

1 AN ACT

2 relating to the Cancer Prevention and Research Institute of Texas.

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

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

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

10 SECTION 2. Subchapter B, Chapter 102, Health and Safety  
11 Code, is amended by adding Section 102.056 to read as follows:

12 Sec. 102.056. SALARY. The institute may supplement the  
13 salary of the executive director and other senior institute staff  
14 members. Funding for a salary supplement may come from gifts,  
15 grants, donations, or appropriations.

16 SECTION 3. Section 102.103(a), Health and Safety Code, is  
17 amended to read as follows:

18 (a) Oversight committee members appointed by the governor,  
19 lieutenant governor, and speaker of the house serve staggered  
20 six-year [~~four-year~~] terms, with the terms of three members  
21 expiring on January 31 of each odd-numbered year.

22 SECTION 4. Subchapter C, Chapter 102, Health and Safety  
23 Code, is amended by adding Section 102.108 to read as follows:

24 Sec. 102.108. RULEMAKING AUTHORITY. The oversight

1 committee may adopt rules to administer this chapter.

2 SECTION 5. Section 102.151, Health and Safety Code, is  
3 amended by adding Subsections (a-1) and (d) to read as follows:

4 (a-1) The executive director, with approval by simple  
5 majority of the members of the oversight committee, shall appoint  
6 as members of scientific research and prevention programs  
7 committees experts in the field of cancer research and prevention.

8 (d) A member of a scientific research and prevention  
9 programs committee may receive an honorarium. Subchapter B,  
10 Chapter 2254, Government Code, does not apply to an honorarium made  
11 to a committee member under this chapter.

12 SECTION 6. Section 102.152, Health and Safety Code, is  
13 amended to read as follows:

14 Sec. 102.152. TERMS OF RESEARCH AND PREVENTION PROGRAMS  
15 COMMITTEE MEMBERS. Members of a [the] research and prevention  
16 programs committee serve for [four-year] terms as determined by the  
17 executive director.

18 SECTION 7. The heading to Subchapter D, Chapter 102, Health  
19 and Safety Code, is amended to read as follows:

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

22 SECTION 8. Section 102.153, Health and Safety Code, is  
23 amended to read as follows:

24 Sec. 102.153. EXPENSES. Members of the university advisory  
25 committee or any ad hoc advisory committee appointed under this  
26 subchapter [the research and prevention programs committee] serve  
27 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 9. 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 members:

10 (1) two members appointed by the chancellor of The  
11 University of Texas System to represent:

12 (A) The University of Texas Southwestern Medical  
13 Center at Dallas;

14 (B) The University of Texas Medical Branch at  
15 Galveston;

16 (C) The University of Texas Health Science Center  
17 at Houston;

18 (D) The University of Texas Health Science Center  
19 at San Antonio;

20 (E) The University of Texas Health Center at  
21 Tyler; or

22 (F) The University of Texas M. D. Anderson Cancer  
23 Center;

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

26 (A) The Texas A&M University System Health  
27 Science Center; or

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

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

6                   (4) one member appointed by the chancellor of the  
7 University of Houston System to represent the system;

8                   (5) one member appointed by the chancellor of the  
9 Texas State University System to represent the system;

10                   (6) one member appointed by the chancellor of the  
11 University of North Texas System to represent the system;

12                   (7) one member appointed by the president of Baylor  
13 College of Medicine;

14                   (8) one member appointed by the president of Rice  
15 University; and

16                   (9) members appointed at the executive director's  
17 discretion by the chancellors of other institutions.

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

22                   Sec. 102.155. AD HOC ADVISORY COMMITTEE. (a) The oversight  
23 committee shall create an ad hoc committee of experts to address  
24 childhood cancers. The oversight committee, as necessary, may  
25 create additional ad hoc committees of experts to advise the  
26 oversight committee on issues relating to cancer.

27                   (b) Ad hoc committee members shall serve for a period

1 determined by the oversight committee.

2 Sec. 102.156. CONFLICT OF INTEREST. (a) A member of a  
3 research and prevention programs committee, the university  
4 advisory committee, or any ad hoc committee appointed under this  
5 subchapter shall disclose in writing to the executive director if  
6 the member has an interest in a matter that comes before the  
7 member's committee or has a substantial financial interest in an  
8 entity that has a direct interest in the matter.

9 (b) The member shall recuse himself or herself from the  
10 committee's deliberations and actions on the matter in Subsection  
11 (a) and may not participate in the committee's decision on the  
12 matter.

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

15 (1) is an employee, member, director, or officer of  
16 the entity; or

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

19 SECTION 10. Sections 102.203(c) and (d), Health and Safety  
20 Code, are amended to read as follows:

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

1 (d) Not more than five percent of the money awarded under  
2 this subchapter may be used for facility purchase, construction,  
3 remodel, or renovation purposes during any year. Expenditures of  
4 money awarded under this subchapter for facility purchase,  
5 construction, remodel, or renovation projects must benefit cancer  
6 prevention and research.

