

1-1 By: Zaffirini, et al. S.B. No. 24
1-2 (In the Senate - Filed November 8, 2004; January 31, 2005,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; April 27, 2005, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 6,
1-6 Nays 0; April 27, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 24 By: Shapleigh

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

1-10 relating to the creation of a donor education, awareness, and
1-11 registry program, the establishment of an organ donor and tissue
1-12 council, and anatomical gift donation.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsections (b), (c), and (d), Section 521.401,
1-15 Transportation Code, are amended to read as follows:

1-16 (b) The statement of gift may be shown on a donor's driver's
1-17 license or personal identification certificate or by a card
1-18 designed to be carried by the donor to evidence the donor's
1-19 intentions with respect to organ, tissue, and eye donation. A donor
1-20 card signed by the donor shall be given effect as if executed
1-21 pursuant to Section 692.003(d), Health and Safety Code.

1-22 (c) Donor cards shall be provided to the department by
1-23 qualified organ or tissue procurement organizations or eye banks,
1-24 as those terms are defined in Section 692.002, Health and Safety
1-25 Code, or by the Donor Education, Awareness, and Registry Program of
1-26 Texas established under Chapter 49, Health and Safety Code. The
1-27 department shall:

1-28 (1) provide to each applicant for the issuance of an
1-29 original, renewal, corrected, or duplicate driver's license or
1-30 personal identification certificate who applies in person, by mail,
1-31 over the Internet, or by other electronic means:

1-32 (A) the opportunity to indicate on the person's
1-33 driver's license or personal identification certificate that the
1-34 person is willing to make an anatomical gift, in the event of death,
1-35 in accordance with Section 692.003, Health and Safety Code; and

1-36 (B) an opportunity for the person to consent in
1-37 writing to the department's provision of the person's name, date of
1-38 birth, driver's license number, most recent address, and other
1-39 information needed for identification purposes at the time of
1-40 donation to the organization selected by the commissioner of state
1-41 health services under Chapter 49, Health and Safety Code, for
1-42 inclusion in the statewide Internet-based registry of organ,
1-43 tissue, and eye donors and for release to qualified organ, tissue,
1-44 and eye bank organizations; and

1-45 (2) provide a means to distribute donor cards to
1-46 interested individuals in each office authorized to issue driver's
1-47 licenses or personal identification certificates [~~the department~~
1-48 ~~and other appropriate state agencies, in cooperation with qualified~~
1-49 ~~organ, tissue, and eye bank organizations shall pursue the~~
1-50 ~~development of a combined statewide database of donors].~~

1-51 (d) ~~An [Effective September 1, 1997, a statement of gift on~~
1-52 ~~driver's licenses or personal identification certificates shall~~
1-53 ~~have no force and effect, provided, however, that an] affirmative~~
1-54 ~~statement of gift on a person's driver's license or personal~~
1-55 ~~identification certificate executed after August 31, 2005 [prior to~~
1-56 ~~September 1, 1997], shall be conclusive evidence of a decedent's~~
1-57 ~~status as a donor and serve as consent for organ, tissue, and eye~~
1-58 ~~removal.~~

1-59 SECTION 2. Section 521.402, Transportation Code, is amended
1-60 by amending Subsection (a) and adding Subsection (c) to read as
1-61 follows:

1-62 (a) To revoke an affirmative statement of gift on a person's
1-63 driver's license or personal identification certificate [~~made~~

2-1 ~~prior to September 1, 1997], a person must apply to the department~~
2-2 ~~for an amendment to the license or certificate.~~

2-3 (c) To have a person's name deleted from the statewide
2-4 Internet-based registry of organ, tissue, and eye donors maintained
2-5 as provided by Chapter 49, Health and Safety Code, a person must
2-6 provide written notice to the organization selected by the
2-7 commissioner of state health services under that chapter to
2-8 maintain the registry directing the deletion of the person's name
2-9 from the registry. On receipt of a written notice under this
2-10 subsection, the organization shall promptly remove the person's
2-11 name and information from the registry.

