

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Mental Health and Brain Research Institute of Texas.

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

SECTION 1. Subtitle H, Title 3, Education Code, is amended by adding Chapter 157 to read as follows:

CHAPTER 157. MENTAL HEALTH AND BRAIN RESEARCH INSTITUTE OF

TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 157.001. DEFINITIONS. In this chapter:

(1) "Institute" means the Mental Health and Brain Research Institute of Texas.

(2) "Oversight committee" means the Mental Health and Brain Research Institute of Texas Oversight Committee.

(3) "Peer review committee" means the Mental Health and Brain Research Institute of Texas Peer Review Committee.

(4) "Program integration committee" means the Mental Health and Brain Research Institute of Texas Program Integration Committee.

(5) "Research plan" means the Texas Mental Health and Brain Health Research Plan developed by the institute.

Sec. 157.002. PURPOSES. The Mental Health and Brain Research Institute of Texas is established to:

(1) create and expedite innovation in mental health and

1 brain research to improve the health of residents of this state,
2 enhance the potential for a medical or scientific breakthrough in
3 mental health and brain-related sciences and biomedical research,
4 and enhance the mental health and brain research superiority of
5 this state;

6 (2) attract, create, or expand research capabilities of
7 eligible institutions of higher education and other public or
8 private entities by awarding grants to promote a substantial
9 increase in mental health and brain research, strategies for
10 prevention of brain-related diseases, brain health initiatives,
11 and the creation of high-quality jobs in this state; and

12 (3) develop and implement a research plan to foster
13 synergistic collaboration and investigation into mental health and
14 brain health research by eligible institutions of higher education
15 and their partners.

16 Sec. 157.003. STATE AUDITOR. Nothing in this chapter limits
17 the authority of the state auditor under Chapter 321, Government
18 Code, or other law.

19 SUBCHAPTER B. POWERS AND DUTIES OF INSTITUTE

20 Sec. 157.051. POWERS AND DUTIES. (a) The institute:

21 (1) may make grants to provide money to institutions of
22 learning, advanced medical research facilities, public and private
23 persons, and collaborations in this state to further the purposes
24 of this chapter, including:

25 (A) implementation of the research plan;

26 (B) research, such as translational and clinical
27 research into:

1 (i) the causes of and prevention, treatment,
2 rehabilitation, protocols, and cures for mental health and human
3 brain-related diseases, syndromes, disorders, dysfunction,
4 injuries, developmental issues, neurological health issues,
5 behavioral health issues, and substance abuse disorders and other
6 addictions; and

7 (ii) any other area impacting the brain,
8 including an area that directly or indirectly impacts or is
9 impacted by the brain or brain health, such as the gut microbiome,
10 nutrition, and the spinal cord or nervous system, that the peer
11 review committee and the oversight committee approve;

12 (C) providing money for facilities, equipment,
13 supplies, salaries, benefits, and other costs related to mental
14 health and brain research; and

15 (D) prevention programs and strategies to mitigate
16 the incidence of detrimental health impacts on the brain;

17 (2) shall collaborate with relevant state agencies,
18 coordinating councils, and consortiums to enhance mental health
19 and brain-related health care and research;

20 (3) shall establish the appropriate standards and
21 oversight bodies to ensure money authorized under this chapter is
22 properly used for the purposes of this chapter;

23 (4) shall employ necessary staff to provide
24 administrative support to the institute;

25 (5) may contract with another state agency to share the
26 cost of administrative services, including grant accounting, grant
27 monitoring, technical and document management of the grant

1 application review process, legal services, and compliance
2 services;

3 (6) shall monitor grant contracts authorized by this
4 chapter and ensure that each grant recipient complies with the
5 terms and conditions of the grant contract;

6 (7) shall ensure that all grant proposals comply with
7 this chapter and rules adopted under this chapter before the
8 proposals are submitted to the oversight committee for approval;

9 (8) shall establish procedures to document that the
10 institute, its employees, and its committee members appointed
11 under this chapter comply with all laws and rules governing the
12 peer review process and conflicts of interest; and

13 (9) shall create a statewide research and clinical data
14 registry for brain research.

15 (b) The institute shall implement and monitor the research
16 plan and revise the plan as necessary.

17 Sec. 157.052. CHIEF EXECUTIVE OFFICER; CHIEF COMPLIANCE
18 OFFICER; ADDITIONAL OFFICERS. (a) The oversight committee shall
19 hire a chief executive officer. The chief executive officer shall
20 perform the duties required by this chapter or designated by the
21 oversight committee. The chief executive officer must have a
22 demonstrated ability to lead and develop academic, commercial, and
23 governmental partnerships and coalitions.

24 (b) The institute shall employ a chief compliance officer to
25 monitor compliance with this chapter and rules adopted under this
26 chapter and to report incidents of noncompliance to the oversight
27 committee.

1 (c) The chief executive officer may hire any other officer
2 position the chief executive officer determines necessary for
3 efficient operation of the institute.

4 Sec. 157.053. ANNUAL PUBLIC REPORT; INTERNET POSTING. Not
5 later than January 31 of each year, the institute shall prepare
6 and submit to the governor, the lieutenant governor, the speaker
7 of the house of representatives, and the standing committee of
8 each house of the legislature with primary jurisdiction over
9 institute matters and post on the institute's Internet website a
10 report that outlines:

11 (1) the institute's activities under this chapter;

12 (2) a list of recipients that were awarded grants
13 during the preceding state fiscal year, including the grant amount
14 awarded to each recipient;

15 (3) any research accomplishments achieved during the
16 preceding state fiscal year by a grant recipient or the recipient's
17 partners;

18 (4) an overview summary of the institute's most recent
19 audited financial statement;

20 (5) an assessment of the relationship between the
21 institute's grants and the strategy of its research program;

22 (6) a statement of the institute's strategic research
23 plans;

24 (7) an estimate of the financial cost to this state of
25 brain disease during the most recent state fiscal year for which
26 data is available, including the amounts this state spent related
27 to brain disease through the Medicaid program, the Teacher

1 Retirement System of Texas, and the Employees Retirement System of
2 Texas;

3 (8) a statement of the institute's compliance program
4 activities, including any proposed legislation or other
5 recommendations identified through the activities;

6 (9) for the preceding state fiscal year:

7 (A) a list of any conflicts of interest that
8 require recusal under this chapter or rules adopted under this
9 chapter;

10 (B) any unreported conflicts of interest confirmed
11 by an investigation conducted under Section 157.254, including any
12 actions taken by the institute regarding an unreported conflict of
13 interest and subsequent investigation; and

14 (C) any waivers granted through the process
15 established under Section 157.253; and

16 (10) the institute's future direction.

