

BILL ANALYSIS

Senate Research Center
76R817 SMH-D

S.B. 350
By: Madla
Health Services
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As Filed

DIGEST

Under the 69th Legislature, the Texas Cancer Council (council) was created to act as leader in coordinating partnerships between cancer prevention, detection, and treatment agencies and organizations. The council is responsible for developing, implementing, and promoting the Texas Cancer Plan, a comprehensive, statewide strategy for addressing cancer control in Texas. The council also grants funds to public or private entities that conduct cancer control efforts. The council is subject to the Sunset Advisory Act and will be abolished on September 1, 1999, unless continued by the Legislature. S.B. 350 continues the council for a 12-year period, and would make statutory modifications recommended by the Sunset Advisory Commission.

PURPOSE

As proposed, S.B. 350 continues the Texas Cancer Council, and sets forth modifications made by the Sunset Advisory Commission.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 102.003, 102.004, and 102.0041, Health and Safety Code, as follows:

Sec. 102.003. SUNSET PROVISION. Provides that the Texas Cancer Council (council) is abolished and this chapter expires September 1, 2011, rather than 1999.

Sec. 102.004. COMPOSITION OF COUNCIL. Provides that the council is composed of a representative appointed by the chairman, who serves as an ex officio nonvoting member; one representative of a licensed health care facility, rather than public or private hospital; a licensed health care professional active in the treatment or control of cancer, other than a physician, appointed by the governor, one by the lieutenant governor, and one by the speaker of the house of representatives. Provides that in making appointments to the council, the governor, lieutenant governor, and speaker of the house of representatives should attempt to include cancer survivors and family members of cancer patients if possible. Deletes text requiring a member of the house of representatives, senate, and chairman of the Texas Board of Human Services to be appointed to the council. Makes conforming changes.

Sec. 102.0041. New heading: QUALIFICATIONS OF COUNCIL MEMBERS AND EMPLOYEES. Defines "Texas trade association." Adds standard language developed by the Sunset Advisory Commission regarding qualifications of council members and employees.

SECTION 2. Amends Section 102.005(a), Health and Safety Code, to provide that except for the ex officio member of the council, rather than a member of the legislature or a representative of a state agency, council members serve staggered terms, with the terms of five, rather than four, members expiring February 1 of each even-numbered year.

SECTION 3. Amends Sections 102.006 and 102.008, Health and Safety Code, as follows:

Sec. 102.006. OFFICERS. Adds standard language developed by the Sunset Advisory Commission regarding officers.

Sec. 102.008. MEETINGS. Adds standard language developed by the Sunset Advisory Commission regarding meetings.

SECTION 4. Amends Chapter 102, Health and Safety Code, by adding Sections 102.011 and 102.013-102.016, as follows:

Sec. 102.011. STANDARDS OF CONDUCT. Adds standard language developed by the Sunset Advisory Commission regarding standards of conduct.

Sec. 102.013. TRAINING. Adds standard language developed by the Sunset Advisory Commission regarding training.

Sec. 102.014. SEPARATION OF RESPONSIBILITIES. Adds standard language developed by the Sunset Advisory Commission regarding separation of responsibilities.

Sec. 102.015. COMPLAINTS. Adds standard language developed by the Sunset Advisory Commission regarding complaints.

Sec. 102.016. EQUAL EMPLOYMENT OPPORTUNITY. Adds standard language developed by the Sunset Advisory Commission regarding equal employment opportunity.

SECTION 5. (a) Sets forth the membership positions for the council, which will be abolished on the effective date of this Act.

(b) Requires the governor, speaker of the house of representatives, and lieutenant governor to each appoint a licensed health care professional active in the treatment or control of cancer, other than a physician, to the council for terms expiring February 1, 2000, 2002, and 2004, respectively.

(c) Makes application of this Act prospective. Provides that this Act does not prohibit a person who is a member of the council on the effective date of this Act from being reappointed if the person has all the qualifications.

SECTION 6. Effective date: September 1, 1999.

SECTION 7. Emergency clause.