CHAPTER 367
H.B. No. 1345
AN ACT relating to titles by which certain officers of a defense base development authority may be known.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 379B.007, Local Government Code, is amended by amending Subsection (f) and adding Subsection (f-1) to read as follows:

(f) The members of the board shall elect from its membership:

(1) a president and vice president or a chairperson and vice chairperson; and

(2) a secretary and a treasurer.

(f-1) The board by rule may provide for the election of other officers.

SECTION 2. Section 379B.0085(a), Local Government Code, is amended to read as follows:

(a) As an exception to Chapter 551, Government Code, and other law, if the chairperson, president, vice chairperson, or vice president of a board, or chairperson or vice chairperson of a board committee, is physically present at a meeting of the board or committee, any number of the other members of the board or committee may attend the meeting by use of telephone conference call, video conference call, or other similar telecommunication device. This subsection applies for purposes of constituting a quorum, for purposes of voting, and for any other purpose allowing a board or committee member to otherwise fully participate in any board or committee meeting. This subsection applies without exception with regard to the subject of the meeting or topics considered by the members.

SECTION 3. This Act takes effect September 1, 2009.

Passed by the House on April 9, 2009: Yeas 148, Nays 0, 1 present, not voting; passed by the Senate on May 21, 2009: Yeas 31, Nays 0.
Approved June 19, 2009.
Effective September 1, 2009.

CHAPTER 368
H.B. No. 1358
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. Section 102.001(3), Health and Safety Code, is amended to read as follows:

(3) “Research and prevention programs committee” means the Cancer Prevention and Research Institute of Texas Scientific Research and Prevention Programs committees appointed by the executive director (Committee).

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

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

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

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

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

Sec. 102.108. RULEMAKING AUTHORITY. The oversight committee may adopt rules to administer this chapter.

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

(a–i) The executive director, with approval by simple majority of the members of the oversight committee, shall appoint as members of scientific research and prevention programs committees experts in the field of cancer research and prevention.

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

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

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

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

SUBCHAPTER D. COMMITTEES [RESEARCH AND PREVENTION PROGRAMS COMMITTEE]

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

Sec. 102.153. EXPENSES. Members of the university advisory committee or any ad hoc advisory committee appointed under this subchapter [the research and prevention programs committee] serve without compensation but are entitled to reimbursement for actual and necessary expenses in attending meetings of the committee or performing other official duties authorized by the presiding officer.

SECTION 9. Subchapter D, Chapter 102, Health and Safety Code, is amended by adding Sections 102.154, 102.155, and 102.156 to read as follows:

Sec. 102.154. UNIVERSITY ADVISORY COMMITTEE. (a) The Cancer Prevention and Research Institute of Texas University Advisory Committee is composed of the following members:

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

(A) The University of Texas Southwestern Medical Center at Dallas;
(B) The University of Texas Medical Branch at Galveston;
(C) The University of Texas Health Science Center at Houston;
(D) The University of Texas Health Science Center at San Antonio;
(E) The University of Texas Health Center at Tyler, or
(F) The University of Texas M. D. Anderson Cancer Center;

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

(A) The Texas A&M University System Health Science Center; or
(B) the teaching hospital for The Texas A&M Health Science Center College of Medicine;

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

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

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

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

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

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

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

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

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

(b) Ad hoc committee members shall serve for a period determined by the oversight committee.

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

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

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

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

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

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

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

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

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

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

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

(2) the executive director shall submit to the oversight committee a list of grant applications that is substantially based on the list submitted by the committee under Subdivision (1) and, to the extent possible, gives... trials.

(b) The ex officio members of the research and prevention programs committee may participate in the review and discussion of grant applications but may not vote on recommendations to the oversight committee. In making recommendations to the oversight committee, the research and prevention programs committee shall give priority to proposals that:

(A) could lead to immediate or long-term medical and scientific breakthroughs in the area of cancer prevention or cures for cancer;

(B) strengthen and enhance fundamental science in cancer research;

(C) ensure a comprehensive coordinated approach to cancer research;

(D) are interdisciplinary or interinstitutional;

(E) address federal or other major research sponsors’ priorities in emerging scientific or technology fields in the area of cancer prevention or cures for cancer;

(F) are matched with funds available by a private or nonprofit entity and institution or institutions of higher education;

(G) are collaborative between any combination of private and nonprofit entities, public or private agencies or institutions in this state, and public or private institutions outside this state;

(H) have a demonstrable economic development benefit to this state;

(I) enhance research superiority at institutions of higher education in this state by creating new research superiority, attracting existing research superiority from institutions not located in this state and other research entities, or enhancing existing research superiority by attracting from outside this state additional researchers and resources; and

(J) expedite innovation and commercialization, attract, create, or expand private sector entities that will drive a substantial increase in high-quality jobs, and increase higher education applied science or technology research capabilities.

(b) A member of the research and prevention programs committee may not attempt to use the committee member’s official position to influence a decision to approve or award a grant or contract to the committee member’s employer.

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

Sec. 102.252. OVERRIDING RECOMMENDATIONS. The oversight committee must follow the funding recommendations of the executive director in the order the executive director submits the applications to the oversight committee (research and prevention programs committee) unless two-thirds of the members of the oversight committee vote to disregard a recommendation.

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

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

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

Sec. 102.260. GRANT EVALUATION PEER REVIEW. (a) The oversight (research and prevention programs) committee shall require as a condition of a grant that the (peer review progress oversight review of each) grant recipient submit to regular inspection reviews of the grant project by institute staff, including progress oversight reviews, to ensure compliance with the terms of the award and to ensure the scientific merit of the research.[The research and prevention programs committee shall report to the oversight committee any recommendations for subsequent actions].
(b) The executive director shall determine the grant review process under this section. The executive director may terminate grants that do not meet contractual obligations.

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

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

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

1. the applicant's name and address;
2. the amount of funding applied for;
3. the type of cancer to be addressed under the proposal; and
4. any other information designated by the institute with the consent of the grant applicant.

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

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

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

Passed by the House on May 7, 2009: Yeas 141, Nays 2, 1 present, not voting; passed by the Senate on May 21, 2009: Yeas 30, Nays 0.

Approved June 19, 2009.


CHAPTER 369

H.B. No. 1362

AN ACT

relating to the pilot program for reporting of methicillin-resistant Staphylococcus aureus infections.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 81.0445, Health and Safety Code, is amended to read as follows:

Sec. 81.0445. MRSA REPORTING PROCEDURES PILOT PROGRAM. (a) The executive commissioner of the Health and Human Services Commission by rule shall develop and the department shall establish a pilot program to research and implement procedures for reporting cases of methicillin-resistant Staphylococcus aureus (MRSA) infection. A health authority shall not be required to participate in the pilot program.

(b) A health authority that participates in the pilot program shall administer the program locally and report to the department as required by this section. The department shall select to administer the program a health authority that:

[(1) demonstrates an interest in hosting the program; and
(2) possesses adequate resources to administer the program successfully.]

(c) The pilot program must:

(1) require all clinical laboratories, including hospital laboratories and clinical reference laboratories, within the area served by each the health authority participating in the pilot