2-12 SECTION 3. Section 521.403, Transportation Code, is amended
2-13 to read as follows:

2-14 Sec. 521.403. INFORMATION PROVIDED TO HOSPITAL. The donor
2-15 card of a person who is involved in an accident or other trauma
2-16 shall accompany the person to the hospital or other health care
2-17 facility. The driver's license or personal identification
2-18 certificate [~~issued prior to September 1, 1997,~~] indicating an
2-19 affirmative statement of gift of a person who is involved in an
2-20 accident or other trauma[~~7~~] shall accompany the person to the
2-21 hospital or health care facility if the person does not have a donor
2-22 card.

2-23 SECTION 4. Chapter 49, Health and Safety Code, is amended to
2-24 read as follows:

2-25 CHAPTER 49. DONOR EDUCATION, AWARENESS, AND REGISTRY
2-26 [ANATOMICAL GIFT EDUCATIONAL] PROGRAM OF TEXAS

2-27 Sec. 49.001. DEFINITIONS [DEVELOPMENT AND IMPLEMENTATION
2-28 OF PROGRAM]. In this chapter:

2-29 (1) "Commissioner" means the commissioner of state
2-30 health services.

2-31 (2) "Department" means the Department of State Health
2-32 Services.

2-33 (3) "Registry program" means the Donor Education,
2-34 Awareness, and Registry Program of Texas.

2-35 Sec. 49.002. ESTABLISHMENT OF PROGRAM. (a) In
2-36 consultation with the Department of Public Safety and organ
2-37 procurement organizations, the department shall establish the
2-38 Donor Education, Awareness, and Registry Program of Texas.

2-39 (b) The department shall enter into an agreement with an
2-40 organization selected by the commissioner under a competitive
2-41 proposal process for the establishment and maintenance of a
2-42 statewide Internet-based registry of organ, tissue, and eye donors.
2-43 Contingent on the continued availability of appropriations under
2-44 Subsection (h), the term of the initial agreement is two years and
2-45 may be renewed for two-year terms thereafter unless terminated in a
2-46 written notice to the other party by the department or organization
2-47 not later than the 180th day before the last day of a term.

2-48 (c) The Department of Public Safety at least monthly shall
2-49 electronically transfer to the organization selected by the
2-50 commissioner as provided by Subsection (b) the name, date of birth,
2-51 driver's license number, most recent address, and any other
2-52 relevant information in the possession of the Department of Public
2-53 Safety for any person who indicates on the person's driver's license
2-54 application under Section 521.401, Transportation Code, that the
2-55 person would like to make an anatomical gift and consents in writing
2-56 to the release of the information by the Department of Public Safety
2-57 to the organization for inclusion in the statewide Internet-based
2-58 registry of organ, tissue, and eye donors.

2-59 (d) The contract between the department and the
2-60 organization selected by the commissioner as provided by Subsection
2-61 (b) must require the organization to:

2-62 (1) make information obtained from the Department of
2-63 Public Safety under Subsection (c) available to qualified organ,
2-64 tissue, and eye bank organizations;

2-65 (2) allow potential donors to submit information in
2-66 writing directly to the organization for inclusion in the statewide
2-67 Internet-based registry of organ, tissue, and eye donors;

2-68 (3) maintain the statewide Internet-based registry of
2-69 organ, tissue, and eye donors in a manner that allows qualified

3-1 organ, tissue, and eye bank organizations to immediately access
 3-2 organ, tissue, and eye donation information 24 hours a day, seven
 3-3 days a week, through electronic and telephonic methods; and

3-4 (4) protect the confidentiality and privacy of the
 3-5 individuals providing information to the statewide Internet-based
 3-6 registry, regardless of the manner in which the information is
 3-7 provided.

3-8 (e) Except as otherwise provided by Subsection (d)(3) or
 3-9 this subsection, the Department of Public Safety, the organization
 3-10 selected by the commissioner under Subsection (a), or a qualified
 3-11 organ, tissue, and eye bank organization may not sell, rent, or
 3-12 otherwise share any information provided to the registry. A
 3-13 qualified organ, tissue, and eye bank organization may share any
 3-14 information provided to the registry with an organ procurement
 3-15 organization or a health care provider or facility providing
 3-16 medical care to a potential donor as necessary to properly identify
 3-17 an individual at the time of donation.

