

Suspending limitations on conference committee
jurisdiction, S.B. No. 1119 (Carona/Murphy)

By: Carona

S.R. No. 1183

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 80th
2 Legislature, Regular Session, 2007, That Senate Rule 12.03 be
3 suspended in part as provided by Senate Rule 12.08 to enable the
4 conference committee appointed to resolve the differences on Senate
5 Bill 1119 (authority of a local authority to implement a
6 photographic traffic signal enforcement system; providing for the
7 imposition of civil penalties; providing a criminal penalty) to
8 consider and take action on the following matters:

9 (1) Senate Rules 12.03(3) and (4) are suspended to permit
10 the conference committee to add the following sections to proposed
11 Chapter 707, Transportation Code:

12 Sec. 707.006. GENERAL SURVEILLANCE PROHIBITED; OFFENSE.

13 (a) A local authority shall operate a photographic traffic control
14 signal enforcement system only for the purpose of detecting a
15 violation or suspected violation of a traffic-control signal.

16 (b) A person commits an offense if the person uses a
17 photographic traffic signal enforcement system to produce a
18 recorded image other than in the manner and for the purpose
19 specified by this chapter.

20 (c) An offense under this section is a Class A misdemeanor.

21 Sec. 707.007. AMOUNT OF CIVIL PENALTY; LATE PAYMENT
22 PENALTY. If a local authority enacts an ordinance to enforce
23 compliance with the instructions of a traffic-control signal by the
24 imposition of a civil or administrative penalty, the amount of:

1 (1) the civil or administrative penalty may not exceed
2 \$75; and

3 (2) a late payment penalty may not exceed \$25.

4 Sec. 707.008. DEPOSIT OF REVENUE FROM CERTAIN TRAFFIC
5 PENALTIES. (a) Not later than the 60th day after the end of a local
6 authority's fiscal year, after deducting amounts the local
7 authority is authorized by Subsection (b) to retain, the local
8 authority shall:

9 (1) send 50 percent of the revenue derived from civil
10 or administrative penalties collected by the local authority under
11 this section to the comptroller for deposit to the credit of the
12 regional trauma account established under Section 782.002, Health
13 and Safety Code; and

14 (2) deposit the remainder of the revenue in a special
15 account in the local authority's treasury that may be used only to
16 fund traffic safety programs, including pedestrian safety
17 programs, public safety programs, intersection improvements, and
18 traffic enforcement.

19 (b) A local authority may retain an amount necessary to
20 cover the costs of:

21 (1) purchasing or leasing equipment that is part of or
22 used in connection with the photographic traffic signal enforcement
23 system in the local authority;

24 (2) installing the photographic traffic signal
25 enforcement system at sites in the local authority, including the
26 costs of installing cameras, flashes, computer equipment, loop
27 sensors, detectors, utility lines, data lines, poles and mounts,

1 networking equipment, and associated labor costs;

2 (3) operating the photographic traffic signal
3 enforcement system in the local authority, including the costs of
4 creating, distributing, and delivering violation notices, review
5 of violations conducted by employees of the local authority, the
6 processing of fine payments and collections, and the costs
7 associated with administrative adjudications and appeals; and

8 (4) maintaining the general upkeep and functioning of
9 the photographic traffic signal enforcement system.

10 (c) Chapter 133, Local Government Code, applies to fee
11 revenue described by Subsection (a)(1).

12 (d) If under Section 133.059, Local Government Code, the
13 comptroller conducts an audit of a local authority and determines
14 that the local authority retained more than the amounts authorized
15 by this section or failed to deposit amounts as required by this
16 section, the comptroller may impose a penalty on the local
17 authority equal to twice the amount the local authority:

18 (1) retained in excess of the amount authorized by
19 this section; or

20 (2) failed to deposit as required by this section.

21 Explanation: This change is necessary to provide for the
22 administration of a civil or administrative penalty imposed by a
23 local authority to enforce compliance with the instructions of a
24 traffic-control signal and use of the money collected to help fund
25 regional emergency medical services.