17 Sec. 157.054. INDEPENDENT FINANCIAL AUDIT. (a) The
18 institute shall annually commission an independent financial audit
19 of its activities from a certified public accounting firm.

20 (b) The oversight committee shall review the annual
21 financial audit and the financial practices of the institute.

22 Sec. 157.055. GRANT RECORDS. (a) The institute shall
23 maintain complete records of:

24 (1) regardless of whether the grant application is
25 funded by the institute or is withdrawn after submission to the
26 institute, the review of each grant application submitted to the
27 institute, including the score assigned to each grant application

1 reviewed by the peer review committee in accordance with rules
2 adopted under Section 157.302;

3 (2) each grant recipient's financial reports, including
4 the amount of matching money dedicated to the research specified
5 for the grant award;

6 (3) each grant recipient's progress reports;

7 (4) for the purpose of determining any conflict of
8 interest, the identity of each principal investor and owner of
9 each grant recipient as provided by institute rules; and

10 (5) the institute's review of the grant recipient's
11 financial reports and progress reports.

12 (b) The institute shall keep the records described by
13 Subsection (a) until at least the 15th anniversary of the date the
14 record was issued.

15 (c) The institute shall have prepared periodic audits of any
16 electronic grant management system used to maintain records of
17 grant applications and grant awards under this section. The
18 institute shall timely address each weakness identified in an audit
19 of the system.

20 Sec. 157.056. GIFTS AND GRANTS. The institute may solicit
21 and accept gifts and grants from any source for the purposes of
22 this chapter.

23 Sec. 157.057. PROHIBITED OFFICE LOCATION. An institute
24 employee may not have an office located in a facility owned by an
25 entity receiving or applying to receive money from the institute.

26 Sec. 157.058. COMPLIANCE PROGRAM. (a) The institute shall
27 establish a compliance program that operates under the direction

1 of the institute's chief compliance officer to monitor compliance
2 with this chapter and rules adopted under this chapter and to use
3 to report incidents of noncompliance to the oversight committee.

4 (b) The chief compliance officer or designee shall attend
5 and observe meetings of the peer review committee and the program
6 integration committee to ensure compliance with this chapter and
7 rules adopted under this chapter.

8 (c) The chief compliance officer shall submit a written
9 report to the oversight committee confirming that each grant
10 application recommendation included on the list submitted by the
11 program integration committee under Section 157.302(a)(2) followed
12 the oversight committee's rules regarding the procedure for
13 awarding grants under this chapter. The report must contain all
14 relevant information on:

15 (1) the peer review process for the grant application;

16 (2) the application's peer review score assigned by the
17 peer review committee;

18 (3) adherence to the conflict-of-interest notification
19 and recusal process; and

20 (4) the confirmation that a grant applicant recommended
21 for approval did not make any gift or grant prohibited by Section
22 157.302(f).

23 (d) To ensure each grant recipient complies with reporting
24 requirements included in the grant contract and the rules adopted
25 under this chapter, the institute shall implement a system to:

26 (1) track the dates on which grant recipient reports
27 are due and are received by the institute; and

1 (2) monitor the status of any required report that a
2 grant recipient does not timely submit to the institute.

3 (e) The chief compliance officer shall:

4 (1) monitor compliance with this section;

5 (2) inquire into and monitor the status of any required
6 report that a grant recipient does not timely submit to the
7 institute; and

8 (3) notify the general counsel of the institute and the
9 oversight committee of a grant recipient that has not complied
10 with the reporting requirements of the grant contract to allow the
11 institute to suspend or terminate the grant contract as warranted.

12 (f) The chief compliance officer shall establish procedures
13 for investigating allegations of fraud, waste, or abuse of state
14 resources against oversight committee members, institute employees
15 or contractors, grant applicants, or grant recipients. The
16 procedures must include:

17 (1) private access to the compliance program office,
18 such as a telephone hotline; and

19 (2) to the extent possible, preservation of the
20 confidentiality of communications and the anonymity of a person
21 submitting a compliance report related to fraud, waste, or abuse
22 or participating in a compliance investigation.

23 SUBCHAPTER C. OVERSIGHT COMMITTEE

24 Sec. 157.101. COMPOSITION OF OVERSIGHT COMMITTEE. (a) The
25 oversight committee is the governing body of the institute.

26 (b) The oversight committee is composed of the following
27 nine members:

1 (1) three members appointed by the governor;
2 (2) three members appointed by the lieutenant governor;
3 and
4 (3) three members appointed by the speaker of the house
5 of representatives.

6 (c) The oversight committee members must represent the
7 geographic and cultural diversity of this state.

8 (d) In making appointments to the oversight committee, the
9 governor, lieutenant governor, and speaker of the house of
10 representatives:

11 (1) must each appoint at least one person who is a
12 physician or a scientist with extensive experience in the field of
13 brain disease or public health; and

14 (2) should attempt to include persons affected by brain
15 disease or family members or caregivers of brain disease patients
16 if possible.

17 (e) A person may not be an oversight committee member if the
18 person or the person's spouse:

19 (1) is employed by or participates in the management of
20 a business entity or other organization receiving money from the
21 institute;

22 (2) owns or controls, directly or indirectly, an
23 interest in a business entity or other organization receiving money
24 from the institute; or

25 (3) uses or receives a substantial amount of tangible
26 goods, services, or money from the institute, other than
27 reimbursement authorized by this chapter for oversight committee

1 membership, attendance, or expenses.

2 Sec. 157.102. REMOVAL. (a) It is a ground for removal from
3 the oversight committee that a member:

4 (1) is ineligible for membership under Section
5 157.101(e);

6 (2) cannot, because of illness or disability, discharge
7 the member's duties for a substantial part of the member's term;
8 or

9 (3) is absent from more than half of the regularly
10 scheduled oversight committee meetings that the member is eligible
11 to attend during a calendar year without an excuse approved by a
12 majority vote of the committee.

13 (b) The validity of an action of the oversight committee is
14 not affected by the fact that it is taken when a ground for removal
15 of a committee member exists.