3-18 (f) The Department of Public Safety, the organization
 3-19 selected by the commissioner under Subsection (b), or the qualified
 3-20 organ, tissue, and eye bank organizations may not use any
 3-21 demographic or specific data provided to the registry for any
 3-22 fund-raising activities. Data may only be transmitted from the
 3-23 selected organization to qualified organ, tissue, and eye bank
 3-24 organizations through electronic and telephonic methods using
 3-25 secure, encrypted technology to preserve the integrity of the data
 3-26 and the privacy of the individuals providing information.

3-27 (g) In each office authorized to issue driver's licenses or
 3-28 personal identification certificates, the Department of Public
 3-29 Safety shall make available educational materials developed by the
 3-30 Texas Organ, Tissue, and Eye Donor Council established under
 3-31 Chapter 113.

3-32 (h) The Department of Public Safety shall remit to the
 3-33 comptroller the money collected under Sections 521.421(g) and
 3-34 521.422(c), Transportation Code, as provided by those subsections.
 3-35 A county assessor-collector shall remit to the comptroller any
 3-36 money collected under Section 502.1745, Transportation Code, as
 3-37 provided by that section. Money remitted to the comptroller in
 3-38 accordance with this subsection that is appropriated to the
 3-39 department must be spent in accordance with the priorities
 3-40 established by the department in consultation with the Texas Organ,
 3-41 Tissue, and Eye Donor Council to pay the costs of:

3-42 (1) maintaining, operating, and updating the
 3-43 statewide Internet-based donor registry and establishing
 3-44 procedures for an individual to be added to the registry; and

3-45 (2) designing and distributing education materials
 3-46 for prospective donors as required under this section.

3-47 (i) Any additional money over the amount necessary to
 3-48 accomplish the purposes of Subsections (h)(1) and (2) may be used by
 3-49 the department to provide education under this chapter or may be
 3-50 awarded using a competitive grant process to organizations to
 3-51 conduct organ, eye, and tissue donation education activities in
 3-52 this state. A member of the Texas Organ, Tissue, and Eye Donor
 3-53 Council may not receive a grant under this subsection.

3-54 (j) The department shall require the organization selected
 3-55 under Subsection (b) to submit an annual written report to the
 3-56 department that includes:

3-57 (1) the number of donors listed on the registry;
 3-58 (2) changes in the number of donors listed on the
 3-59 registry; and

3-60 (3) the demographic characteristics of listed donors,
 3-61 to the extent the characteristics may be determined from
 3-62 information provided on donor registry forms submitted by donors to
 3-63 the organization.

3-64 (k) To the extent funds are available and as part of the
 3-65 registry program, the ~~[(a) The]~~ department shall ~~[develop a~~
 3-66 ~~program to]~~ educate residents about anatomical gifts. The program
 3-67 shall include information about:

3-68 (1) the laws governing anatomical gifts, including
 3-69 Subchapter Q, Chapter 521, Transportation Code, and Chapter 692;

4-1 (2) the procedures for becoming an organ, eye, or
4-2 tissue donor or donee; and

4-3 (3) the benefits of organ, eye, or tissue donation.

4-4 (1) ~~[(b)]~~ In developing the program, the department in
4-5 consultation with the Texas Organ, Tissue, and Eye Donor Council
4-6 shall solicit broad-based input reflecting recommendations of all
4-7 interested groups, including representatives of patients,
4-8 providers, ethnic groups, and geographic regions.

4-9 (m) In consultation with the Texas Organ, Tissue, and Eye
4-10 Donor Council, the department may implement a training program for
4-11 all appropriate Department of Public Safety and Texas Department of
4-12 Transportation employees on the benefits of organ, tissue, and eye
4-13 donation and the procedures for individuals to be added to the
4-14 statewide Internet-based registry of organ, tissue, and eye donors.
4-15 The department shall implement the training program before the date
4-16 that the statewide Internet-based registry is operational and shall
4-17 conduct the training on an ongoing basis for new employees.

4-18 ~~Sec. 49.003 [(c) The department shall implement the program~~
4-19 ~~only to the extent that funds are available from Section 521.421(g)~~
4-20 ~~or 521.422(c), Transportation Code.~~

4-21 ~~[Sec. 49.002].~~ EDUCATION FOR HEALTH CARE PROVIDERS AND
4-22 ATTORNEYS. (a) The department shall develop a program to educate
4-23 health care providers and attorneys in this state regarding
4-24 anatomical gifts.

