

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1131
By: Harris
Health & Human Services
4/17/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, fees collected from intoxication convictions are not used to fund certain emergency medical services, trauma facilities and trauma care systems. C.S.S.B. 1131 creates a new fund at the Texas Department of Health's Bureau of Emergency Management for those monies collected from intoxication convictions to be used to fund emergency medical services.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 773, Health and Safety Code, by adding Section 773.006, as follows:

Sec. 773.006. FUND FOR EMERGENCY MEDICAL SERVICES, TRAUMA FACILITIES, AND TRAUMA CARE SYSTEMS. (a) Provides that the fund for emergency medical services, trauma facilities, and trauma care systems is established as an account in the general revenue fund. Authorizes money in the account to be appropriated only to the bureau of emergency management for the purposes specified by Section 773.122.

(b) Provides that the account is composed of money deposited to the account under Article 102.0185, Code of Criminal Procedure, and the earnings of the account.

(c) Provides that Sections 403.095 and 404.071, Government Code, do not apply to the account.

SECTION 2. Amends Sections 773.122, Health and Safety Code, as follows:

Sec. 773.122. New heading: PAYMENTS FROM THE ACCOUNTS. (a) Adds "designated trauma facilities" to the list of medical entities to be funded. Makes conforming changes.

(b) Increases the reserve of money appropriated from an account for extraordinary emergencies from \$250,000 to \$500,000. Makes conforming changes.

(c) Requires that 50, rather than 70, percent of appropriated money be used to fund certain services. Requires the regional advisory council to be incorporated as an entity that is exempt from federal income tax, in order to receive a distribution under this subsection. Deletes current language relating to the distribution of money to eligible recipients for a county that is not incorporated. Authorizes money that is not disbursed by a regional advisory council, rather than a regional advisory council or a county, to eligible recipients to be retained by the regional advisory council, rather than requiring it to be returned to the account, to be used during the fiscal year in accordance with this subsection, rather than Subsection (f).

Requires money that is not disbursed by the regional advisory council during the following fiscal year to be returned to the account. Makes conforming changes.

(d) Prohibits the commissioner of health from using more than 20, rather 25, percent of the appropriated money to maintain the reserve for operation of the 22 trauma service areas and other needs. Makes conforming changes.

(e) Created from existing text. Makes conforming changes.

(f) Increases the percentage of appropriated money to fund a portion of uncompensated trauma care from two to 27 percent. Authorizes the administrator of a designated facility to request a regional advisory council chairperson to petition the Texas Department of Health (TDH) for disbursement of funds to a designated trauma facility. Makes conforming changes.

(g) Created from existing text. Makes conforming changes.

SECTION 3. Amends Section 773.123, Health and Safety Code, as follows:

Sec. 773.123. New heading: CONTROL OF EXPENDITURES FROM ACCOUNT. Requires money to be used on the authorization of the executive committee of the trauma service area regional advisory council. Deletes current language relating to control of expenditures. Makes conforming changes.

SECTION 4. Amends Subchapter A, Chapter 102, Code of Criminal Procedure, by adding Article 102.0185, as follows:

Art. 102.0185. ADDITIONAL COSTS ATTENDANT TO INTOXICATION CONVICTIONS: EMERGENCY MEDICAL SERVICES, TRAUMA FACILITIES, AND TRAUMA CARE SYSTEMS. (a) Requires a person convicted of an offense under Chapter 49, Penal Code (Intoxication and Alcoholic Beverage Offenses), except for Sections 49.02 and 49.031, in addition to the costs on conviction imposed by Articles 102.016 and 102.018, to pay \$100 on conviction of the offense.

(b) Provides that costs imposed under this article are imposed without regard to whether the defendant is placed on community supervision after being convicted of the offense or receives deferred disposition or deferred adjudication for the offense.

(c) Provides that costs imposed under this article are collected in the same manner as other costs collected under Article 102.075.

(d) Requires the officer collecting the costs under this article to keep separate records of the money collected and shall pay the money to the custodian of the municipal or county treasury.

(e) Requires the custodian of the municipal or county treasury to perform certain tasks.

(f) Requires the comptroller to deposit the funds received under this article to the credit of the account established under Section 771.072(f), Health and Safety Code.

SECTION 5. (a) Makes application of Article 102.0185, Code of Criminal Procedure, as added by this Act, prospective. Provides that for purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) Provides that an offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose.

SECTION 6. Effective date: September 1, 2003.