

BILL ANALYSIS

C.S.H.B. 519
By: Zerwas
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The federal government has designated organ procurement organizations in each state, and in Texas, the organ procurement organizations have formed the nonprofit Donate Life Texas. Recent legislation has allowed Donate Life Texas to administer the statewide organ and tissue donor registry with funds from additional fees a person may voluntarily pay when registering a motor vehicle or applying for or renewing a driver's license or personal identification card.

Interested parties are concerned that state law restricts the Department of State Health Services (DSHS) from allowing these funds to be used in ways that can increase donor registrations and that DSHS has not consented to requests to do so. The parties contend that the funds are not tax dollars, but voluntary donations intended to be used to increase donor registrations and potentially save lives and should be used to implement proven best practices and to support the expertise possessed by Donate Life Texas.

C.S.H.B. 519 seeks to address these concerns by establishing a mechanism to allow the voluntary funds collected to support the organ and tissue donor registry to flow to Donate Life Texas for use in its mission to increase organ and tissue donation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 519 amends the Health and Safety Code to require a nonprofit organization designated by the Department of State Health Services (DSHS) to maintain and administer the Glenda Dawson Donate Life-Texas Registry, rather than the nonprofit organization maintaining the registry under contract with DSHS, and updates statutory provisions to reflect the change. The bill creates the Glenda Dawson Donate Life-Texas Registry fund as a trust fund outside the state treasury to be held by the comptroller of public accounts and administered by DSHS as trustee on behalf of the statewide donor registry and specifies the fund is composed of money deposited to the credit of the fund under specified statutory provisions relating to fees collected for and contributions to the donor registry. The bill requires money in the fund to be disbursed at least monthly, without appropriation, to the nonprofit organization administering the registry to pay related costs. The bill removes a prohibition against the nonprofit organization administering the registry charging any fee related to the operation and maintenance of the registry.

C.S.H.B. 519 reenacts and amends Section 502.405(b), Transportation Code, as redesignated from Section 502.1745(b), Transportation Code, by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, to incorporate amendments to Section 502.1745(b), Transportation Code, made by Chapters 554 (H.B. 2904) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, and to remove the requirement that additional fees collected for the registration or renewal of registration of a motor vehicle to pay for the costs of the Glenda

Dawson Donate Life-Texas Registry be remitted to the comptroller and the requirement that the comptroller maintain the identity of the source of the fees. The bill instead requires the county assessor-collector to remit any contribution paid under the bill's provisions to the comptroller for deposit to the credit of the Glenda Dawson Donate Life-Texas Registry fund and authorizes the county assessor-collector, before sending the money to the comptroller, to deduct money for reasonable expenses of administering the bill's provisions, capped at five percent of the money collected. The bill authorizes the money received by the nonprofit organization to be used only to manage the registry, provide donor education, and promote donor awareness. The bill requires the organization to submit an annual report to the legislature and the comptroller that includes the total dollar amount of money received by the organization under these provisions for the registry. The bill authorizes the county assessor-collector to credit all or a portion of a person's contribution to the person's registration fee instead of crediting it to the registry if the person makes a contribution but does not pay the full amount of the registration fee. The bill requires the Texas Department of Motor Vehicles (TxDMV) to include space on each motor vehicle registration renewal notice and to provide an opportunity during the registration renewal process on TxDMV's Internet website for a person to contribute \$1 to the nonprofit organization.

C.S.H.B. 519 authorizes a person applying for an original or renewal driver's license to contribute \$1 to the nonprofit organization that administers the registry. The bill requires the Department of Public Safety (DPS) to include space on each application for a new or renewal driver's license and to provide an opportunity during the application process for such a license on the DPS website for a person to contribute \$1 to the organization. The bill removes the requirement that DPS collect additional fees for the issuance or renewal of a personal identification card to pay the costs of the registry and remit those fees collected to the comptroller and the requirement that the comptroller maintain the identity of the source of the fees.

C.S.H.B. 519 requires DPS to remit any contribution collected from an applicant for an original or renewal driver's license and any additional fee collected from the issuance or renewal of a personal identification card to the comptroller for deposit to the credit of the Glenda Dawson Donate Life-Texas Registry fund. The bill authorizes DPS, before sending the money to the comptroller, to deduct money for reasonable expenses of administering the bill's provisions, capped at five percent of the money collected. The bill requires the organization to submit an annual report to the director of DPS that includes the total amount of contributions and additional fees received by the organization under these provisions. The bill's provisions relating to a contribution made on application for an original or renewal driver's license apply to a driver's license issued or renewed on or after January 1, 2014.