4-25 (b) The department through the program shall encourage
4-26 attorneys to provide organ donation information to clients seeking
4-27 legal advice for end-of-life decisions.

4-28 (c) The department shall encourage medical schools and
4-29 nursing schools in this state to include mandatory organ donation
4-30 education in the schools' curriculums.

4-31 (d) The department shall encourage medical schools in this
4-32 state to require a physician in a neurology or neurosurgery
4-33 residency program to complete an advanced course in organ donation
4-34 education.

4-35 ~~[(c) The department shall implement the program only to the~~
4-36 ~~extent that:~~

4-37 ~~[(1) funds are available from Section 521.421(g) or~~
4-38 ~~521.422(c), Transportation Code;~~

4-39 ~~[(2) money or in-kind donations are donated to the~~
4-40 ~~department for the purpose of implementing the program; or~~

4-41 ~~[(3) the legislature specifically appropriates money~~
4-42 ~~from another source for the purpose of implementing the program.]~~

4-43 SECTION 5. Subtitle E, Title 2, Health and Safety Code, is
4-44 amended by adding Chapter 113 to read as follows:

4-45 CHAPTER 113. TEXAS ORGAN, TISSUE, AND EYE DONOR COUNCIL

4-46 SUBCHAPTER A. GENERAL PROVISIONS

4-47 Sec. 113.001. DEFINITIONS. In this chapter:

4-48 (1) "Council" means the Texas Organ, Tissue, and Eye
4-49 Donor Council.

4-50 (2) "Commissioner" means the commissioner of state
4-51 health services.

4-52 (3) "Department" means the Department of State Health
4-53 Services.

4-54 (4) "Public safety director" means the public safety
4-55 director of the Department of Public Safety.

4-56 Sec. 113.002. SUNSET PROVISION; ABOLISHMENT. The Texas
4-57 Organ, Tissue, and Eye Donor Council is subject to Chapter 325,
4-58 Government Code (Texas Sunset Act). Unless continued in existence
4-59 as provided by that chapter, the council is abolished and this
4-60 chapter expires September 1, 2017, unless the department and the
4-61 council mutually determine that the public interest is best served
4-62 by abolition of the council and agree to abolish the council on an
4-63 earlier date.

4-64 [Sections 113.003-113.050 reserved for expansion]

4-65 SUBCHAPTER B. COUNCIL

4-66 Sec. 113.051. COMPOSITION OF COUNCIL. (a) The council is
4-67 composed of:

4-68 (1) a representative of the department appointed by
4-69 the commissioner;

5-1 (2) a representative of the Department of Public
 5-2 Safety appointed by the public safety director;

5-3 (3) a representative of the Texas Department of
 5-4 Transportation appointed by the executive director of that agency;

5-5 (4) five professional members appointed as follows:
 5-6 (A) one representative from each of the state's
 5-7 three federally qualified organ procurement organizations
 5-8 nominated by each organization and appointed by the governor;

5-9 (B) one representative who is a transplant
 5-10 physician or nurse licensed in this state appointed by the
 5-11 governor; and

5-12 (C) one representative of an acute care hospital
 5-13 in this state appointed by the governor; and

5-14 (5) two public members appointed by the governor.

5-15 (b) A public member of the council must:

5-16 (1) be a donor, recipient, or member of a donor's
 5-17 family; and

5-18 (2) be selected from a pool of members compiled from
 5-19 the recommendations of the following nonprofit organizations in the
 5-20 field of transplantation and organ donor education:

5-21 (A) the Texas Medical Association;

5-22 (B) the Texas Transplantation Society;

5-23 (C) the Transplant Nurses' Association;

5-24 (D) the National Kidney Foundation;

5-25 (E) the National Minority Organ Tissue
 5-26 Transplant Education Program; and

5-27 (F) the American Society of Minority Health and
 5-28 Transplant Professionals.

5-29 (c) A member of the council who is a representative of an
 5-30 agency of this state is a nonvoting member of the council.

5-31 (d) Appointments to the council shall be made without regard
 5-32 to the race, color, disability, sex, religion, age, or national
 5-33 origin of the appointee.