26 (2) Senate Rules 12.03(3) and (4) are suspended to permit
27 the conference committee to add the following:

1 SECTION 4. Section 133.004, Local Government Code, is
2 amended to read as follows:

3 Sec. 133.004. CIVIL FEES. This chapter applies to the
4 following civil fees:

5 (1) the consolidated fee on filing in district court
6 imposed under Section 133.151;

7 (2) the filing fee in district court for basic civil
8 legal services for indigents imposed under Section 133.152;

9 (3) the filing fee in courts other than district court
10 for basic civil legal services for indigents imposed under Section
11 133.153;

12 (4) the filing fees for the judicial fund imposed in
13 certain statutory county courts under Section 51.702, Government
14 Code;

15 (5) the filing fees for the judicial fund imposed in
16 certain county courts under Section 51.703, Government Code;

17 (6) the filing fees for the judicial fund imposed in
18 certain statutory probate courts under Section 51.704, Government
19 Code;

20 (7) fees collected under Section 118.015;

21 (8) marriage license fees for the family trust fund
22 collected under Section 118.018;

23 (9) marriage license or declaration of informal
24 marriage fees for the child abuse and neglect prevention trust fund
25 account collected under Section 118.022; ~~and~~

26 (10) the filing fee for the judicial fund imposed in
27 district court, statutory county court, and county court under

1 Section 133.154; and

2 (11) the portion of the civil or administrative
3 penalty described by Section 707.008(a)(1), Transportation Code,
4 imposed by a local authority to enforce compliance with the
5 instructions of a traffic-control signal.

6 SECTION 5. Subtitle B, Title 9, Health and Safety Code, is
7 amended by adding Chapter 782 to read as follows:

8 CHAPTER 782. REGIONAL EMERGENCY MEDICAL SERVICES

9 Sec. 782.001. DEFINITIONS. In this chapter:

10 (1) "Commission" means the Health and Human Services
11 Commission.

12 (2) "Commissioner" means the executive commissioner
13 of the Health and Human Services Commission.

14 Sec. 782.002. REGIONAL TRAUMA ACCOUNT. (a) The regional
15 trauma account is created as a dedicated account in the general
16 revenue fund of the state treasury. Money in the account may be
17 appropriated only to the commission to make distributions as
18 provided by Section 782.003.

19 (b) The account is composed of money deposited to the credit
20 of the account under Section 707.008, Transportation Code, and the
21 earnings of the account.

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

24 Sec. 782.003. PAYMENTS FROM THE REGIONAL TRAUMA ACCOUNT.

25 (a) The commissioner shall use money appropriated from the
26 regional trauma account established under Section 782.002 to fund
27 uncompensated care of designated trauma facilities and county and

1 regional emergency medical services located in the area served by
2 the trauma service area regional advisory council that serves the
3 local authority submitting money under Section 707.008,
4 Transportation Code.

5 (b) In any fiscal year, the commissioner shall use:

6 (1) 96 percent of the money appropriated from the
7 account to fund a portion of the uncompensated trauma care provided
8 at facilities designated as state trauma facilities by the
9 Department of State Health Services;

10 (2) two percent of the money appropriated from the
11 account for county and regional emergency medical services;

12 (3) one percent of the money appropriated from the
13 account for distribution to the 22 trauma service area regional
14 advisory councils; and

15 (4) one percent of the money appropriated from the
16 account to fund administrative costs of the commission.

17 (c) The money under Subsection (b) shall be distributed in
18 proportion to the amount deposited to the account from the local
19 authority.

20 Explanation: This change is necessary to provide that money
21 from civil or administrative penalties imposed by a local authority
22 to enforce compliance with the instructions of a traffic-control
23 signal is to be used for regional emergency medical services.

24 (3) Senate Rules 12.03(3) and (4) are suspended to permit
25 the conference committee to add the following:

26 SECTION 6. Section 707.008, Transportation Code, as added
27 by this Act, and Section 782.002, Health and Safety Code, as added

1 by this Act, apply to revenue received by a local authority unit of
2 this state from the imposition of a civil or administrative penalty
3 on or after the effective date of this Act, regardless of whether
4 the penalty was imposed before, on, or after the effective date of
5 this Act.

6 SECTION 7. Not later than December 1, 2007, the executive
7 commissioner of the Health and Human Services Commission shall
8 adopt rules to implement Chapter 782, Health and Safety Code, as
9 added by this Act.

10 Explanation: This change is necessary to implement the
11 changes in law that provide for the use of money from civil or
12 administrative penalties imposed by a local authority to enforce
13 compliance with the instructions of a traffic-control signal.

14 (4) Senate Rule 12.03(2) is suspended to permit the
15 conference committee to omit text from the section containing the
16 effective date as follows:

17 (a) Except as provided by Subsection (b) of this
18 section,

19 (b) This Act takes effect only if Senate Bill No. 125, Acts
20 of the 80th Legislature, Regular Session, 2007, is enacted and
21 becomes law.

22 Explanation: The language making the bill contingent on S.B.
23 No. 125 taking effect is no longer necessary since that bill has
24 been incorporated into the conference committee report for S.B.
25 No. 1119.