

2013 HOUSE EDUCATION

HB 1268

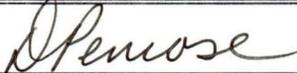
2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1268
January 23, 2013
17619

Conference Committee

Committee Clerk Signature



Minutes:

Ch. Nathe: We will open the hearing on HB 1268.

Rep. Mock: Sponsor, support. I met with some constituents in Grand Forks that were part of the Organ Transplant Recipient Support Group and hear their stories not only from those who received organ donations through transplants, but those who are on the waiting list. Their fate was really in the hands of a list of available organs to help give them a new lease on life. To look at every one of them in the eye and to see how they have confronted the illnesses, diseases or the circumstances that placed them in that situation was humbling to see the least. I was there with a representative from Cong. Berg's office. We asked what we could do to help this, to help make sure that those who want to become organ donors can, how we can improve the system. Both of us asked what we can do, is there anything we can do. We offered our time without hesitation. The one thing they mentioned was that it seemed strange that when a young student goes to get their driver's license and on the bottom of that form it asks if you want to be an organ donor and they don't even know what that means. They pointed that out and I said that at 16 years of age, I probably barely knew what the emergency brake was used for, let alone what it meant to become an organ donor. I thought, that is an amazing suggestion. There is something we can do. They provided some information that had been done in other states, and it seemed right up our alley here in ND. HB 1268 would require that, in 2014, school districts shall include information about becoming an organ donor, in their driver's education curriculum. The language was left intentionally vague as what had been done in other states to leave this decision up to the school board districts. It can be as simple as a brochure, perhaps a brochure with frequently asked questions that the student can bring home and discuss with their parents what it means to be an organ donor with them, before they go to get their permit and/or license. It could be a guest speaker, a video, the instructors and school board would determine what is best for their district. This bill would require that some information is made available during driver's education, so that when the student goes to apply for the driver's license, when it says "do you wish to become an organ donor", they know what that means and they can make an informed decision. This is not my bill, but the work of a few who made the 270 mile trek from Grand Forks last night and said that they would do whatever they could to lend their voice to this cause. Others who came in from around this community to lend their

support. There are thousands of organ transplants, organ recipients, and more that are on the waiting list. I am proud to sponsor this bill.

Ch. Nathe: I'm in support of this. I am a donor. It's a wonderful program. It has to do with the students going through the class. He's under 18 years old, and we're talking about a subject, that can be uncomfortable even for adults to talk about. As far as giving them the information, have we thought about giving it to them, provided there is parental consent.

Rep. Mock: I would have no objection to that but this was legislation that was introduced. MN adopted very similar language in a bill in 2002; students lobbied their legislature in 2006 saying that's not enough. They worked with their students and teachers and came up with a required 30 minute minimum educational section in drivers ed. In MN. I don't know if that's a direction that ND needs to consider. In regard to what you're asking, 1) this is going to be left up to the school districts, so the information can be from Lifesource, what it means to be an organ donor, it can be Q&A, video, and we want to leave the specifics up to the local boards.

Rep. Rohr: On the handout, it says parental authorization is required for individuals under the age of 18. I agree that the local school districts should have some input in how they want to accomplish this goal, but it doesn't say anything about the age at which they students are going to be presented with the information. This is a highly emotional issue, not only for the students because they might be afraid of it, but also for the parents. I need more information about that.

Rep. Mock: Whether you are going in at the age of 14 for a learner's permit or at the age of 21 for the first time, that is a question that is on that form, no matter what you do. That's on your application. It will ask you if you want to become an organ donor. There's no form that differentiates between a minor and an adult. That is a question, we as a state, asks every person who applies for a license and they have to make that decision. I agree that it can be emotional. I think the information should be made available to the student and parents to discuss.

Rep. B. Koppelman: Do you know when someone is under the age of 18, goes to get the learner's permit or the driver's license, and that question is on the form and the child may fill that form out themselves, but doesn't a parent have to sign off in general for them to get their license. Even if the kid says yes, I want to be a donor, by the parents signing off on the process of them getting their license, they theoretically wouldn't they be signing off on that already.

Ch. Nathe: I don't think that's the issue. I think the issue is when they are going through the program, do we give them this brochure; not when they go to DOT, but when they are going through the program at the high school. Do we give them one of these without the parental consent.

Rep. Koppelman: Rep. Rohr's question was different in the sense that she pointed out that on the form that you have to be 18; but the sentence before that says the donor indication on your driver's license if applicable, on your state's online donor

registry is authorized for donation, to ensure your decision is honored and the next sentence says parental authorization is required if you are under 18. I think this language was suggesting the actual selecting of donation, not whether or not the education had to be approved.

Rep. Mock: I think when you apply for the learner's permit or license, if you are under the age of 18, I think if you check that box, I think there is a line there that you have to sign if you are under the age of 18, a parent or guardian has to sign it.

Ch. Nathe: Thank you. Further testimony in support.

Pat Ward, lobbyist for Lifesource: They provide the brochures and coordinates organ and tissue donation in the upper Midwest. We have worked on this legislation in the past. There is a parental consent requirement in state law now. The young people want to participate in this. The Boy Scouts came last year and were very active in pushing to get this education out there. Currently, Lifesource provides information to the schools for use in the driver's ed program. We did not particularly ask that this bill be submitted in ND at this time, but when the people behind me brought it in, we certainly wanted to stand up and support it.

