

CHAPTER 5

S.B. No. 53

An Act relating to the establishment, powers, and duties of the Texas Cancer Council and the duties and powers of the Texas Department of Health in relation to the council.

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

SECTION 1. DEFINITIONS. In this Act:

- (1) "Board" means the Texas Board of Health.
- (2) "Council" means the Texas Cancer Council.
- (3) "Department" means the Texas Department of Health.

SECTION 2. TEXAS CANCER COUNCIL. (a) The Texas Cancer Council is established to develop and implement the Texas Cancer Plan.

(b) The Texas Cancer Council is composed of 16 members and consists of:

- (1) one member of the house of representatives, appointed by the speaker of the house;
- (2) one member of the senate, appointed by the lieutenant governor;
- (3) the chairman of the Texas Board of Human Resources or a representative appointed by the chairman;

- (4) the chairman of the Texas Board of Health or a representative appointed by the chairman;
- (5) two physicians active in the treatment of cancer, appointed by the speaker of the house of representatives;
- (6) two physicians active in the treatment of cancer, appointed by the lieutenant governor;
- (7) a representative of a voluntary health organization interested in cancer, appointed by the speaker of the house;
- (8) a representative of a voluntary health organization interested in cancer, appointed by the lieutenant governor;
- (9) a representative of a public or private hospital that treats a significant number of cancer patients, appointed by the speaker of the house;
- (10) a representative of a public or private hospital that treats a significant number of cancer patients, appointed by the lieutenant governor;
- (11) two members of the general public, appointed by the speaker of the house; and
- (12) two members of the general public, appointed by the lieutenant governor.

(c) Except for the members of the legislature and the representatives of the state agencies, council members serve for staggered terms of six years with the terms of four members expiring on February 1 of each even-numbered year. If a vacancy occurs, the appropriate appointing authority shall appoint a person to serve for the remainder of the unexpired term in the same manner as the original appointment.

(d) The speaker of the house shall appoint one member as chairman. The lieutenant governor shall appoint one member as vice-chairman.

(e) Members of the council receive no compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing their duties. The members of the legislature shall be reimbursed from the appropriate fund of the legislature. A representative of a state agency shall be reimbursed from the funds of the agency. Other members shall be reimbursed from council funds.

SECTION 3. APPLICATION OF SUNSET ACT. The Texas Cancer Council is subject to the Texas Sunset Act (Article 5429k, Vernon's Texas Civil Statutes). Unless continued in existence as provided by that Act, the council is abolished and this Act expires September 1, 1997.

SECTION 4. MEETINGS. The council shall meet at the call of the chairman.

SECTION 5. POWERS AND DUTIES OF COUNCIL. (a) The council is administratively attached to the Texas Department of Health.

(b) The council shall:

- (1) work in cooperation and coordination with the Legislative Task Force on Cancer in Texas during its existence to implement the Texas Cancer Plan;
- (2) continually monitor, revise, and update the Texas Cancer Plan as necessary;
- (3) promote the development and coordination of effective and efficient statewide public and private policies, programs, and services for persons with cancer;
- (4) encourage cooperative, comprehensive, and complementary planning among the public, private, and volunteer sectors involved in cancer research, prevention, and treatment; and
- (5) coordinate administrative responsibilities with the department to avoid unnecessary duplication of facilities and services.

(c) The council may:

- (1) employ an executive director and secretary;
- (2) appoint advisory committees necessary to implement the Texas Cancer Plan and employ necessary staff to provide administrative support;
- (3) monitor contracts and agreements for cancer programs authorized by this Act;
- (4) conduct necessary studies and surveys;
- (5) accept, transfer, and expend, through the department, funds made available by the federal or state government or by any other public or private source, subject to limitations and conditions prescribed by legislative appropriation; and
- (6) use the existing staff of an appointed official or agency to assist the council in performing its duties under this Act.

SECTION 6. GRANT REQUESTS. (a) If funds are available, the council may establish a grant program to provide funds to public or private persons to implement the Texas Cancer Plan.

(b) The council shall adopt rules governing the submission, approval, and cancellation of grants that are consistent with board rules.

(c) A person who is awarded a grant must execute an interagency agreement or a contract with the department. The contract must require the person receiving the grant to perform the services as stated in the approved grant request. The contract shall contain appropriate provisions for program and fiscal monitoring. The department may not take an action that affects or relates to the validity, status, or terms of an interagency agreement or a contract without the council's approval.

SECTION 7. DUTIES AND POWERS OF DEPARTMENT. (a) The department shall:

- (1) provide administrative assistance to the council at the council's request;
- (2) coordinate administrative responsibilities with the council to avoid unnecessary duplication of facilities and services;
- (3) submit the council's budget request to the legislature at the council's request; and
- (4) disburse funds made available to the council at the direction of the council.

(b) The department may:

- (1) apply for and receive on behalf of the council any appropriation, donation, contribution, or other funds from the state or federal government or any other public or private source subject to limitations and conditions prescribed by legislative appropriation; and
- (2) provide the council with other administrative services and material as needed.

SECTION 8. REPORT TO LEGISLATURE. The council shall submit a report to the legislature and to the Texas Health and Human Services Coordinating Council not later than January 31 of each odd-numbered year.

SECTION 9. INITIAL APPOINTMENTS. On the effective date of this Act, the speaker of the house of representatives and the lieutenant governor shall appoint the members of the council. The speaker of the house and lieutenant governor shall each designate two members for terms expiring February 1, 1988, two members for terms expiring February 1, 1990, and two members for terms expiring February 1, 1992.

SECTION 10. EFFECTIVE DATE. This Act takes effect September 1, 1985.

SECTION 11. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on February 13, 1985, by a viva-voce vote; and that the Senate concurred in House amendment on February 28, 1985, by a viva-voce vote; passed the House, with amendment, on February 28, 1985, by a non-record vote.

Approved: March 14, 1985

Effective: September 1, 1985