

1-1 By: Harris S.B. No. 1131
1-2 (In the Senate - Filed March 11, 2003; March 17, 2003, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 22, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 22, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1131 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to funding of certain emergency medical services, trauma
1-11 facilities, and trauma care systems.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 773, Health and Safety
1-14 Code, is amended by adding Section 773.006 to read as follows:

1-15 Sec. 773.006. FUND FOR EMERGENCY MEDICAL SERVICES, TRAUMA
1-16 FACILITIES, AND TRAUMA CARE SYSTEMS. (a) The fund for emergency
1-17 medical services, trauma facilities, and trauma care systems is
1-18 established as an account in the general revenue fund. Money in the
1-19 account may be appropriated only to the bureau for the purposes
1-20 specified by Section 773.122.

1-21 (b) The account is composed of money deposited to the
1-22 account under Article 102.0185, Code of Criminal Procedure, and the
1-23 earnings of the account.

1-24 (c) Sections 403.095 and 404.071, Government Code, do not
1-25 apply to the account.

1-26 SECTION 2. Section 773.122, Health and Safety Code, is
1-27 amended to read as follows:

1-28 Sec. 773.122. PAYMENTS FROM THE ACCOUNTS [~~ACCOUNT~~].

1-29 (a) The commissioner, with advice and counsel from the
1-30 chairpersons of the trauma service area regional advisory councils,
1-31 shall use money in the accounts [~~account~~] established under
1-32 Sections [~~Section~~] 771.072(f) and 773.006 to fund county and
1-33 regional emergency medical services, designated trauma facilities,
1-34 and trauma care systems in accordance with this section.

1-35 (b) The commissioner shall maintain a reserve of \$500,000
1-36 [~~\$250,000~~] of money appropriated from the accounts [~~account~~] for
1-37 extraordinary emergencies.

1-38 (c) In any fiscal year the commissioner shall use 50 [~~at~~
1-39 ~~least 70~~] percent of the appropriated money remaining from [~~in~~] the
1-40 accounts [~~account~~], after any amount necessary to maintain the
1-41 reserve established by Subsection (b) is deducted, to fund, in
1-42 connection with an effort to provide coordination with the
1-43 appropriate trauma service area, the cost of supplies, operational
1-44 expenses, education and training, equipment, vehicles, and
1-45 communications systems for local emergency medical services. The
1-46 money shall be distributed on behalf of eligible recipients in each
1-47 county to the trauma service area regional advisory council for
1-48 that county. To receive a distribution under this subsection, [if]
1-49 the regional advisory council must be [is] incorporated as an
1-50 entity that is exempt from federal income tax under Section 501(a),
1-51 Internal Revenue Code of 1986, and its subsequent amendments, by
1-52 being listed as an exempt organization under Section 501(c)(3) of
1-53 the code. [~~For a county for which the regional advisory council is~~
1-54 ~~not incorporated as such an entity, the money shall be distributed~~
1-55 ~~to the county on behalf of eligible recipients.] The share of the~~
1-56 money allocated to the eligible recipients in a county's geographic
1-57 area shall be based on the relative geographic size and population
1-58 of the county and on the relative number of emergency or trauma care
1-59 runs performed by eligible recipients in the county. Money that is
1-60 not disbursed by a regional advisory council [~~or a county~~] to
1-61 eligible recipients for approved functions by the end of the fiscal
1-62 year in which the funds were disbursed may be retained by the
1-63 regional advisory council [~~shall be returned to the account~~] to be

2-1 used during the following fiscal year in accordance with this
 2-2 subsection [Subsection (f)]. Money that is not disbursed by the
 2-3 regional advisory council during the following fiscal year shall be
 2-4 returned to the account.

2-5 (d) In any fiscal year, the commissioner may use not more
 2-6 than 20 [25] percent of the appropriated money remaining from [in]
 2-7 the accounts [account], after any amount necessary to maintain the
 2-8 reserve established by Subsection (b) is deducted, for operation of
 2-9 the 22 trauma service areas and for equipment, communications, and
 2-10 education and training for the areas. Money distributed under this
 2-11 subsection shall be distributed on behalf of eligible recipients in
 2-12 each county to the trauma service area regional advisory council
 2-13 for that county. To receive a distribution under this subsection,
 2-14 [if] the regional advisory council must be [is] incorporated as an
 2-15 entity that is exempt from federal income tax under Section 501(a),
 2-16 Internal Revenue Code of 1986, and its subsequent amendments, by
 2-17 being listed as an exempt organization under Section 501(c)(3) of
 2-18 the code. [For a county for which the regional advisory council is
 2-19 not incorporated as such an entity, the money shall be distributed
 2-20 to the county in which the chairperson of an area's regional
 2-21 advisory council sits on behalf of eligible recipients.] A
 2-22 regional advisory council's share of money distributed under this
 2-23 section shall be based on the relative geographic size and
 2-24 population of each trauma service area and on the relative amount of
 2-25 trauma care provided. Money that is not disbursed by a regional
 2-26 advisory council [or county] to eligible recipients for approved
 2-27 functions by the end of the fiscal year in which the funds were
 2-28 disbursed may be retained by the regional advisory council [shall
 2-29 be returned to the account] to be used during the following fiscal
 2-30 year in accordance with this subsection [Subsection (f)]. Money
 2-31 that is not disbursed by the regional advisory council during the
 2-32 following fiscal year shall be returned to the account.