5-34 Sec. 113.052. MEMBERSHIP ELIGIBILITY. A person is not
 5-35 eligible for appointment as a professional or public member of the
 5-36 council if the person or the person's spouse:

5-37 (1) is employed by or participates in the management
 5-38 of a business entity or other organization receiving funds from the
 5-39 council or from the department regarding a matter on which the
 5-40 council advises the department;

5-41 (2) owns or controls, directly or indirectly, more
 5-42 than a 10 percent interest in a business entity or other
 5-43 organization receiving funds from the council or from the
 5-44 department regarding a matter on which the council advises the
 5-45 department; or

5-46 (3) uses or receives a substantial amount of tangible
 5-47 goods, services, or funds from the council or from the department
 5-48 regarding a matter on which the council advises the department,
 5-49 other than compensation or reimbursement authorized by law for
 5-50 council membership, attendance, or expenses.

5-51 Sec. 113.053. TERMS; VACANCY. (a) Council members
 5-52 appointed by the governor serve for staggered six-year terms, with
 5-53 the terms of two or three members, as applicable, expiring February
 5-54 1 of each odd-numbered year.

5-55 (b) A council member appointed as a representative of an
 5-56 agency serves at the will of the appointing agency.

5-57 (c) If a vacancy occurs, the governor or other appropriate
 5-58 appointing authority shall appoint a person, in the same manner as
 5-59 the original appointment, to serve for the remainder of the
 5-60 unexpired term.

5-61 (d) An appointed member may not serve more than one term
 5-62 consecutively.

5-63 Sec. 113.054. PRESIDING OFFICER. The governor shall
 5-64 designate a public member of the council as the presiding officer of
 5-65 the council to serve in that capacity at the will of the governor.

5-66 Sec. 113.055. GROUNDS FOR REMOVAL. (a) It is a ground for
 5-67 removal from the council that a member:

5-68 (1) does not have at the time of taking office the
 5-69 qualifications required by this chapter;

6-1 (2) does not maintain during service on the council
 6-2 the qualifications required by this chapter;

6-3 (3) cannot, because of illness or disability,
 6-4 discharge the member's duties for a substantial part of the member's
 6-5 term; or

6-6 (4) is absent from more than half of the regularly
 6-7 scheduled council meetings that the member is eligible to attend
 6-8 during a calendar year without an excuse approved by a majority vote
 6-9 of the council.

6-10 (b) The validity of an action of the council is not affected
 6-11 by the fact that it is taken when a ground for removal of a council
 6-12 member exists.

6-13 (c) If the commissioner has knowledge that a potential
 6-14 ground for removal exists, the commissioner shall notify the
 6-15 presiding officer of the council of the potential ground. The
 6-16 presiding officer shall then notify the governor and the attorney
 6-17 general that a potential ground for removal exists. If the
 6-18 potential ground for removal involves the presiding officer, the
 6-19 director shall notify the next highest ranking officer or most
 6-20 senior member of the council, who shall then notify the governor and
 6-21 the attorney general that a potential ground for removal exists.

6-22 Sec. 113.056. MEETINGS; QUORUM. (a) The council shall
 6-23 meet at least twice each calendar year and at the call of the
 6-24 presiding officer.

6-25 (b) The council shall adopt bylaws for the conduct of its
 6-26 meetings.

6-27 (c) Any action taken by the council requires two-thirds of
 6-28 the members to be present and the action must be approved by a
 6-29 majority of the members present.

6-30 Sec. 113.057. COMPENSATION. (a) A member of the council
 6-31 may not receive compensation for service on the council.

6-32 (b) A member shall be reimbursed for the member's actual and
 6-33 necessary expenses for meals, lodging, transportation, and
 6-34 incidental expenses incurred while performing council business,
 6-35 subject to any applicable limitation on reimbursement prescribed by
 6-36 the General Appropriations Act.

6-37 Sec. 113.058. INFORMATION ABOUT STANDARDS OF CONDUCT. The
 6-38 commissioner or the commissioner's designee shall provide to
 6-39 members of the council, as often as necessary, information
 6-40 regarding the requirements for membership on the council under this
 6-41 chapter, including information regarding a person's
 6-42 responsibilities under laws relating to applicable standards of
 6-43 conduct.

