

## **BILL ANALYSIS**

S.B. 1131  
By: Harris  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, fees collected from intoxication convictions are not used to fund certain emergency medical services, trauma facilities and trauma care systems. The bill 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**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

The bill amends Subchapter A, Chapter 773, Health and Safety Code, by adding Section 773.006. The bill 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. In addition the bill 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. However, sections 403.095 and 404.071 of the Government Code, do not apply to the account. Furthermore, "designated trauma facilities" are added to the list of medical entities to be funded.

The bill increases the reserve of money appropriated from an account for extraordinary emergencies from \$250,000 to \$500,000. The bill requires that 50, rather than 70, percent of appropriated money be used to fund certain services. In addition the bill 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.

The bill 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. The bill 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. The bill requires money to be used on the authorization of the executive committee of the trauma service area regional advisory council.

The bill provides that 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. In addition the bill

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.

Provides that costs imposed under this article are collected in the same manner as other costs collected under Article 102.075. The officer collecting the costs under this article is required to keep separate records of the money collected and shall pay the money to the custodian of the municipal or county treasury. The comptroller is required to deposit the funds received under this article to the credit of the account established under Section 771.072(f), Health and Safety Code.

This Act takes effect September 1, 2003..

**EFFECTIVE DATE**

September 1, 2003.