



RECEIVED

OCT 10 2006

OPINION COMMITTEE

The Senate of The State of Texas

Senator Royce West
District 23

President Pro Tempore
2006

DISTRICT OFFICE:
5787 South Hampton Road
Suite 385
Dallas, Texas 75232
214/467-0123
Fax: 214/467-0050

CAPITOL OFFICE:
P.O. Box 12068
Austin, Texas 78711
512/463-0123
Fax: 512/463-0299
Dial 711 for Relay Calls

FILE # ML-45025-06
I.D. # 45025

SENATE COMMITTEES:
CHAIRMAN
Subcommittee on Higher Education
VICE CHAIRMAN
Education
MEMBER
Finance
Health and Human Services
Jurisprudence

RQ-0540-GA

October 3, 2006

The Honorable Greg Abbott
Attorney General
209 W.14th
Austin, TX 78711-2548

EXECUTIVE ADMINISTRATION
MAIL DISTRIBUTION

OCT 06 2006

ACTION BY Nancy Fuller
COPY TO Ellen Wilt
Stacey Napier

Dear Attorney General Abbott:

During the 79th Regular Session, I authored S.B. 1501, which would have created a new revenue source to address indigent and uncompensated out-of-county hospital care expenses by assessing a nominal fee on international wire transfers. Under that bill, the fee would have been one-half of one percent of the total amount wired abroad and would have been remitted to the comptroller of public accounts each quarter. The Comptroller would then have distributed the fee back to the county, which could use it only for indigent health care expenses.

I filed this legislation in response to the problem of the mounting debts being borne by our large hospital districts and urban counties. I plan on filing similar legislation in the upcoming 80th Regular Session.

The Lieutenant Governor has charged the Senate Finance Committee with two charges for interim study which relate to the issues of indigent and uncompensated care. Under Charge #4, the Committee will review health care funding, including hospital reimbursements and trauma and indigent care. Under Charge #9, the Committee will determine the number of commercial and consumer transactions - including wire transfers - that occur in Texas, determine the amount of monies that are sent internationally from Texas and study the feasibility of creating a pilot program in Harris County that captures a percentage of revenues from such transactions. Charge #9 also charges the Committee to request an opinion from the Attorney General's Office to pursue these revenues as a potential source for health care funding.



In order for us to examine this issue, I would like to request that the Attorney General issue an opinion on the following three issues:

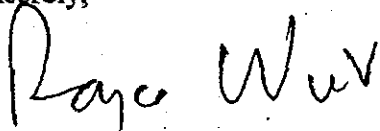
1. Whether the international wire transfer fee, as proposed in S.B. 1501, violates the Equal Protection Clause of the U.S. Constitution.
2. Whether the international wire transfer, as proposed in S.B. 1501, violates the foreign commerce clause in the U.S. Constitution Article 1, §8, cl.3.
3. Whether the international wire transfer fee, as proposed in S.B. 1501, is a tax on international wire transfers rather than a fee.

In addition, I would appreciate it if you could provide me with any case law or related information that might be relevant to this request.

Your assistance in providing the information requested will greatly enable us to determine how best to move forward in addressing the problem of indigent and uncompensated care in Texas.

Should you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Royce West". The signature is written in dark ink and is positioned below the word "Sincerely,".

Senator Royce West
Chairman, Senate Intergovernmental Relations Committee