6-44 [Sections 113.059-113.100 reserved for expansion]

6-45 SUBCHAPTER C. COUNCIL POWERS AND DUTIES

6-46 Sec. 113.101. GENERAL DUTIES. The council as required by
 6-47 the department shall:

6-48 (1) advise the department concerning the Donor
 6-49 Education, Awareness, and Registry Program of Texas established
 6-50 under Chapter 49;

6-51 (2) advise the department on priorities for the
 6-52 initiatives to be implemented under the Donor Education, Awareness,
 6-53 and Registry Program of Texas established under Chapter 49;

6-54 (3) advise the department regarding donor education,
 6-55 awareness, and registry outreach specifically targeted at African
 6-56 American and Hispanic populations;

6-57 (4) advise the commissioner, public safety director,
 6-58 and director of the Texas Department of Transportation on the
 6-59 allocation of money received by the comptroller for the activities
 6-60 authorized under Chapter 49; and

6-61 (5) advise the department, Department of Public
 6-62 Safety, and the Texas Department of Transportation regarding
 6-63 necessary performance standards and quality control measures
 6-64 concerning the operation of the statewide Internet-based donor
 6-65 registry, as well as related donor educational programs.

6-66 Sec. 113.102. REPORT. Before December 1 of each
 6-67 even-numbered year, the council shall submit a report of the
 6-68 council's activities and recommendations to the governor,
 6-69 lieutenant governor, speaker of the house of representatives, and

7-1 members of the legislature.
 7-2 Sec. 113.103. AUDIT. The financial transactions pertaining
 7-3 to the council are subject to audit by the state auditor in
 7-4 accordance with Chapter 321, Government Code.

7-5 Sec. 113.104. COSTS IN ADMINISTERING PROGRAM. Ten percent
 7-6 of all money collected under Sections 521.421(g), 521.422(c), and
 7-7 502.1745, Transportation Code, may be appropriated only to the
 7-8 department to administer this chapter.

7-9 SECTION 6. Subsection (g), Section 521.421(g),
 7-10 Transportation Code, is amended to read as follows:

7-11 (g) The department shall collect an additional fee of \$1 for
 7-12 the issuance or renewal of a license, including a duplicate
 7-13 license, a license issued to reflect an additional authorization or
 7-14 a change in classification, or a license issued or renewed over the
 7-15 Internet or by other electronic means, to pay the costs of the Donor
 7-16 Education, Awareness, and Registry Program of Texas, established
 7-17 under Chapter 49, Health and Safety Code, and, subject to Section
 7-18 113.104, Health and Safety Code, of the Texas Organ, Tissue, and Eye
 7-19 Donor Council, established under Chapter 113 [~~fund the anatomical~~
 7-20 ~~gift educational program established under Chapter 49]~~, Health and
 7-21 Safety Code, if the person applying for, [~~or~~] renewing, or changing
 7-22 a license opts to pay the additional fee. The department shall
 7-23 remit fees collected under this subsection to the comptroller, who
 7-24 shall maintain the identity of the source of the fees. Subject to
 7-25 appropriation, the department may retain three percent of the money
 7-26 collected under this subsection to cover the costs in administering
 7-27 this subsection.

7-28 SECTION 7. Subsection (c), Section 521.422, Transportation
 7-29 Code, is amended to read as follows:

7-30 (c) The department shall collect an additional fee of \$1 for
 7-31 the issuance or renewal of a personal identification card,
 7-32 including a duplicate personal identification card or a personal
 7-33 identification card issued or renewed over the Internet or by other
 7-34 electronic means, to pay the costs of the Donor Education,
 7-35 Awareness, and Registry Program of Texas, established under Chapter
 7-36 49, Health and Safety Code, and, subject to Section 113.104, Health
 7-37 and Safety Code, of the Texas Organ, Tissue, and Eye Donor Council,
 7-38 established under Chapter 113 [~~fund the anatomical gift educational~~
 7-39 ~~program established under Chapter 49]~~, Health and Safety Code, if
 7-40 the person applying for or renewing a personal identification card
 7-41 opts to pay the additional fee. The department shall remit fees
 7-42 collected under this subsection to the comptroller, who shall
 7-43 maintain the identity of the source of the fees. Subject to
 7-44 appropriation, the department may retain three percent of the money
 7-45 collected under this subsection to cover the costs in administering
 7-46 this subsection.

