

By: Harris

S.B. No. 1131

A BILL TO BE ENTITLED

AN ACT

1
2 relating to funding of certain emergency medical services, trauma
3 facilities, and trauma care systems.

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

5 SECTION 1. Sections 773.122(a), (b), (c), (d), and (f),
6 Health and Safety Code, are amended to read as follows:

7 (a) The commissioner, with advice and counsel from the
8 chairpersons of the trauma service area regional advisory councils,
9 shall use money in the account established under Section 771.072(f)
10 to fund county and regional emergency medical services, designated
11 trauma facilities, and trauma care systems in accordance with this
12 section.

13 (b) The commissioner shall maintain a reserve of \$500,000
14 [~~\$250,000~~] of money appropriated from the account for extraordinary
15 emergencies.

16 (c) In any fiscal year the commissioner shall use 50 [~~at~~
17 ~~least 70~~] percent of the appropriated money remaining in the
18 account, after any amount necessary to maintain the reserve
19 established by Subsection (b) is deducted, to fund, in connection
20 with an effort to provide coordination with the appropriate trauma
21 service area, the cost of supplies, operational expenses, education
22 and training, equipment, vehicles, and communications systems for
23 local emergency medical services. The money shall be distributed on
24 behalf of eligible recipients in each county to the trauma service

1 area regional advisory council for that county. To receive a
2 distribution under this subsection, [~~if~~] the regional advisory
3 council must be [~~is~~] incorporated as an entity that is exempt from
4 federal income tax under Section 501(a), Internal Revenue Code of
5 1986, and its subsequent amendments, by being listed as an exempt
6 organization under Section 501(c)(3) of the code. [~~For a county for~~
7 ~~which the regional advisory council is not incorporated as such an~~
8 ~~entity, the money shall be distributed to the county on behalf of~~
9 ~~eligible recipients.~~] The share of the money allocated to the
10 eligible recipients in a county's geographic area shall be based on
11 the relative geographic size and population of the county and on the
12 relative number of emergency or trauma care runs performed by
13 eligible recipients in the county. Money that is not disbursed by a
14 regional advisory council [~~or a county~~] to eligible recipients for
15 approved functions by the end of the fiscal year in which the funds
16 were disbursed shall be returned to the account to be used in
17 accordance with Subsection (f).

18 (d) In any fiscal year, the commissioner may use not more
19 than 20 [~~25~~] percent of the appropriated money remaining in the
20 account, after any amount necessary to maintain the reserve
21 established by Subsection (b) is deducted, for operation of the 22
22 trauma service areas and for equipment, communications, and
23 education and training for the areas. Money distributed under this
24 subsection shall be distributed on behalf of eligible recipients in
25 each county to the trauma service area regional advisory council
26 for that county. To receive a distribution under this subsection,
27 [~~if~~] the regional advisory council must be [~~is~~] incorporated as an

1 entity that is exempt from federal income tax under Section 501(a),
 2 Internal Revenue Code of 1986, and its subsequent amendments, by
 3 being listed as an exempt organization under Section 501(c)(3) of
 4 the code. [~~For a county for which the regional advisory council is~~
 5 ~~not incorporated as such an entity, the money shall be distributed~~
 6 ~~to the county in which the chairperson of an area's regional~~
 7 ~~advisory council sits on behalf of eligible recipients.] A regional
 8 advisory council's share of money distributed under this section
 9 shall be based on the relative geographic size and population of
 10 each trauma service area and on the relative amount of trauma care
 11 provided. Money that is not disbursed by a regional advisory
 12 council [~~or county~~] to eligible recipients for approved functions
 13 by the end of the fiscal year in which the funds were disbursed
 14 shall be returned to the account to be used in accordance with
 15 Subsection (f).~~

16 (f) In any fiscal year, the commissioner shall use at least
 17 27 [~~two~~] percent of the appropriated money remaining in the account
 18 after any amount necessary to maintain the reserve established by
 19 Subsection (b) is deducted and the money in the account not
 20 otherwise distributed under this section to fund a portion of the
 21 uncompensated trauma care provided at facilities designated as
 22 state trauma facilities by the department. The administrator of a
 23 designated facility may request a [A] regional advisory council
 24 chairperson to [~~may~~] petition the department for disbursement of
 25 funds to a designated trauma facility [~~center~~] in the chairperson's
 26 trauma service area that has provided [~~suffered deleterious effects~~
 27 ~~due to~~] uncompensated trauma care. Funds may be disbursed under

1 this subsection based on a proportionate share of uncompensated
2 trauma care provided in the state and may be used to fund innovative
3 projects to enhance the delivery of patient care in the overall
4 emergency medical services and trauma care system.

5 SECTION 2. Section 773.123, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 773.123. CONTROL OF EXPENDITURES FROM ACCOUNT [~~THE~~
8 ~~FUND~~]. Money [~~(a) Except as provided by Subsection (b), money~~]
9 distributed from the account established under Section 771.072(f)
10 shall be used in accordance with Section 773.122 on the
11 authorization of[+]

12 [~~(1)~~] the executive committee of the trauma service
13 area regional advisory council. [~~, in those regions where the money~~
14 ~~is distributed on behalf of eligible recipients to the regional~~
15 ~~advisory council, and~~

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

18 [~~(b) In a county with a population of 291,000 or more for~~
19 ~~which money distributed from the account is not distributed to a~~
20 ~~trauma service area regional advisory council, the money shall be~~
21 ~~used in accordance with Section 773.122 on the joint authorization~~
22 ~~of the chief executive of the county to which the money is disbursed~~
23 ~~and the mayor of the principal municipality in that county on~~
24 ~~vouchers issued by the county's treasurer.~~

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

1 SECTION 3. Subchapter A, Chapter 102, Code of Criminal
2 Procedure, is amended by adding Article 102.0185 to read as
3 follows:

4 Art. 102.0185. ADDITIONAL COSTS ATTENDANT TO INTOXICATION
5 CONVICTIONS: EMERGENCY MEDICAL SERVICES, TRAUMA FACILITIES, AND
6 TRAUMA CARE SYSTEMS. (a) In addition to the costs on conviction
7 imposed by Articles 102.016 and 102.018, a person convicted of an
8 offense under Chapter 49, Penal Code, shall pay \$100 on conviction
9 of the offense.

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

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

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

19 (e) The custodian of the municipal or county treasury shall:
20 (1) keep records of the amount of money collected
21 under this article that is deposited with the treasury under this
22 article; and

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

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

27 (B) if, in the calendar quarter, the custodian of

1 the municipal or county treasury did not receive any money
2 attributable to costs paid under this article, file a report with
3 the comptroller stating that fact.

4 (f) The comptroller shall deposit the funds received under
5 this article to the credit of the account established under Section
6 771.072(f), Health and Safety Code.

7 SECTION 4. (a) Article 102.0185, Code of Criminal
8 Procedure, as added by this Act, applies only to an offense
9 committed on or after the effective date of this Act. For purposes
10 of this section, an offense is committed before the effective date
11 of this Act if any element of the offense occurs before that date.

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

16 SECTION 5. This Act takes effect September 1, 2003.