16 (c) If the chief executive officer has knowledge that a
17 potential ground for removal exists, the chief executive officer
18 shall notify the presiding officer of the oversight committee of
19 the potential ground. The presiding officer shall then notify the
20 appointing authority and the attorney general that a potential
21 ground for removal exists. If the potential ground for removal
22 involves the presiding officer, the chief executive officer shall
23 notify the next highest ranking officer of the oversight committee,
24 who shall then notify the appointing authority and the attorney
25 general that a potential ground for removal exists.

26 Sec. 157.103. TERMS; VACANCY. (a) Oversight committee
27 members appointed by the governor, lieutenant governor, and

1 speaker of the house serve at the pleasure of the appointing
2 official for staggered six-year terms, with the terms of three
3 members expiring on January 31 of each odd-numbered year.

4 (b) If a vacancy occurs on the oversight committee, the
5 appropriate appointing official shall appoint a successor in the
6 same manner as the original appointment to serve for the remainder
7 of the unexpired term. The appropriate appointing official shall
8 appoint the successor not later than the 30th day after the date
9 the vacancy occurs.

10 Sec. 157.104. OFFICERS. (a) The oversight committee shall
11 elect a presiding officer and assistant presiding officer from
12 among its members every two years. The oversight committee may
13 elect additional officers from among its members.

14 (b) The presiding officer and assistant presiding officer
15 may not serve in the position to which the officer was elected for
16 consecutive terms.

17 (c) The oversight committee shall:

18 (1) establish and approve duties and responsibilities
19 for officers of the committee; and

20 (2) develop and implement policies that distinguish the
21 responsibilities of the oversight committee and the committee's
22 officers from the responsibilities of the chief executive officer
23 and institute employees.

24 Sec. 157.105. EXPENSES. An oversight committee member is
25 not entitled to compensation but is entitled to reimbursement for
26 actual and necessary expenses incurred in attending meetings of
27 the committee or performing other official duties authorized by

1 the presiding officer.

2 Sec. 157.106. MEETINGS. (a) The oversight committee shall
3 hold at least one public meeting each quarter of the calendar year,
4 with appropriate notice and a formal public comment period.

5 (b) The oversight committee may conduct a closed meeting in
6 accordance with Subchapter E, Chapter 551, Government Code, to
7 discuss issues related to:

8 (1) managing, acquiring, or selling securities or other
9 revenue-sharing obligations realized under the standards
10 established as required by Section 157.305; and

11 (2) an ongoing compliance investigation into issues
12 related to fraud, waste, or abuse of state resources.

13 Sec. 157.107. POWERS AND DUTIES. (a) The oversight
14 committee shall:

15 (1) hire a chief executive officer;

16 (2) annually set priorities for each grant program that
17 receives money under this chapter; and

18 (3) consider the priorities set under Subdivision (2)
19 in awarding grants under this chapter.

20 (b) The oversight committee shall adopt a code of conduct
21 applicable to each oversight committee member, program integration
22 committee member, peer review committee member, and institute
23 employee that includes provisions prohibiting the member, the
24 employee, or the member's or employee's spouse from:

25 (1) accepting or soliciting any gift, favor, or service
26 that could reasonably influence the member or employee in the
27 discharge of official duties or that the member, employee, or

1 spouse knows or should know is being offered with the intent to
2 influence the member's or employee's official conduct;

3 (2) accepting employment or engaging in any business or
4 professional activity that would reasonably require or induce the
5 member or employee to disclose confidential information acquired
6 in the member's or employee's official position;

7 (3) accepting other employment or compensation that
8 could reasonably impair the member's or employee's independent
9 judgment in the performance of official duties;

10 (4) making personal investments or holding a financial
11 interest that could reasonably create a substantial conflict
12 between the member's or employee's private interest and the
13 member's or employee's official duties;

14 (5) intentionally or knowingly soliciting, accepting,
15 or agreeing to accept any benefit for exercising the member's
16 official powers or performing the member's or employee's official
17 duties in favor of another;

18 (6) leasing, directly or indirectly, any property,
19 capital equipment, employee, or service to any entity that receives
20 a grant from the institute;

21 (7) submitting a grant application for funding by the
22 institute;

23 (8) serving on the board of directors of an
24 organization established with a grant from the institute; or

25 (9) serving on the board of directors of a grant
26 recipient.

27 Sec. 157.108. RULEMAKING AUTHORITY. The oversight committee

1 may adopt rules to administer this chapter.

2 Sec. 157.109. FINANCIAL STATEMENT REQUIRED. Each oversight
3 committee member shall file with the chief compliance officer a
4 verified financial statement complying with Sections 572.022
5 through 572.0252, Government Code, as required of a state officer
6 by Section 572.021, Government Code.

7 SUBCHAPTER D. OTHER INSTITUTE COMMITTEES

8 Sec. 157.151. PEER REVIEW COMMITTEE. (a) The oversight
9 committee shall establish a peer review committee. The chief
10 executive officer, with approval by a simple majority of the
11 oversight committee members, shall appoint as members of the peer
12 review committee experts in fields related to the brain, including
13 research, health care, disease treatment and prevention, and other
14 study areas and trained patient advocates who meet the
15 qualifications adopted under Subsection (c).

16 (b) The oversight committee shall adopt a written policy on
17 in-state or out-of-state residency requirements for peer review
18 committee members.

19 (c) The oversight committee shall adopt rules regarding the
20 qualifications required of a trained patient advocate committee
21 member for a peer review committee. The rules must require the
22 trained patient advocate to successfully complete science-based
23 training.

24 (d) A peer review committee member may receive an honorarium
25 and may be reimburse for travel expenses incurred in conducting
26 committee business. Subchapter B, Chapter 2254, Government Code,
27 does not apply to an honorarium the member receives under this

1 chapter.

2 (e) The chief executive officer, in consultation with the
3 oversight committee, shall adopt a policy regarding honoraria and
4 document any change in the amount of honoraria paid to a peer
5 review committee member, including information explaining the
6 basis for that change.

7 (f) A peer review committee member appointed under this
8 chapter may not serve on the board of directors or other governing
9 board of an entity receiving a grant from the institute.

10 (g) Peer review committee members serve for terms as
11 determined by the chief executive officer.

12 Sec. 157.152. PROGRAM INTEGRATION COMMITTEE. (a) The
13 institute shall establish a program integration committee with the
14 duties assigned under this chapter.

15 (b) The program integration committee is composed of:

16 (1) the institute's chief executive officer, who shall
17 serve as the presiding officer of the program integration
18 committee;

19 (2) three senior-level institute employees responsible
20 for program policy and oversight, appointed by the chief executive
21 officer with the approval of a majority of the oversight committee
22 members; and

23 (3) the executive commissioner of the Health and Human
24 Services Commission or the executive commissioner's designee.