C.S.H.B. 519 repeals Sections 692A.020(j) and (l), Health and Safety Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 519 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 502.405(b), Transportation Code, as redesignated from Section 502.1745(b), Transportation Code,	SECTION 2. Section 502.405(b), Transportation Code, as redesignated from Section 502.1745(b), Transportation Code,

by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to incorporate amendments to Section 502.1745(b), Transportation Code, made by Chapters 554 (H.B. 2904) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, and amended to read as follows:

(b) A person may elect to pay an additional fee of \$1 for the registration or renewal of registration of a motor vehicle to pay the costs of the Glenda Dawson Donate Life-Texas Registry established under Chapter 692A, Health and Safety Code.

The county assessor-collector shall hold any additional fee paid under this subsection in trust for the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry under Chapter 692A, Health and Safety Code. Not later than the 14th day of each month, the county assessor-collector shall send the money collected under this subsection to the organization.

Before sending the money to the organization, the county assessor-collector may deduct money equal to the amount of reasonable expenses for administering this subsection. Money received under this subsection by the organization may be used only to manage the organization's registry. The organization shall submit an annual report to the legislature and the comptroller that includes the total dollar amount of money received by the organization under this subsection.

by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to incorporate amendments to Section 502.1745(b), Transportation Code, made by Chapters 554 (H.B. 2904) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, and amended to read as follows:

(b) When a person applies for the registration or renewal of registration of a motor vehicle, the person may elect to contribute ~~[A person may elect to pay an additional fee of]~~ \$1 to the nonprofit organization administering ~~[for the registration or renewal of registration of a motor vehicle to pay the costs of]~~ the Glenda Dawson Donate Life-Texas Registry established under Chapter 692A, Health and Safety Code.

The county assessor-collector shall remit any contribution paid under this subsection to the comptroller for deposit to the credit of the Glenda Dawson Donate Life-Texas Registry fund created under Section 692A.020, Health and Safety Code.

Before sending the money to the comptroller, the county assessor-collector may deduct money equal to the amount of reasonable expenses for administering this subsection, not to exceed five percent of the money collected under this subsection. Money received under this subsection by the organization may be used only to manage the organization's registry, provide donor education, and promote donor awareness. The organization shall submit an annual report to the legislature and the comptroller that includes the total dollar amount of money received by the organization under this subsection.

If a person makes a contribution under this section and does not pay the full amount of the registration fee, the county assessor-collector may credit all or a portion of the contribution to the person's registration fee. The department shall:

(1) include space on each motor vehicle registration renewal notice, on the page that

[Notwithstanding any other provision of this chapter, all fees collected under this subsection shall be remitted to the comptroller, who shall maintain the identity of the source of the fees.]

No equivalent provision.

~~states the total fee for registration renewal, that allows a person renewing a registration to voluntarily contribute \$1 to the organization; and~~

~~(2) provide an opportunity for a person to contribute \$1 to the organization during the registration renewal process on the department's Internet website.~~

[Notwithstanding any other provision of this chapter, all fees collected under this subsection shall be remitted to the comptroller, who shall maintain the identity of the source of the fees.]

SECTION 1. Sections 692A.020(a), (c), (d), (e), (f), (g), (i), (k), (m), (n), (o), and (p), Health and Safety Code, are amended to read as follows:

(a) ~~Δ [The department shall contract with a]~~ nonprofit organization designated by the department shall ~~[to]~~ maintain and administer a statewide donor registry, to be known as the Glenda Dawson Donate Life-Texas Registry.

(c) The ~~[department shall require the]~~ nonprofit organization shall ~~[with which the department has contracted to administer the statewide donor registry to]~~ establish and maintain a statewide Internet-based registry of organ, tissue, and eye donors.

(d) The Department of Public Safety at least monthly shall electronically transfer to the nonprofit organization administering the registry ~~[under contract with the department]~~ the name, date of birth, driver's license number, most recent address, and any other relevant information in the possession of the Department of Public Safety for any person who indicates on the person's driver's license application under Section 521.401, Transportation Code, that the person would like to make an anatomical gift.

