

BILL ANALYSIS

S.B. 1815
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Transportation
Committee Report (Unamended)

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 from allowing these funds to be used in ways that can increase donor registrations. 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.

S.B. 1815 seeks to establish 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

S.B. 1815 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.

S.B. 1815 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. 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 that allows a person renewing a registration to voluntarily contribute \$1 to the organization, to provide an opportunity during the registration renewal process on TxDMV's Internet website for a person to contribute \$1 to the nonprofit organization, and to provide an opportunity to contribute \$1 to the organization in any registration renewal system that succeeds the registration renewal system in place on September 1, 2013.

S.B. 1815 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.

S.B. 1815 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.

S.B. 1815 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.