25 Sec. 157.153. HIGHER EDUCATION ADVISORY COMMITTEE. (a) The
26 higher education advisory committee is composed of the following
27 members:

- 1 (1) one member appointed by the president of Baylor
2 College of Medicine;
- 3 (2) one member appointed by the president of Texas A&M
4 Health;
- 5 (3) one member appointed by the president of Texas Tech
6 University Health Sciences Center;
- 7 (4) one member appointed by the president of Texas Tech
8 University Health Sciences Center at El Paso;
- 9 (5) one member appointed by the president of The
10 University of Texas Southwestern Medical Center;
- 11 (6) one member appointed by the president of The
12 University of Texas Medical Branch at Galveston;
- 13 (7) one member appointed by the president of The
14 University of Texas Health Science Center at Houston;
- 15 (8) one member appointed by the president of The
16 University of Texas Health Science Center at San Antonio;
- 17 (9) one member appointed by the president of The
18 University of Texas at Tyler Health Science Center;
- 19 (10) one member appointed by the dean of Dell Medical
20 School at The University of Texas at Austin;
- 21 (11) one member appointed by the president of The
22 University of Texas M. D. Anderson Cancer Center;
- 23 (12) one member appointed by the dean of The University
24 of Texas Rio Grande Valley School of Medicine;
- 25 (13) one member appointed by the president of
26 University of North Texas Health Science Center at Fort Worth;
- 27 (14) one member appointed by the president of Rice

1 University;

2 (15) one member appointed by the dean of University of
3 Houston College of Medicine; and

4 (16) one member appointed by the dean of Sam Houston
5 State University College of Osteopathic Medicine.

6 (b) The oversight committee by majority vote may increase
7 the membership of the higher education advisory committee to
8 include appointees representing institutions of higher education
9 not listed in Subsection (a).

10 (c) The higher education advisory committee shall advise the
11 oversight committee on issues, opportunities, the role of higher
12 education, and other subjects involving brain research.

13 Sec. 157.154. AD HOC ADVISORY COMMITTEE. (a) The oversight
14 committee, as necessary, may create additional ad hoc advisory
15 committees of experts to advise the oversight committee on issues
16 relating to brain research, brain health, brain-related diseases,
17 spinal cord injuries, traumatic brain injuries, mental and
18 behavioral health issues, including substance abuse disorders and
19 other addictions, or other brain- or neurological-related issues.

20 (b) Ad hoc committee members serve for the terms determined
21 by the oversight committee.

22 Sec. 157.155. EXPENSES. Members of the higher education
23 advisory committee or any ad hoc advisory committee appointed under
24 this subchapter serve without compensation but are entitled to
25 reimbursement for actual and necessary expenses incurred in
26 attending committee meetings or performing other official duties
27 authorized by the presiding officer, including travel expenses.

1 and in accordance with a contract between the grant recipient and
2 the institute.

3 (b) Except as otherwise provided by this section, grant
4 money awarded under this chapter may be used for authorized
5 expenses, including:

6 (1) honoraria;

7 (2) salaries and benefits;

8 (3) travel;

9 (4) conference fees and expenses;

10 (5) consumable supplies;

11 (6) operating expenses;

12 (7) contracted research and development;

13 (8) capital equipment;

14 (9) construction or renovation of state or private
15 facilities; and

16 (10) reimbursement for participation costs incurred by
17 brain cancer clinical trial participants, including
18 transportation, lodging, and any costs reimbursed under the cancer
19 clinical trial participation program established under Chapter 51,
20 Health and Safety Code.

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

1 organization's activities.

2 (d) Not more than five percent of the total amount of grant
3 money awarded under this chapter in a state fiscal year may be
4 used for facility purchase, construction, remodel, or renovation
5 purposes, and those expenditures must benefit brain research.

6 (e) Not more than 10 percent of the total amount of grant
7 money awarded under this chapter in a state fiscal year may be
8 used for prevention projects and strategies to mitigate the
9 incidence of detrimental health impacts on the brain during that
10 year.

11 SUBCHAPTER F. CONFLICTS OF INTEREST: DISCLOSURE; RECUSAL

12 Sec. 157.251. CONFLICT OF INTEREST. (a) The oversight
13 committee shall adopt conflict-of-interest rules, based on
14 standards applicable to members of scientific review committees of
15 the National Institutes of Health, to govern members of the
16 oversight committee, the program integration committee, the peer
17 review committee, and institute employees.

18 (b) An oversight committee member, program integration
19 committee member, peer review committee member, or institute
20 employee shall recuse himself or herself, as provided by Section
21 157.252(a), (b), or (c), as applicable, if the member or employee,
22 or a person who is related to the member or employee within the
23 second degree of affinity or consanguinity, has a professional or
24 financial interest in an entity receiving or applying to receive
25 money from the institute.

26 (c) A person has a professional interest in an entity
27 receiving or applying to receive money from the institute if the

1 person:

2 (1) is a member of the board of directors, another
3 governing board, or any committee of the entity, or of a foundation
4 or similar organization affiliated with the entity, during the
5 same grant cycle;

6 (2) serves as an elected or appointed officer of the
7 entity;

8 (3) is an employee of or is negotiating future
9 employment with the entity;

10 (4) represents the entity;

11 (5) is a professional associate of a primary member of
12 the entity's project team;

13 (6) is, or within the preceding six years has been, a
14 student, postdoctoral associate, or part of a laboratory research
15 group for a primary member of the entity's project team;

16 (7) is engaged or is actively planning to be engaged in
17 collaboration with a primary member of the entity's project team;

18 or

19 (8) has long-standing scientific differences or
20 disagreements with a primary member of the entity's project team,
21 and those differences or disagreements:

22 (A) are known to the professional community; and

23 (B) could be perceived as affecting objectivity.

24 (d) A person has a financial interest in an entity receiving
25 or applying to receive money from the institute if the person:

26 (1) owns or controls, directly or indirectly, an
27 ownership interest, including sharing in profits, proceeds, or

1 capital gains, in an entity receiving or applying to receive money
2 from the institute; or

3 (2) could reasonably foresee that an action taken by
4 the oversight committee, the program integration committee, a peer
5 review committee, or the institute could result in a financial
6 benefit to the person.

