

By: Harris

S.B. No. 1131

A BILL TO BE ENTITLED

AN ACT

relating to funding of certain emergency medical services, trauma facilities, and trauma care systems.

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

SECTION 1. Subchapter A, Chapter 773, Health and Safety Code, is amended by adding Section 773.006 to read as follows:

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

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

SECTION 2. Section 773.122, Health and Safety Code, is amended to read as follows:

Sec. 773.122. PAYMENTS FROM THE ACCOUNTS [~~ACCOUNT~~].

(a) The commissioner, with advice and counsel from the chairpersons of the trauma service area regional advisory councils, shall use money in the accounts [~~account~~] established under Sections [~~Section~~] 771.072(f) and 773.006 to fund county and

1 regional emergency medical services, designated trauma facilities,  
2 and trauma care systems in accordance with this section.

3 (b) The commissioner shall maintain a reserve of \$500,000  
4 [~~\$250,000~~] of money appropriated from the accounts [~~account~~] for  
5 extraordinary emergencies.

6 (c) In any fiscal year the commissioner shall use 50 [~~at~~  
7 ~~least 70~~] percent of the appropriated money remaining from [~~in~~] the  
8 accounts [~~account~~], after any amount necessary to maintain the  
9 reserve established by Subsection (b) is deducted, to fund, in  
10 connection with an effort to provide coordination with the  
11 appropriate trauma service area, the cost of supplies, operational  
12 expenses, education and training, equipment, vehicles, and  
13 communications systems for local emergency medical services. The  
14 money shall be distributed on behalf of eligible recipients in each  
15 county to the trauma service area regional advisory council for  
16 that county. To receive a distribution under this subsection, [~~if~~]  
17 the regional advisory council must be [~~is~~] incorporated as an  
18 entity that is exempt from federal income tax under Section 501(a),  
19 Internal Revenue Code of 1986, and its subsequent amendments, by  
20 being listed as an exempt organization under Section 501(c)(3) of  
21 the code. [~~For a county for which the regional advisory council is~~  
22 ~~not incorporated as such an entity, the money shall be distributed~~  
23 ~~to the county on behalf of eligible recipients.~~] The share of the  
24 money allocated to the eligible recipients in a county's geographic  
25 area shall be based on the relative geographic size and population  
26 of the county and on the relative number of emergency or trauma care  
27 runs performed by eligible recipients in the county. Money that is

1 not disbursed by a regional advisory council [~~or a county~~] to  
2 eligible recipients for approved functions by the end of the fiscal  
3 year in which the funds were disbursed may be retained by the  
4 regional advisory council [~~shall be returned to the account~~] to be  
5 used during the following fiscal year in accordance with this  
6 subsection [~~Subsection (f)~~]. Money that is not disbursed by the  
7 regional advisory council during the following fiscal year shall be  
8 returned to the account.

9 (d) In any fiscal year, the commissioner may use not more  
10 than 20 [~~25~~] percent of the appropriated money remaining from [~~in~~]  
11 the accounts [~~account~~], after any amount necessary to maintain the  
12 reserve established by Subsection (b) is deducted, for operation of  
13 the 22 trauma service areas and for equipment, communications, and  
14 education and training for the areas. Money distributed under this  
15 subsection shall be distributed on behalf of eligible recipients in  
16 each county to the trauma service area regional advisory council  
17 for that county. To receive a distribution under this subsection,  
18 [~~if~~] the regional advisory council must be [~~is~~] incorporated as an  
19 entity that is exempt from federal income tax under Section 501(a),  
20 Internal Revenue Code of 1986, and its subsequent amendments, by  
21 being listed as an exempt organization under Section 501(c)(3) of  
22 the code. [~~For a county for which the regional advisory council is~~  
23 ~~not incorporated as such an entity, the money shall be distributed~~  
24 ~~to the county in which the chairperson of an area's regional~~  
25 ~~advisory council sits on behalf of eligible recipients.] A  
26 regional advisory council's share of money distributed under this  
27 section shall be based on the relative geographic size and~~

1 population of each trauma service area and on the relative amount of  
2 trauma care provided. Money that is not disbursed by a regional  
3 advisory council [~~or county~~] to eligible recipients for approved  
4 functions by the end of the fiscal year in which the funds were  
5 disbursed may be retained by the regional advisory council [~~shall~~  
6 ~~be returned to the account~~] to be used during the following fiscal  
7 year in accordance with this subsection [~~Subsection (f)~~]. Money  
8 that is not disbursed by the regional advisory council during the  
9 following fiscal year shall be returned to the account.

10 (e) In any fiscal year, the commissioner may use not more  
11 than three percent of the appropriated money from the accounts  
12 [~~remaining in the account~~] after any amount necessary to maintain  
13 the reserve established by Subsection (b) is deducted to fund the  
14 administrative costs of the bureau of emergency management of the  
15 department associated with administering the state emergency  
16 medical services program, the trauma program, and the accounts  
17 [~~account~~] and to fund the costs of monitoring and providing  
18 technical assistance for those programs and the accounts [~~that~~  
19 ~~account~~].