(e) The ~~[contract between the department and the]~~ nonprofit organization administering the registry shall ~~[must require the organization to]~~:

(1) make information obtained from the Department of Public Safety under Subsection (d) available to procurement organizations;

(2) allow potential donors to submit information in writing directly to the

organization for inclusion in the Internet-based registry;

(3) maintain the Internet-based registry in a manner that allows procurement organizations to immediately access organ, tissue, and eye donation information 24 hours a day, seven days a week through electronic and telephonic methods; and

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

(f) Except as otherwise provided by Subsection (e)(3) or this subsection, the Department of Public Safety, the nonprofit organization administering [~~under contract to administer~~] the registry, or a procurement organization may not sell, rent, or otherwise share any information provided to the Internet-based registry. A procurement organization may share any information provided to the registry with an organ procurement organization or a health care provider or facility providing medical care to a potential donor as necessary to properly identify an individual at the time of donation.

(g) The Department of Public Safety, the nonprofit organization administering [~~under contract with the department to administer~~] the registry, or the procurement organizations may not use any demographic or specific data provided to the Internet-based registry for any fund-raising activities. Data may only be transmitted from the selected organization to procurement organizations through electronic and telephonic methods using secure, encrypted technology to preserve the integrity of the data and the privacy of the individuals providing information.

(i) The Glenda Dawson Donate Life-Texas Registry fund is created as a trust fund outside the state treasury to be held by the comptroller and administered by the department as trustee on behalf of the statewide donor registry maintained for the benefit of the citizens of this state. The fund is composed of money deposited to the credit of the fund [~~The Department of Public Safety shall remit to the comptroller the money—collected~~] under Sections 502.405(b), 521.008, 521.421(g), and 521.422(c), Transportation Code, as

provided by those subsections. Money in the fund [~~A county assessor-collector shall remit to the comptroller any money collected under Section 502.1745, Transportation Code, as provided by that section. Money remitted to the comptroller in accordance with those sections that is appropriated to the department~~] shall be disbursed at least monthly, without appropriation, to the nonprofit organization administering the registry [~~under this section under the terms of the contract between the department and the organization~~] to pay the costs of:

(1) maintaining, operating, and updating the Internet-based registry and establishing procedures for an individual to be added to the registry;

(2) designing and distributing educational materials for prospective donors as required under this section; and

(3) providing education under this chapter.

(k) To the extent funds are available and as part of the donor registry program, [~~the department may allocate funds to~~] the nonprofit organization administering the registry may [~~pursuant to the contract to~~] educate residents about anatomical gifts. The education provided under this section shall include information about:

(1) the laws governing anatomical gifts, including Subchapter Q, Chapter 521, Transportation Code, Chapter 693, and this chapter;

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

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

(m) The [~~department may require the~~] nonprofit organization administering the registry may [~~to~~]:

(1) implement a training program for all appropriate Department of Public Safety and Texas Department of Transportation employees on the benefits of organ, tissue, and eye donation and the procedures for individuals to be added to the Internet-based registry; and

(2) conduct the training described by Subdivision (1) on an ongoing basis for new employees.

(n) The [~~department may require the~~] nonprofit organization administering the registry may [~~to~~] develop a program to educate health care providers and attorneys

in this state about anatomical gifts.

(o) The ~~[department shall require the]~~ nonprofit organization administering the registry shall ~~[to]~~ encourage:

(1) attorneys to provide organ donation information to clients seeking advice for end-of-life decisions;

(2) medical and nursing schools in this state to include mandatory organ donation education in the schools' curricula; and

(3) medical schools in this state to require a physician in a neurology or neurosurgery residency program to complete an advanced course in organ donation education.

(p) The nonprofit organization administering the registry may not ~~[-~~

~~[(1) charge any fee for costs related to the operation and maintenance of the registry, except as agreed in the contract with the department; or~~

~~[(2)]~~ use the registry to solicit voluntary donations of money from a registrant.

SECTION 2. Subchapter A, Chapter 521, Transportation Code, is amended by adding Section 521.008 to read as follows:

Sec. 521.008. VOLUNTARY CONTRIBUTION TO DONOR REGISTRY. (a) When a person applies for an original or renewal driver's license under this chapter, the person may contribute \$1 ~~or more~~ to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry under Chapter 692A, Health and Safety Code.