7 (e) Nothing in this chapter limits the authority of the
8 oversight committee to adopt additional conflict-of-interest
9 standards.

10 Sec. 157.252. DISCLOSURE OF CONFLICT OF INTEREST; RECUSAL.

11 (a) If an oversight committee member or program integration
12 committee member has a conflict of interest as described by Section
13 157.251 regarding an application that comes before the member for
14 review or other action, the member shall:

15 (1) provide written notice to the chief executive
16 officer and the presiding officer of the oversight committee or
17 the next ranking member of the committee if the presiding officer
18 has the conflict of interest;

19 (2) disclose the conflict of interest in an open
20 meeting of the oversight committee; and

21 (3) recuse himself or herself from participating in the
22 review, discussion, deliberation, and vote on the application and
23 from accessing information regarding the matter to be decided.

24 (b) If a peer review committee member has a conflict of
25 interest described by Section 157.251 regarding an application
26 that comes before the member's committee for review or other
27 action, the member shall:

1 (1) provide written notice to the chief executive
2 officer of the conflict of interest; and

3 (2) recuse himself or herself from participating in the
4 review, discussion, deliberation, and vote on the application and
5 from accessing information regarding the matter to be decided.

6 (c) If an institute employee has a conflict of interest
7 described by Section 157.251 regarding an application that comes
8 before the employee for review or other action, the employee shall:

9 (1) provide written notice to the chief executive
10 officer of the conflict of interest; and

11 (2) recuse himself or herself from participating in the
12 review of the application and be prevented from accessing
13 information regarding the matter to be decided.

14 (d) An oversight committee member, program integration
15 committee member, peer review committee member, or institute
16 employee with a conflict of interest may seek a waiver as provided
17 by Section 157.253.

18 (e) An oversight committee member, program integration
19 committee member, peer review committee member, or institute
20 employee who reports a potential conflict of interest or another
21 impropriety or self-dealing of the member or employee and who fully
22 complies with the recommendations of the general counsel and
23 recusal requirements is considered in compliance with the
24 conflict-of-interest provisions of this chapter. The member or
25 employee is subject to other applicable laws, rules, requirements,
26 and prohibitions.

27 (f) An oversight committee member, program integration

1 committee member, peer review committee member, or institute
2 employee who intentionally violates this section is subject to
3 removal from further participation in the institute's grant review
4 process.

5 Sec. 157.253. EXCEPTIONAL CIRCUMSTANCES REQUIRING
6 PARTICIPATION. The oversight committee shall adopt rules
7 governing the waiver of the conflict-of-interest requirements of
8 this chapter under exceptional circumstances for an oversight
9 committee member, program integration committee member, peer
10 review committee member, or institute employee. The rules must:

11 (1) authorize the chief executive officer or an
12 oversight committee member to propose granting a waiver by
13 submitting to the presiding officer of the oversight committee a
14 written statement about the conflict of interest, the exceptional
15 circumstance requiring the waiver, and any proposed limitations to
16 the waiver;

17 (2) require a proposed waiver to be publicly reported
18 at a meeting of the oversight committee;

19 (3) require a majority vote of the oversight committee
20 members present and voting to grant a waiver;

21 (4) require any waiver granted to be reported annually
22 to the lieutenant governor, the speaker of the house of
23 representatives, the governor, and the standing committee of each
24 house of the legislature with primary jurisdiction over institute
25 matters; and

26 (5) require the institute to retain documentation of
27 each waiver granted.

1 Sec. 157.254. INVESTIGATION OF UNREPORTED CONFLICTS OF
2 INTEREST. (a) An oversight committee member, a program
3 integration committee member, a peer review committee member, or
4 an institute employee who becomes aware of a potential conflict of
5 interest described by Section 157.251 that has not been reported
6 shall immediately notify the chief executive officer of the
7 potential conflict of interest. On notification, the chief
8 executive officer shall notify the presiding officer of the
9 oversight committee and the general counsel, who shall determine
10 the nature and extent of any unreported conflict.

11 (b) A grant applicant seeking an investigation regarding
12 whether a prohibited conflict of interest was not reported shall
13 file a written request with the institute's chief executive
14 officer. The applicant must:

15 (1) include in the request all facts regarding the
16 alleged conflict of interest; and

17 (2) submit the request not later than the 30th day after
18 the date the chief executive officer presents final funding
19 recommendations for the affected grant cycle to the oversight
20 committee.

21 (c) On notification of an alleged conflict of interest under
22 Subsection (a) or (b), the institute's general counsel shall:

23 (1) investigate the matter; and

24 (2) provide to the chief executive officer and
25 presiding officer of the oversight committee an opinion that
26 includes:

27 (A) a statement of facts;

1 (B) a determination of whether a conflict of
2 interest or another impropriety or self-dealing exists; and

3 (C) if the opinion provides that a conflict of
4 interest or another impropriety or self-dealing exists,
5 recommendations for an appropriate course of action.

6 (d) If the conflict of interest, impropriety, or self-
7 dealing involves the presiding officer of the oversight committee,
8 the institute's general counsel shall provide the opinion to the
9 next ranking oversight committee member who is not involved with
10 the conflict of interest, impropriety, or self-dealing.

11 (e) After receiving the opinion and consulting with the
12 presiding officer of the oversight committee, the chief executive
13 officer shall take action regarding the recusal of the individual
14 from any discussion of or access to information related to the
15 conflict of interest or other recommended action related to the
16 impropriety or self-dealing. If the alleged conflict of interest,
17 impropriety, or self-dealing is held by, or is an act of, the chief
18 executive officer, the presiding officer of the oversight
19 committee shall take actions regarding the recusal or other action.

20 Sec. 157.255. FINAL DETERMINATION OF UNREPORTED CONFLICT OF
21 INTEREST. (a) The chief executive officer or, if applicable, the
22 presiding officer of the oversight committee shall make a
23 determination regarding the existence of an unreported conflict of
24 interest described by Section 157.251 or other impropriety or self-
25 dealing. The determination must specify any actions to be taken
26 to address the conflict of interest, impropriety, or self-dealing,
27 including:

1 (1) reconsideration of the application; or
2 (2) referral of the application to another peer review
3 committee for review.

4 (b) The determination made under Subsection (a) is
5 considered final unless three or more oversight committee members
6 request that the issue be added to the agenda of the oversight
7 committee.

8 (c) The chief executive officer or, if applicable, the
9 presiding officer of the oversight committee, shall provide
10 written notice of the final determination, including any further
11 actions to be taken, to the grant applicant requesting the
12 investigation.