2-33 (e) In any fiscal year, the commissioner may use not more
 2-34 than three percent of the appropriated money from the accounts
 2-35 [remaining in the account] after any amount necessary to maintain
 2-36 the reserve established by Subsection (b) is deducted to fund the
 2-37 administrative costs of the bureau of emergency management of the
 2-38 department associated with administering the state emergency
 2-39 medical services program, the trauma program, and the accounts
 2-40 [account] and to fund the costs of monitoring and providing
 2-41 technical assistance for those programs and the accounts [that
 2-42 account].

2-43 (f) In any fiscal year, the commissioner shall use at least
 2-44 27 [two] percent of the appropriated money remaining from [in] the
 2-45 accounts [account] after any amount necessary to maintain the
 2-46 reserve established by Subsection (b) is deducted and the money
 2-47 from [in] the accounts [account] not otherwise distributed under
 2-48 this section to fund a portion of the uncompensated trauma care
 2-49 provided at facilities designated as state trauma facilities by the
 2-50 department. The administrator of a designated facility may request
 2-51 a [A] regional advisory council chairperson to [may] petition the
 2-52 department for disbursement of funds to a designated trauma
 2-53 facility [center] in the chairperson's trauma service area that has
 2-54 provided [suffered deleterious effects due to] uncompensated
 2-55 trauma care. Funds may be disbursed under this subsection based on
 2-56 a proportionate share of uncompensated trauma care provided in the
 2-57 state and may be used to fund innovative projects to enhance the
 2-58 delivery of patient care in the overall emergency medical services
 2-59 and trauma care system.

2-60 (g) The department shall review the percentages for
 2-61 disbursement of funds in the accounts [account] on an annual basis
 2-62 and shall make recommendations for proposed changes to ensure that
 2-63 appropriate and fair funding is provided under this section.

2-64 SECTION 3. Section 773.123, Health and Safety Code, is
 2-65 amended to read as follows:

2-66 Sec. 773.123. CONTROL OF EXPENDITURES FROM ACCOUNTS [THE
 2-67 FUND]. Money [(a) Except as provided by Subsection (b), money]
 2-68 distributed from the accounts [account] established under Sections
 2-69 [Section] 771.072(f) and 773.006 shall be used in accordance with

3-1 Section 773.122 on the authorization of[+
3-2 [~~(1)~~] the executive committee of the trauma service
3-3 area regional advisory council[, ~~in those regions where the money~~
3-4 ~~is distributed on behalf of eligible recipients to the regional~~
3-5 ~~advisory council, and~~

3-6 [~~(2) the chief executive of the county to which the~~
3-7 ~~money is disbursed on vouchers issued by the county's treasurer].~~

3-8 [~~(b) In a county with a population of 291,000 or more for~~
3-9 ~~which money distributed from the account is not distributed to a~~
3-10 ~~trauma service area regional advisory council, the money shall be~~
3-11 ~~used in accordance with Section 773.122 on the joint authorization~~
3-12 ~~of the chief executive of the county to which the money is disbursed~~
3-13 ~~and the mayor of the principal municipality in that county on~~
3-14 ~~vouchers issued by the county's treasurer.~~

3-15 [~~(c) For the purposes of this section, "principal~~
3-16 ~~municipality" means the municipality with the largest population in~~
3-17 ~~a county to which this section applies.]~~

3-18 SECTION 4. Subchapter A, Chapter 102, Code of Criminal
3-19 Procedure, is amended by adding Article 102.0185 to read as
3-20 follows:

3-21 Art. 102.0185. ADDITIONAL COSTS ATTENDANT TO INTOXICATION
3-22 CONVICTIONS: EMERGENCY MEDICAL SERVICES, TRAUMA FACILITIES, AND
3-23 TRAUMA CARE SYSTEMS. (a) In addition to the costs on conviction
3-24 imposed by Articles 102.016 and 102.018, a person convicted of an
3-25 offense under Chapter 49, Penal Code, except for Sections 49.02 and
3-26 49.031, shall pay \$100 on conviction of the offense.

3-27 (b) Costs imposed under this article are imposed without
3-28 regard to whether the defendant is placed on community supervision
3-29 after being convicted of the offense or receives deferred
3-30 disposition or deferred adjudication for the offense.

3-31 (c) Costs imposed under this article are collected in the
3-32 same manner as other costs collected under Article 102.075.

3-33 (d) The officer collecting the costs under this article
3-34 shall keep separate records of the money collected and shall pay the
3-35 money to the custodian of the municipal or county treasury.

3-36 (e) The custodian of the municipal or county treasury shall:

3-37 (1) keep records of the amount of money collected
3-38 under this article that is deposited with the treasury under this
3-39 article; and

3-40 (2) not later than the last day of the first month
3-41 following each calendar quarter:

3-42 (A) pay the money collected under this article
3-43 during the preceding calendar quarter to the comptroller; or

3-44 (B) if, in the calendar quarter, the custodian of
3-45 the municipal or county treasury did not receive any money
3-46 attributable to costs paid under this article, file a report with
3-47 the comptroller stating that fact.

3-48 (f) The comptroller shall deposit the funds received under
3-49 this article to the credit of the account established under Section
3-50 773.006, Health and Safety Code.

3-51 SECTION 5. (a) Article 102.0185, Code of Criminal
3-52 Procedure, as added by this Act, applies only to an offense
3-53 committed on or after the effective date of this Act. For purposes
3-54 of this section, an offense is committed before the effective date
3-55 of this Act if any element of the offense occurs before that date.

3-56 (b) An offense committed before the effective date of this
3-57 Act is governed by the law in effect at the time the offense was
3-58 committed, and the former law is continued in effect for that
3-59 purpose.

3-60 SECTION 6. This Act takes effect September 1, 2003.

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