7 SECTION 11. Section 102.251, Health and Safety Code, is  
8 amended to read as follows:

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

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

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

25 [~~(b) The ex officio members of the research and prevention~~  
26 ~~programs committee may participate in the review and discussion of~~  
27 ~~grant applications but may not vote on recommendations to the~~

1 ~~oversight committee. In making recommendations to the oversight~~  
2 ~~committee, the research and prevention programs committee shall~~  
3 ~~give] priority to proposals that:~~

4           (A) [~~1~~] could lead to immediate or long-term  
5 medical and scientific breakthroughs in the area of cancer  
6 prevention or cures for cancer;

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

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

11           (D) [~~4~~] are interdisciplinary or  
12 interinstitutional;

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

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

19           (G) [~~7~~] are collaborative between any  
20 combination of private and nonprofit entities, public or private  
21 agencies or institutions in this state, and public or private  
22 institutions outside this state;

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

25           (I) [~~9~~] enhance research superiority at  
26 institutions of higher education in this state by creating new  
27 research superiority, attracting existing research superiority

1 from institutions not located in this state and other research  
2 entities, or enhancing existing research superiority by attracting  
3 from outside this state additional researchers and resources; and  
4 (J) [~~(10)~~] expedite innovation and  
5 commercialization, attract, create, or expand private sector  
6 entities that will drive a substantial increase in high-quality  
7 jobs, and increase higher education applied science or technology  
8 research capabilities.

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

13 SECTION 12. Section 102.252, Health and Safety Code, is  
14 amended to read as follows:

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

22 SECTION 13. Section 102.255(d), Health and Safety Code, is  
23 amended to read as follows:

24 (d) Before the oversight committee may make for cancer  
25 research any grant of any proceeds of the bonds issued under  
26 Subchapter E, the recipient of the grant must have an amount of  
27 funds equal to one-half of the grant dedicated to the research that



1 is the subject of the grant request.

2 SECTION 14. Section 102.260, Health and Safety Code, is  
3 amended to read as follows:

4 Sec. 102.260. GRANT EVALUATION [~~PEER REVIEW~~]. (a) The  
5 oversight [~~research and prevention programs~~] committee shall  
6 require as a condition of a grant that the [~~a peer review progress~~  
7 ~~oversight review of each~~] grant recipient submit to regular  
8 inspection reviews of the grant project by institute staff,  
9 including progress oversight reviews, to ensure compliance with the  
10 terms of the award and to ensure the scientific merit of the  
11 research[~~. The research and prevention programs committee shall~~  
12 ~~report to the oversight committee any recommendations for~~  
13 ~~subsequent actions~~].

14 (b) The executive director shall determine the grant review  
15 process under this section. The executive director may terminate  
16 grants that do not meet contractual obligations.

17 (c) The executive director shall report at least annually to  
18 the oversight committee on the progress and continued merit of each  
19 research program funded by the institute.

20 SECTION 15. Subchapter F, Chapter 102, Health and Safety  
21 Code, is amended by adding Section 102.262 to read as follows:

22 Sec. 102.262. PUBLIC INFORMATION. The following  
23 information is public information and may be disclosed under  
24 Chapter 552, Government Code:

- 25 (1) the applicant's name and address;  
26 (2) the amount of funding applied for;  
27 (3) the type of cancer to be addressed under the

1 proposal; and

2 (4) any other information designated by the institute  
3 with the consent of the grant applicant.

4 SECTION 16. Sections 102.151(a) and (c), Health and Safety  
5 Code, are repealed.

6 SECTION 17. Not later than December 1, 2009, the governor,  
7 lieutenant governor, and speaker of the house of representatives  
8 each shall designate one member of the Cancer Prevention and  
9 Research Institute of Texas Oversight Committee appointed by that  
10 person to serve a term expiring January 31, 2011, one member  
11 appointed by that person to serve a term expiring January 31, 2013,  
12 and one member appointed by that person to serve a term expiring  
13 January 31, 2015.

14 SECTION 18. This Act takes effect immediately if it  
15 receives a vote of two-thirds of all the members elected to each  
16 house, as provided by Section 39, Article III, Texas Constitution.  
17 If this Act does not receive the vote necessary for immediate  
18 effect, this Act takes effect September 1, 2009.

Rand Newkirk

President of the Senate

John Strawn

Speaker of the House

I certify that H.B. No. 1358 was passed by the House on May 7, 2009, by the following vote: Yeas 141, Nays 2, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 1358 was passed by the Senate on May 21, 2009, by the following vote: Yeas 30, Nays 0.

Patsy Spaw

Secretary of the Senate

APPROVED: 19 JUN '09

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE

2:11 O'CLOCK

JUN 19 2009

Coly Shorter III