13 (d) Unless specifically determined by the chief executive
14 officer or, if applicable, the presiding officer of the oversight
15 committee, or the oversight committee, the validity of an action
16 taken on a grant application is not affected by the fact that an
17 individual who failed to report a conflict of interest participated
18 in the action.

19 SUBCHAPTER G. PROCEDURE FOR AWARDING GRANTS

20 Sec. 157.301. AWARD REVIEW PROCESS. The institute shall use
21 a peer review process to evaluate and recommend all grants the
22 oversight committee awards under this chapter.

23 Sec. 157.302. GRANT AWARD RULES AND PROCEDURES. (a) The
24 oversight committee shall adopt rules regarding the procedure for
25 awarding grants to an applicant under this chapter. The rules
26 must require:

27 (1) the peer review committee to score grant

1 applications and make recommendations to the program integration
2 committee and the oversight committee regarding the award of
3 grants, including providing a prioritized list that:

4 (A) ranks the grant applications in the order the
5 peer review committee determines applications should be funded;
6 and

7 (B) includes information explaining each grant
8 applicant's qualification under the peer review committee's
9 standards for recommendation; and

10 (2) the program integration committee to submit to the
11 oversight committee a list of grant applications the program
12 integration committee by majority vote approved for recommendation
13 that:

14 (A) includes documentation on the factors the
15 program integration committee considered in making the grant
16 recommendations;

17 (B) is substantially based on the list submitted
18 by the peer review committee under Subdivision (1); and

19 (C) to the extent possible, gives priority to
20 proposals that:

21 (i) may lead to immediate or long-term
22 medical and scientific breakthroughs in the areas of prevention,
23 treatment, or cures for brain disease;

24 (ii) strengthen and enhance fundamental
25 science in brain research;

26 (iii) ensure a comprehensive coordinated
27 approach to brain research;

1 (iv) are interdisciplinary or
2 interinstitutional;

3 (v) align with state priorities and needs,
4 including priorities and needs outlined in other state agency
5 strategic plans, or address federal or other major research
6 sponsors' priorities in scientific or technological fields in the
7 area of brain research;

8 (vi) are matched with money provided by a
9 private or nonprofit entity or institution of higher education;

10 (vii) are collaborative between any
11 combination of private and nonprofit entities, public or private
12 agencies or institutions in this state, and public or private
13 institutions outside this state;

14 (viii) benefit the residents of this state,
15 including a demonstrable economic development benefit to this
16 state;

17 (ix) enhance research superiority at
18 institutions of higher education in this state by creating new
19 research superiority, attracting existing research superiority
20 from institutions outside this state and other research entities,
21 or attracting from outside this state additional researchers and
22 resources;

23 (x) expedite innovation and product
24 development, attract private sector entities to stimulate a
25 substantial increase in high-quality jobs, and increase higher
26 education applied science or technology research capabilities; and

27 (xi) address the goals of the research plan.

1 (b) A member of a peer review committee may not attempt to
2 use the committee member's official position to influence a
3 decision to approve or award a grant or contract to the committee
4 member's employer.

5 (c) A program integration committee member may not discuss
6 a grant applicant recommendation with an oversight committee
7 member unless the program integration committee has fulfilled the
8 requirements of Subsection (a) (2).

9 (d) Two-thirds of the oversight committee members present
10 and voting must vote to approve each funding recommendation of the
11 program integration committee. If the oversight committee does
12 not approve a funding recommendation of the program integration
13 committee, a statement explaining the reasons the funding
14 recommendation was not followed must be included in the minutes of
15 the meeting.

16 (e) The oversight committee may not award more than \$300
17 million in grants under this chapter in a state fiscal year.

18 (f) The oversight committee may not award a grant to an
19 applicant who has made a gift or grant to the institute, an
20 oversight committee member, or an institute employee on or after
21 January 1, 2024. This section does not apply to gifts, fees,
22 honoraria, or other items also excepted under Section 36.10, Penal
23 Code.

24 Sec. 157.303. MULTIYEAR PROJECTS. (a) The oversight
25 committee may approve the award of grant money for a multiyear
26 project.

27 (b) The oversight committee shall specify the total amount

1 of money approved to fund the multiyear project. The total amount
2 specified is considered for purposes of this chapter to have been
3 awarded in the state fiscal year that the peer review committee
4 approved the project. The institute shall distribute only the
5 money that will be expended during that fiscal year. The institute
6 shall distribute the remaining grant money as the money is needed
7 in each subsequent state fiscal year.

8 Sec. 157.304. CONTRACT TERMS. (a) Before disbursing any
9 grant money awarded under this chapter, the institute shall execute
10 a written contract with the grant recipient. The contract shall:

11 (1) specify that except for awards to state agencies or
12 public institutions of higher education, if all or any portion of
13 the amount of the grant is used to build a capital improvement:

14 (A) the state retains a lien or other interest in
15 the capital improvement in proportion to the percentage of the
16 grant amount used to pay for the capital improvement; and

17 (B) the grant recipient shall, if the capital
18 improvement is sold:

19 (i) repay to the state the grant money used
20 to pay for the capital improvement, with interest at the rate and
21 according to the other terms provided by the contract; and

22 (ii) share with the state a proportionate
23 amount of any profit realized from the sale;

24 (2) specify that if the grant recipient has not used
25 awarded grant money for the purposes for which the grant was
26 intended, the recipient shall repay that grant amount and any
27 related interest applicable under the contract to this state at

1 the agreed rate and on the agreed terms;

2 (3) specify that if the grant recipient fails to meet
3 the terms and conditions of the contract, the institute may
4 terminate the contract using the written process prescribed in the
5 contract and require the recipient to repay the awarded grant money
6 and any related interest applicable under the contract to this
7 state at the agreed rate and on the agreed terms;

8 (4) include terms relating to intellectual property
9 rights consistent with the standards developed by the oversight
10 committee under Section 157.305;

11 (5) require that, in accordance with Subsection (b),
12 the grant recipient dedicate an amount of matching money equal to
13 one-half of the amount of the research grant awarded and specify
14 the amount of matching money to be dedicated;

15 (6) specify the period in which the grant award must be
16 spent; and

17 (7) include the specific deliverables of the project
18 that is the subject of the grant proposal.

