#### What Matters to Hospitals Now

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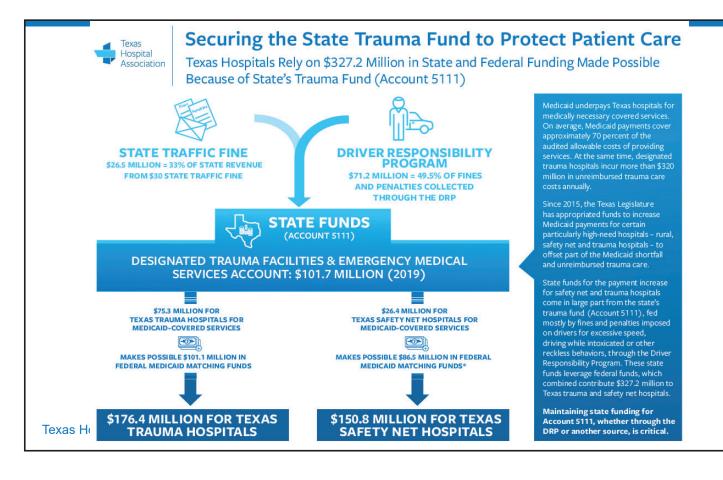
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## Trauma System Funding

- THA's priority is to maintain a dedicated funding source for the state's network of trauma hospitals to compensate for some of their unreimbursed costs of providing life-saving trauma care.
- · Driver Responsibility Program
- DPS collects the fees tied to the DRP, which is the current source of funding for the trauma fund (Account 5111) and also a substantial amount of general revenue (49.5 percent goes to GR).
- DRP fees are assessed based on accumulating six or more points for traffic fines and for certain convictions.
- Fees must be paid within 105 days or an individual's driver license will be suspended for failure to comply.
- · 17 bills already filed on DRP in 2019!
  - · Bills range from cleanups to outright repeal.





# Salinas v. State 523 S.W.3d 103 (Tex. Crim. App. 2017).

- · In *Salinas*, the defendant was convicted of a felony (injury to an elderly individual).
- A variety of Texas statutes require defendants convicted of criminal offenses to pay court costs, one of which is a single fee that is subsequently allocated among several different state accounts.
- The defendant challenged the percentage of court costs transferred to two specific accounts—one for comprehensive rehabilitation and one for abused children's counseling.
- Issue: permissible under Texas law for a court to collect fees for the purposes served by each account?

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### Salinas (cont'd)

- Under the Separation of Powers provision in the Texas Constitution, it is unconstitutional for one branch of government to assume a power more properly attached to another.
- The ability to tax is a function of the executive branch, not the judicial branch.
- However, courts are allowed to collect fees (and they don't count as taxes) if they are part of the judicial function, meaning for "legitimate criminal justice purposes."
- Case by case examination of "what the governing statute says about the intended use of the funds, not whether funds are actually used for a criminal justice purpose."

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# Review of Branches of Texas Government

Legislative
House and
Senate
Makes the

**Executive** 

Governor, Executive Offices and Agencies

Enforces the

Judicial
Court System
Interprets the

Texas Hospital Association







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