(b) The department shall:

(1) include space on each application for a new or renewal driver's license that allows a person applying for a new or renewal driver's license to indicate the amount that the person is voluntarily contributing to the organization; and

(2) provide an opportunity for the person to contribute to the organization during the application process for a new or renewal driver's license on the department's Internet website.

(c) The department shall ~~hold any contribution made under this section in trust for the organization. Not later than the 14th day of each month, the department shall send the money collected under this section to the organization.~~ Before sending the money to the organization, the department

SECTION 3. Subchapter A, Chapter 521, Transportation Code, is amended by adding Section 521.008 to read as follows:

Sec. 521.008. VOLUNTARY CONTRIBUTION TO DONOR REGISTRY. (a) When a person applies for an original or renewal driver's license under this chapter, the person may contribute \$1 to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry under Chapter 692A, Health and Safety Code.

(b) The department shall:

(1) include space on each application for a new or renewal driver's license that allows a person applying for a new or renewal driver's license to indicate that the person is voluntarily contributing \$1 to the organization; and

(2) provide an opportunity for the person to contribute \$1 to the organization during the application process for a new or renewal driver's license on the department's Internet website.

(c) The department shall ~~remit any contribution made under this section to the comptroller for deposit to the credit of the Glenda Dawson Donate Life-Texas Registry fund created under Section 692A.020, Health and Safety Code.~~ Before sending the money to the comptroller, the department

may deduct money equal to the amount of reasonable expenses for administering this section.

(d) Money received under this section by the organization may be used only to manage the organization's registry.

(e) The organization shall submit an annual report to the legislature and the comptroller that includes the total dollar amount of contributions received by the organization under this section.

SECTION 3. Section 521.422(c), Transportation Code, is amended to read as follows:

(c) A person may elect to pay [The department shall collect] an additional fee of \$1 for the issuance or renewal of a personal identification card, including a duplicate personal identification card or a personal identification card issued or renewed over the Internet or by other electronic means, to pay the costs of the Glenda Dawson Donate Life-Texas Registry established under Chapter 692A, Health and Safety Code [if the person applying for or renewing a personal identification card opts to pay the additional fee. The department shall remit fees collected under this subsection to the comptroller, who shall maintain the identity of the source of the fees. Subject to appropriation, the department may retain three percent of the money collected under this subsection to cover the costs in administering this subsection]. The department shall hold any additional fee paid under this subsection in trust for the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry under Chapter 692A, Health and Safety Code. Not later than the 14th day of each month, the department shall send the money collected under this subsection to the organization. Before sending the money to the organization, the department may deduct money equal to the amount of reasonable expenses for administering this subsection. Money received by the organization may be used only to manage the organization's registry. The organization shall submit an annual report to the legislature and the comptroller that includes the total dollar amount of money received by the

may deduct money equal to the amount of reasonable expenses for administering this section, not to exceed five percent of the money collected under this section.

(d) The organization shall submit an annual report to the director of the department that includes the total dollar amount of contributions received by the organization under this section.

SECTION 4. Section 521.422(c), Transportation Code, is amended to read as follows:

(c) When a person applies [The department shall collect an additional fee of \$1] for the issuance or renewal of a personal identification card, including a duplicate personal identification card or a personal identification card issued or renewed over the Internet or by other electronic means, the person may elect to contribute \$1 to the nonprofit organization administering [to pay the costs of] the Glenda Dawson Donate Life-Texas Registry established under Chapter 692A, Health and Safety Code [if the person applying for or renewing a personal identification card opts to pay the additional fee. The department shall remit fees collected under this subsection to the comptroller, who shall maintain the identity of the source of the fees. Subject to appropriation, the department may retain three percent of the money collected under this subsection to cover the costs in administering this subsection]. The department shall remit any contribution paid under this subsection to the comptroller for deposit to the credit of the Glenda Dawson Donate Life-Texas Registry fund created under Section 692A.020, Health and Safety Code. Before sending the money to the comptroller, the department may deduct money equal to the amount of reasonable expenses for administering this subsection, not to exceed five percent of the money collected under this subsection. The organization shall submit an annual report to the director of the department that includes the total dollar amount of money received by the organization under this subsection.

organization under this subsection.

No equivalent provision.

SECTION 4. Section 521.008, Transportation Code, as added by this Act, applies only to a driver's license issued or renewed on or after January 1, 2014.

SECTION 5. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 5. Sections 692A.020(j) and (l), Health and Safety Code, are repealed.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.