19 (b) Before the institute may disburse grant money, the grant
20 recipient must certify that the recipient has an amount of money
21 equal to one-half of the grant money that is available and not yet
22 expended, and dedicate that money to the research that is the
23 subject of the grant proposal. The institute shall adopt rules
24 specifying a grant recipient's obligations under this subchapter.
25 At a minimum, the rules must:

26 (1) allow a grant recipient that is an institution of
27 higher education or a private or independent institution of higher

1 education, as those terms are defined by Section 61.003, or a
2 research institute or center affiliated with the institution, to
3 credit toward the recipient's matching money the dollar amount
4 equivalent to the difference between the indirect cost rate
5 authorized by the federal government for research grants awarded
6 to the recipient and the indirect cost rate authorized by Section
7 157.203(c);

8 (2) specify that:

9 (A) a grant recipient receiving more than one
10 grant award may provide matching money certification at an
11 institutional level;

12 (B) the recipient of a multiyear grant award may
13 yearly certify matching money; and

14 (C) grant money may not be disbursed to the grant
15 recipient until the annual certification of the matching money has
16 been approved;

17 (3) specify that money for certification purposes may
18 include:

19 (A) federal funds;

20 (B) the fair market value of drug development
21 support provided to the recipient by the National Institutes of
22 Health or other similar programs;

23 (C) funds of this state;

24 (D) funds of other states; and

25 (E) nongovernmental funds, including private
26 funds, foundation grants, gifts, and donations;

27 (4) specify that the following items may not be used

1 for certification purposes:

2 (A) in-kind costs;

3 (B) volunteer services provided to a grant
4 recipient;

5 (C) noncash contributions;

6 (D) preexisting real estate of the grant
7 recipient, including buildings, facilities, and land;

8 (E) deferred giving, including a charitable
9 remainder annuity trust, charitable remainder unitrust, or pooled
10 income fund; or

11 (F) any other items determined by the institute;

12 (5) require that the grant recipient's certification be
13 included in the grant award contract;

14 (6) specify that a grant recipient's failure to provide
15 certification serves as grounds for terminating the grant award
16 contract;

17 (7) require a grant recipient to maintain adequate
18 documentation supporting the source and use of the money required
19 by this subsection and to provide documentation to the institute
20 on request; and

21 (8) require that the institute establish a procedure to
22 conduct an annual review of the documentation supporting the source
23 and use of money reported in the required certification.

24 (c) The institute shall establish a policy on advance
25 payments to grant recipients.

26 (d) The oversight committee shall adopt rules to administer
27 this section.

1 Sec. 157.305. PATENT ROYALTIES AND LICENSE REVENUES PAID TO

2 STATE. (a) The oversight committee shall establish standards
3 requiring all grant awards to be subject to an intellectual
4 property agreement that allows this state to collect royalties,
5 income, and other benefits, including interest or proceeds
6 resulting from securities and equity ownership, realized as a
7 result of projects undertaken with money awarded under this
8 chapter.

9 (b) In determining this state's interest in any intellectual
10 property rights, the oversight committee shall balance the
11 opportunity of this state to benefit from the patents, royalties,
12 licenses, and other benefits that result from basic research,
13 therapy development, and clinical trials with the need to ensure
14 that essential medical research is not unreasonably hindered by
15 the intellectual property agreement and that the agreement does
16 not unreasonably remove the incentive on the part of the individual
17 researcher, research team, or institution.

18 (c) The oversight committee may transfer its management and
19 disposition authority over this state's interest in securities,
20 equities, royalties, income, and other benefits realized as a
21 result of projects undertaken with money awarded under this chapter
22 to the Texas Treasury Safekeeping Trust Company. If the oversight
23 committee transfers management and disposition authority under
24 this subsection, the trust company has any power necessary to
25 accomplish the purposes of this section.

26 (d) In managing the assets described by Subsection (c)
27 through procedures and subject to restrictions that the Texas

1 Treasury Safekeeping Trust Company considers appropriate, the
2 trust company may acquire, exchange, sell, supervise, manage, or
3 retain any kind of investment that a prudent investor, exercising
4 reasonable care, skill, and caution, would acquire, exchange,
5 sell, or retain in light of the purposes, terms, distribution
6 requirements, and other circumstances then prevailing pertinent to
7 each investment, including the requirements prescribed by
8 Subsection (b) and the purposes described by Section 157.002. The
9 trust company may charge a fee to recover the reasonable and
10 necessary costs incurred in managing assets under this section.

11 Sec. 157.306. PREFERENCE FOR TEXAS SUPPLIERS. In a good
12 faith effort to achieve a goal of more than 50 percent of purchases
13 from suppliers in this state, the oversight committee shall
14 establish standards to ensure that grant recipients purchase goods
15 and services from suppliers in this state to the extent reasonably
16 possible.

17 Sec. 157.307. HISTORICALLY UNDERUTILIZED BUSINESSES. The
18 oversight committee shall establish standards to ensure that grant
19 recipients purchase goods and services from historically
20 underutilized businesses as defined by Section 2161.001,
21 Government Code, and any other applicable state law.

22 Sec. 157.308. GRANT COMPLIANCE AND PROGRESS EVALUATION. (a)
23 The institute shall require as a condition of a grant awarded under
24 this chapter that the grant recipient submit to regular inspection
25 reviews of the grant project by institute staff to ensure
26 compliance with the terms of the grant contract and ongoing
27 progress, including the scientific merit of the research.

1 (b) The chief executive officer shall report at least
2 annually to the oversight committee on the progress and continued
3 merit of the projects awarded grants by the institute.

4 Sec. 157.309. MEDICAL AND RESEARCH ETHICS. Any project that
5 is awarded a grant under this chapter must comply with all
6 applicable federal and state laws regarding the conduct of the
7 research or prevention project.

8 Sec. 157.310. PUBLIC INFORMATION; CONFIDENTIAL INFORMATION.

9 (a) The following information is public information and may be
10 disclosed under Chapter 552, Government Code:

11 (1) the applicant's name and address;

12 (2) the amount of money requested in the applicant's
13 grant proposal;

14 (3) the type of brain research to be addressed under
15 the proposal; and

16 (4) any other information the institute designates with
17 the consent of the grant applicant.

