the  
15 executive director has fulfilled the requirements of Subsection  
16 (a)(2).

17 (d) The institute may not award a grant to an applicant who  
18 has made a gift or grant to the institute or a nonprofit  
19 organization established to provide support to the institute.

20 SECTION 5. Section 102.252, Health and Safety Code, is  
21 amended to read as follows:

22 Sec. 102.252. FUNDING [~~OVERRIDING~~] RECOMMENDATIONS.  
23 Two-thirds of the members of the [~~The~~] oversight committee must  
24 vote to approve [~~follow~~] the funding recommendations of the  
25 executive director [~~in the order the executive director submits~~  
26 ~~the applications to the oversight committee unless two-thirds of~~  
27 ~~the members of the oversight committee vote to disregard a~~

1 ~~recommendation~~].

2 SECTION 6. Sections 102.255(c) and (d), Health and Safety  
3 Code, are amended to read as follows:

4 (c) The contract must:

5 (1) include terms relating to intellectual property  
6 rights consistent with the standards developed by the oversight  
7 committee under Section 102.256;

8 (2) require, in accordance with Subsection (d), the  
9 grant recipient to dedicate an amount of matching funds equal to  
10 one-half of the amount of the grant awarded; and

11 (3) specify:

12 (A) the amount of matching funds to be dedicated  
13 under Subdivision (2);

14 (B) the period in which the grant award must be  
15 spent;

16 (C) the name of the specific project to which  
17 matching funds are to be dedicated; and

18 (D) the specific deliverables of the research  
19 that is the subject of the grant proposal.

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 and dedicate those funds  
24 ~~dedicated~~ to the specific research that is the subject of the  
25 grant request.

26 SECTION 7. Section 102.262, Health and Safety Code, is  
27 amended by adding Subsection (c) to read as follows:

1       (c) The records of the institute and of a nonprofit  
2 organization established to provide support to the institute shall,  
3 to the extent the records pertain specifically to any gift, grant,  
4 or other consideration provided by the organization to the  
5 institute, an employee of the institute, or a member of a committee  
6 of the institute, be made available to the public. A record that is  
7 available under this subsection is public information subject to  
8 Chapter 552, Government Code.

9       SECTION 8. (a) As soon as practicable after the effective  
10 date of this Act, the Cancer Prevention and Research Institute of  
11 Texas Oversight Committee shall adopt the rules necessary to  
12 implement the changes in law made by this Act.

13       (b) The changes in law made by this Act apply only to a grant  
14 application submitted to the Cancer Prevention and Research  
15 Institute of Texas on or after the effective date of this Act. A  
16 grant application submitted before the effective date of this Act  
17 is governed by the law in effect on the date the application was  
18 submitted, and that law is continued in effect for that purpose.

19       (c) Not later than January 1, 2014, employees, oversight  
20 committee members, and members of other committees of the Cancer  
21 Prevention and Research Institute of Texas must comply with the  
22 changes in law made by this Act regarding the qualifications of the  
23 employees and members.

24       SECTION 9. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2013.