

RESOLUTION ANALYSIS

C.S.H.J.R. 135
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Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are few effective treatments or cures for the multitude of mental health and brain diseases and disorders that affect many Americans, including conditions like autism, stroke, depression, schizophrenia, traumatic brain injuries, and substance abuse and addiction. The Meadows Mental Health Policy Institute reports that, in Texas, one in six adults and one in three children suffer from a mental health disorder in a given year. A reported 61 percent of children with depression receive no treatment, while suicide is the second leading cause of death among children ages 10 through 24. These diseases and disorders significantly impact individuals and their families, and the impact to the economy is equally significant. ScienceDaily reports that nine of the most common neurological diseases, including Alzheimer's disease, Parkinson's disease, and epilepsy, cost the nation approximately \$800 billion per year. C.S.H.J.R. 135, as the funding mechanism for C.S.H.B. 15, proposes a constitutional amendment to provide for the establishment of the Mental Health and Brain Research Institute of Texas and the Mental Health and Brain Institute Research Fund. The resolution provides for a dedication of \$3 billion from the general revenue fund to the research fund.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this resolution does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.J.R. 135 proposes an amendment to the Texas Constitution to require the legislature to establish the Mental Health and Brain Research Institute of Texas to award grants to institutions of learning, advanced medical research facilities, public or private persons, and collaborations in Texas to provide funds for the following:

- research into the causes of, means of prevention of, and the treatment, rehabilitation, protocols, and cures for the following:
 - mental health and human brain-related diseases, syndromes, disorders, dysfunctions, and injuries;
 - developmental issues;
 - neurological health issues;
 - behavioral health issues; and
 - substance use disorders and other addictions;
- research into other issues affecting mental health and the human brain, including issues that directly or indirectly affect or are affected by mental health or the brain or brain health, such as the gut microbiome, nutrition, the spinal cord, or the nervous system;

- facilities, equipment, supplies, salaries, benefits, and other costs related to brain research;
- research, including translational research, to develop therapies, protocols, medical pharmaceuticals, or procedures for the cure or substantial mitigation of all types of brain diseases and disorders; and
- prevention programs and strategies to mitigate the incidence of detrimental health impacts on the brain.

Additionally, C.S.H.J.R. 135 requires the legislature to establish the institute to do the following:

- support the institutions of learning, advanced medical research facilities, and collaborations in all stages of the process of the following:
 - discovering the causes of all types of mental and behavioral health issues, human brain-related diseases, syndromes, disorders, dysfunctions, injuries, developmental issues, and neurological health issues;
 - developing therapies, protocols, medical pharmaceuticals, or procedures for the cure or substantial mitigation of mental health and brain diseases and disorders from laboratory research to clinical trials; and
 - developing programs to address access to advanced treatment of mental health and brain diseases or disorders; and
- establish the appropriate standards and oversight bodies to ensure the proper use of funding authorized under the resolution's provisions for brain research and facilities development.

The resolution establishes six-year terms for the members of the governing body and any other decision-making body of the institute.

C.S.H.J.R. 135 establishes the Mental Health and Brain Institute Research Fund as a special fund in the state treasury outside the general revenue fund to be administered by the institute and requires the comptroller of public accounts to transfer \$3 billion from the general revenue fund to the research fund on January 1, 2024. The transfer is not considered an appropriation of state tax revenues for purposes of the constitutional restriction on the rate of growth of appropriations. The resolution's provisions relating to this transfer expire January 1, 2025.

C.S.H.J.R. 135 sets out the following components of the research fund:

- money transferred to the fund by the comptroller;
- money appropriated, credited, or transferred to the fund by the legislature;
- gifts, grants, and other donations received for the fund;
- patent, royalty, and license fees and other income received under a contract entered into by the institute; and
- investment earnings and interest earned on amounts credited to the fund.

C.S.H.J.R. 135 restricts the use of money in the research fund by the institute to funding the following:

- grants in Texas for mental health and brain research, research facilities, and research opportunities in Texas to develop therapies, protocols, medical pharmaceuticals, or procedures for the cure, substantial mitigation, or prevention of brain diseases or disorders;
- grants for the prevention of mental and behavioral health issues, substance use disorders and other addictions, and brain disease and disorder prevention to mitigate the incidence of all types of brain diseases or disorders in humans;
- the purchase, construction, or renovation, subject to approval by the institute, of facilities by or on behalf of a state agency or grant recipient; and
- the operation of the institute.

Before the institute may award such a grant, the recipient of the grant must have an amount of funds equal to one-half the amount of the grant dedicated to the research that is the subject of

the grant request. The resolution requires the reasonable expenses of managing the fund's assets to be paid from the fund.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 7, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.J.R. 135 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the resolution.

The substitute changes the entity responsible for the administration of the research fund from the comptroller, as in the introduced, to the Mental Health and Brain Research Institute of Texas.

The substitute includes a specification absent from the introduced that the research fund is a special fund in the state treasury outside the general revenue fund.

The substitute includes a requirement absent from the introduced for the reasonable expenses of managing the research fund's assets to be paid from the fund.