18 (b) To protect the actual or potential value of information
19 submitted to the institute by an applicant for or recipient of an
20 institute grant, the following information submitted by the
21 applicant or recipient is confidential and is not subject to
22 disclosure under Chapter 552, Government Code, or any other law:

23 (1) all information, other than the information
24 required under Subsection (a), that is contained in a grant award
25 application, peer review evaluation, award contract, or progress
26 report relating to a product, device, or process, the application
27 or use of the product, device, or process, and all technological

1 and scientific information, including computer programs, developed
2 wholly or partly by a grant applicant or recipient, regardless of
3 whether patentable or capable of being registered under copyright
4 or trademark laws, that has a potential for being sold, traded, or
5 licensed for a fee; and

6 (2) the plans, specifications, blueprints, and designs,
7 including related proprietary information, of a scientific
8 research and development facility.

9 (c) The following information is confidential and not
10 subject to disclosure under Chapter 552, Government Code:

11 (1) information that directly or indirectly reveals the
12 identity of an individual who made a report related to fraud,
13 waste, or abuse of state resources to the institute's compliance
14 program office, sought guidance from the office, or participated
15 in an investigation conducted under the compliance program;

16 (2) information that directly or indirectly reveals the
17 identity of an individual who is alleged to have or may have
18 planned, initiated, or participated in activities that are the
19 subject of a report made to the office if, after completing an
20 investigation, the office determines the report to be
21 unsubstantiated or without merit; and

22 (3) other information that is collected or produced in
23 a compliance program investigation if releasing the information
24 would interfere with an ongoing compliance investigation.

25 (d) Subsection (c) does not apply to information related to
26 an individual who consents to disclosure of the information.

27 (e) Information made confidential or excepted from public

1 disclosure by this section may be made available on request and in
2 compliance with applicable laws and procedures to the following:

3 (1) a law enforcement agency or prosecutor;

4 (2) a governmental agency responsible for investigating
5 the matter that is the subject of a compliance report, including
6 the Texas Workforce Commission civil rights division or the federal
7 Equal Employment Opportunity Commission; or

8 (3) a committee member or institute employee who is
9 responsible under institutional policy for a compliance program
10 investigation or for a review of a compliance program
11 investigation.

12 (f) A disclosure under Subsection (e) is not a voluntary
13 disclosure for purposes of Section 552.007, Government Code.

14 (g) The institute shall post on the institute's Internet
15 website records that pertain specifically to any gift, grant, or
16 other consideration provided to the institute, an institute
17 employee, or a member of the oversight committee, in the employee's
18 or oversight committee member's official capacity. The posted
19 information must include each donor's name and the amount and date
20 of the donor's donation. This section is not applicable to gifts,
21 fees, honoraria, or other items also excepted under Section 36.10,
22 Penal Code.

23 Sec. 157.311. APPROPRIATION CONTINGENCY. The institute is
24 required to implement a provision of this chapter only if the
25 legislature appropriates money specifically for that purpose. If
26 the legislature does not appropriate money specifically for that
27 purpose, the institute may, but is not required to, implement the

1 provision using other money available to the institute for that
2 purpose.

3 SECTION 2. Section 51.955(c), Education Code, is amended to
4 read as follows:

5 (c) Subsection (b)(1) does not apply to a research contract
6 between an institution of higher education and the Cancer
7 Prevention and Research Institute of Texas or Mental Health and
8 Brain Research Institute of Texas.

9 SECTION 3. Section 61.003(6), Education Code, is amended to
10 read as follows:

11 (6) "Other agency of higher education" means The
12 University of Texas System, System Administration; The University
13 of Texas at El Paso Museum; Texas Epidemic Public Health Institute
14 at The University of Texas Health Science Center at Houston; The
15 Texas A&M University System, Administrative and General Offices;
16 Texas A&M AgriLife Research; Texas A&M AgriLife Extension Service;
17 Rodent and Predatory Animal Control Service (a part of the Texas
18 A&M AgriLife Extension Service); Texas A&M Engineering Experiment
19 Station (including the Texas A&M Transportation Institute); Texas
20 A&M Engineering Extension Service; Texas A&M Forest Service; Texas
21 Division of Emergency Management; Texas Tech University Museum;
22 Texas State University System, System Administration; Sam Houston
23 Memorial Museum; Panhandle-Plains Historical Museum; Cotton
24 Research Committee of Texas; Texas Water Resources Institute;
25 Texas A&M Veterinary Medical Diagnostic Laboratory; Mental Health
26 and Brain Research Institute of Texas; and any other unit,
27 division, institution, or agency which shall be so designated by

1 statute or which may be established to operate as a component part
2 of any public senior college or university, or which may be so
3 classified as provided in this chapter.

4 SECTION 4. (a) Not later than December 1, 2024, the
5 appropriate appointing authority shall appoint the members to the
6 Mental Health and Brain Research Institute of Texas Oversight
7 Committee as required by Section 157.101, Education Code, as added
8 by this Act. The oversight committee may not act until a majority
9 of the appointed members have taken office.

10 (b) Notwithstanding Section 157.101, Education Code, as
11 added by this Act, in making the initial appointments under that
12 section, the governor, lieutenant governor, and speaker of the
13 house of representatives shall, as applicable, designate one
14 member of the Mental Health and Brain Research Institute of Texas
15 Oversight Committee appointed by that person to serve a term
16 expiring January 31, 2025, one member appointed by that person to
17 serve a term expiring January 31, 2027, and one member appointed
18 by that person to serve a term expiring January 31, 2029.

19 (c) The governor shall designate one member to serve as
20 interim presiding officer for the purpose of calling and presiding
21 over meetings of the Mental Health and Brain Research Institute of
22 Texas Oversight Committee until an election is held under Section
23 157.104, Education Code, as added by this Act.

24 SECTION 5. If the constitutional amendment proposed by the
25 88th Legislature, Regular Session, 2023, requiring the creation of
26 the Brain Institute of Texas and the transfer of \$3 billion from
27 general state revenue to fund mental health and brain research in

1 this state is approved by the voters, the Mental Health and Brain
2 Research Institute of Texas established by Chapter 157, Education
3 Code, as added by this Act, is eligible to receive funding
4 deposited under the authority of Section 68, Article III, Texas
5 Constitution, for any activities conducted by the institute that
6 serve the purposes of that constitutional provision.

7 SECTION 6. This Act takes effect January 1, 2024, but only
8 if the constitutional amendment proposed by the 88th Legislature,
9 Regular Session, 2023, requiring the creation of the Mental Health
10 and Brain Research Institute of Texas and the transfer of \$3
11 billion from general state revenue to fund mental health and brain
12 research in this state is approved by the voters. If that
13 amendment is not approved by the voters, this Act has no effect.