20 (f) In any fiscal year, the commissioner shall use at least  
21 27 [~~two~~] percent of the appropriated money remaining from [~~in~~] the  
22 accounts [~~account~~] after any amount necessary to maintain the  
23 reserve established by Subsection (b) is deducted and the money  
24 from [~~in~~] the accounts [~~account~~] not otherwise distributed under  
25 this section to fund a portion of the uncompensated trauma care  
26 provided at facilities designated as state trauma facilities by the  
27 department. The administrator of a designated facility may request

1 a [A] regional advisory council chairperson to [~~may~~] petition the  
2 department for disbursement of funds to a designated trauma  
3 facility [~~center~~] in the chairperson's trauma service area that has  
4 provided [~~suffered deleterious effects due to~~] uncompensated  
5 trauma care. Funds may be disbursed under this subsection based on  
6 a proportionate share of uncompensated trauma care provided in the  
7 state and may be used to fund innovative projects to enhance the  
8 delivery of patient care in the overall emergency medical services  
9 and trauma care system.

10 (g) The department shall review the percentages for  
11 disbursement of funds in the accounts [~~account~~] on an annual basis  
12 and shall make recommendations for proposed changes to ensure that  
13 appropriate and fair funding is provided under this section.

14 SECTION 3. Section 773.123, Health and Safety Code, is  
15 amended to read as follows:

16 Sec. 773.123. CONTROL OF EXPENDITURES FROM ACCOUNTS [~~THE~~  
17 ~~FUND~~]. Money [~~(a) Except as provided by Subsection (b), money~~]  
18 distributed from the accounts [~~account~~] established under Sections  
19 [~~Section~~] 771.072(f) and 773.006 shall be used in accordance with  
20 Section 773.122 on the authorization of[+]

21 [~~(1)~~] the executive committee of the trauma service  
22 area regional advisory council[, ~~in those regions where the money~~  
23 ~~is distributed on behalf of eligible recipients to the regional~~  
24 ~~advisory council, and~~

25 [~~(2)~~ the chief executive of the county to which the  
26 money is disbursed on vouchers issued by the county's treasurer].

27 [~~(b) In a county with a population of 291,000 or more for~~

1 ~~which money distributed from the account is not distributed to a~~  
2 ~~trauma service area regional advisory council, the money shall be~~  
3 ~~used in accordance with Section 773.122 on the joint authorization~~  
4 ~~of the chief executive of the county to which the money is disbursed~~  
5 ~~and the mayor of the principal municipality in that county on~~  
6 ~~vouchers issued by the county's treasurer.~~

7 ~~[(c) For the purposes of this section, "principal~~  
8 ~~municipality" means the municipality with the largest population in~~  
9 ~~a county to which this section applies.]~~

10 SECTION 4. Subchapter A, Chapter 102, Code of Criminal  
11 Procedure, is amended by adding Article 102.0185 to read as  
12 follows:

13 Art. 102.0185. ADDITIONAL COSTS ATTENDANT TO INTOXICATION  
14 CONVICTIONS: EMERGENCY MEDICAL SERVICES, TRAUMA FACILITIES, AND  
15 TRAUMA CARE SYSTEMS. (a) In addition to the costs on conviction  
16 imposed by Articles 102.016 and 102.018, a person convicted of an  
17 offense under Chapter 49, Penal Code, except for Sections 49.02 and  
18 49.031, shall pay \$100 on conviction of the offense.

19 (b) Costs imposed under this article are imposed without  
20 regard to whether the defendant is placed on community supervision  
21 after being convicted of the offense or receives deferred  
22 disposition or deferred adjudication for the offense.

23 (c) Costs imposed under this article are collected in the  
24 same manner as other costs collected under Article 102.075.

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

1       (e) The custodian of the municipal or county treasury shall:

2               (1) keep records of the amount of money collected  
3 under this article that is deposited with the treasury under this  
4 article; and

5               (2) not later than the last day of the first month  
6 following each calendar quarter:

7                       (A) pay the money collected under this article  
8 during the preceding calendar quarter to the comptroller; or

9                       (B) if, in the calendar quarter, the custodian of  
10 the municipal or county treasury did not receive any money  
11 attributable to costs paid under this article, file a report with  
12 the comptroller stating that fact.

13       (f) The comptroller shall deposit the funds received under  
14 this article to the credit of the account established under Section  
15 773.006, Health and Safety Code.

16       SECTION 5. (a) Article 102.0185, Code of Criminal  
17 Procedure, as added by this Act, applies only to an offense  
18 committed on or after the effective date of this Act. For purposes  
19 of this section, an offense is committed before the effective date  
20 of this Act if any element of the offense occurs before that date.

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

25       SECTION 6. This Act takes effect September 1, 2003.