7-47 SECTION 8. Subchapter D, Chapter 502, Transportation Code,
 7-48 is amended by adding Section 502.1745 to read as follows:

7-49 Sec. 502.1745. VOLUNTARY FEE. (a) The Department of
 7-50 Public Safety shall provide to each county assessor-collector the
 7-51 educational materials for prospective donors provided as required
 7-52 by the Donor Education, Awareness, and Registry Program of Texas
 7-53 under Chapter 49, Health and Safety Code. A county
 7-54 assessor-collector shall make the educational materials available
 7-55 in each office authorized to accept applications for registration
 7-56 of motor vehicles.

7-57 (b) A county assessor-collector shall collect an additional
 7-58 fee of \$1 for the registration or renewal of registration of a motor
 7-59 vehicle to pay the costs of the Donor Education, Awareness, and
 7-60 Registry Program of Texas, established under Chapter 49, Health and
 7-61 Safety Code, and of the Texas Organ, Tissue, and Eye Donor Council,
 7-62 established under Chapter 113, Health and Safety Code, if the
 7-63 person registering or renewing the registration of a motor vehicle
 7-64 opts to pay the additional fee. Notwithstanding any other
 7-65 provision of this chapter, the county assessor-collector shall
 7-66 remit all fees collected under this subsection to the comptroller,
 7-67 who shall maintain the identity of the source of the fees.

7-68 (c) Three percent of all money collected under this section
 7-69 may be appropriated only to the department to administer this

8-1 section.

8-2 SECTION 9. Notwithstanding any other provision of law, not
8-3 more than 25 percent of the money collected under Subsection (g),
8-4 Section 521.421, and Subsection (c), Section 521.422,
8-5 Transportation Code, as amended by this Act, and Section 502.1745,
8-6 Transportation Code, as added by this Act, may be appropriated to
8-7 the Texas Department of Transportation for the initial costs
8-8 estimated to be incurred by that department in the state fiscal
8-9 biennium beginning September 1, 2005, to implement the changes in
8-10 law made by this Act.

8-11 SECTION 10. (a) Promptly after this Act takes effect, the
8-12 following shall appoint a representative of their agency to serve
8-13 as a member of the Texas Organ, Tissue, and Eye Donor Council:

8-14 (1) the commissioner of state health services for the
8-15 Department of State Health Services;

8-16 (2) the public safety director of the Department of
8-17 Public Safety of the State of Texas; and

8-18 (3) the executive director of the Texas Department of
8-19 Transportation.

8-20 (b) Promptly after this Act takes effect, the governor shall
8-21 appoint five professional and two public members to the Texas
8-22 Organ, Tissue, and Eye Donor Council. In appointing the
8-23 professional members, the governor shall appoint one person to a
8-24 term expiring February 1, 2007, two persons to a term expiring
8-25 February 1, 2009, and two persons to a term expiring February 1,
8-26 2011. In appointing the public members, the governor shall appoint
8-27 one person to a term expiring February 1, 2007, and one person to a
8-28 term expiring February 1, 2009.

8-29 SECTION 11. (a) The Department of State Health Services
8-30 shall contract with an organization for the establishment and
8-31 maintenance of a registry for organ, tissue, and eye donors in
8-32 accordance with Chapter 49, Health and Safety Code, as amended by
8-33 this Act, and ensure the organization establishes the registry not
8-34 later than September 1, 2006.

8-35 (b) The Department of Public Safety of the State of Texas
8-36 must be in compliance with the changes in law made by this Act to
8-37 Subsection (g), Section 521.421, and Subsection (c), Section
8-38 521.422, Transportation Code, related to duplicate or changed
8-39 licenses or personal identification cards and related to
8-40 transactions conducted over the Internet or by other electronic
8-41 means not later than June 1, 2006.

8-42 SECTION 12. (a) Except as provided by Subsection (b) of
8-43 this section, this Act takes effect immediately if it receives a
8-44 vote of two-thirds of all the members elected to each house, as
8-45 provided by Section 39, Article III, Texas Constitution. If this
8-46 Act does not receive the vote necessary for immediate effect, this
8-47 Act takes effect September 1, 2005.

8-48 (b) Section 8 of this Act takes effect June 1, 2006.

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