Ch. Nathe: Thank you. Further testimony in support.

Sally Jacobson, Grand Forks: I am in support of this bill. Because a man died, and he was an organ donor, I am alive and here today. Seven years ago, I was so sick that I couldn't take care of myself, was in a wheelchair, or in bed. My husband took care of me. My donor was actually 82 when he died, in a little over a year, my liver will be 90 years ago. I'm so happy to be alive. Organ and tissue donors save and enhance thousands of lives every year; 18 people die every day because they did not receive their lifesaving organ transplant. Another person is added to the national list who needs an organ transplant every 12 minutes. In January 2011, there were a little over 110,000 people waiting for an organ transplant. At the end of 2012, there were 116,796 people waiting for a lifesaving organ transplant. You can see how it's growing. MN requires 30 minutes of information to driver's ed students during their education. I go over and speak to East Grand Forks classes all the time. We always state to the kids emphatically is that they have to discuss this with their families. We want them to consider being an organ donor and to know what it's about when they are asked that question to check the box.

Rep. Rohr: Are we aware in the state of ND, do we already include this education in our health education classes.

Sally Jacobson: No, it is not required to my knowledge.

Ch. Nathe: Thank you. Question to Pat Ward: you talked about the parental consent was already in the current century code that would apply to this.

Pat Ward: For purposes of when the young person signs the form, yes, and how that becomes effective and then ratification when they turn 18. We worked on that I believe in 2007.

Ch. Nathe: Thank you. Further testimony in support.

Kathy Zimmerman, Bismarck ND: I was a recipient of a liver and a kidney, six years ago. I had 2 months left to live. I have gotten my life back. I talk to the Bismarck high schools and I go out to speak to their combined health classes, which I think also includes the driver's education classes. We give them all the information, the statistics, we tell them what we went through to get these organs. These kids are amazed and want information. They ask questions, showing no fear, giving them the education they need to understand what that means on that driver's license when they are signing it. It's going to help them to make that decision. We encourage them to go home and talk to their parents, to let them know that when the time may come it's not going to be difficult for that family to know what your wishes are. ND residents are very much in favor of the organ donation. Two sessions ago, my surgeon from Mayo Clinic came to ND and awarded us a certificate of achievement. Only 38% of the United States licensed drivers are donors, are listed as organ donors. ND received an award because we have 63% of our licensed drivers who want to be organ donors. I think that shows us that they are responsible and are carrying. I think by educating and informing our kids is just one more way of giving them the information that they need. Driver's education classes are there to save lives. Organ donation also saves lives.

Ch. Nathe: Thank you. Further testimony in support of HB 1268.

LeAnn Nelson, ND Education Association: Support (see attached). # /

Ch. Nathe: When they do this curriculum, they would have the parents sign off on that before they received the brochure.

LeAnn Nelson: He said that they have to sign off just like you were seeing in the brochure when they go in for their drivers test.

Ch. Nathe: Thank you. Testimony in support.

Doug Johnson, Exec. Dir., ND Council of Educational Leaders: We are in support of this bill.

Rep. Rohr: I would like to know what the curriculum for drivers ed contains.

Doug Johnson: It's been 10 years since I have taught that, so it may have changed. Basically the curriculum back at that point in time covered all the rules of the road, covered the things that they would have to go through as far as what they'd have to know for passing the test. At that point in time, I don't believe that we had anything that would relate to this requirement for those individuals. That did not mean that the teachers in the classroom were unable to talk about it, they could talk about it. I think the parents signing off on it would be part of it. I was the director in Bismarck. I made sure that when they went through this that the students would take the form home and say that this was part of the things we discussed. It is one of the things that we would have to decide as parents for the minor child when we go in to take the driver's test, prepared to make that decision in advance.

Rep. Rohr: Right now, if a student signs up for drivers ed, they don't need parental consent to sign up.

Doug Johnson: It depends on the school districts. A lot of them don't even offer the classroom portion of the driver's ed. I don't believe the Bismarck Public Schools do that any

longer. They would take that as a summer school class and then do the behind-the-wheel training and it would be done at that point in time. I cannot speak for any other school district other than Bismarck.

Ch. Nathe: I am going through this with my son. He gets up at 6:00 am and doing drivers ed right now through school. Yes, we had to sign him up and it's a paid course.

Rep. Rust: Would a parent have to sign off for you to give this information to a student, or could a driver's ed instructor give this to a student without parents signing off. Is that the correct.

Ch. Nathe: I think when a parent calls and lines this up, you sign something. In that form, it would also say that they were going to be giving information on organ donation. When they sign off, then part of this program would be to give them information.

Rep. Rust: Why would someone object to something like that.

Ch. Nathe: It is a sensitive topic, even for adults it can be kind of a tough topic. Not everybody wants to talk or think about it. Someone may have an aversion of talking to their 14 year old about this.

Rep. Rohr: The student may have a lot of questions and they can go home and talk to their parents and the parents can elaborate on the importance of doing something like this. Thank you. Further testimony in support.

Mark Nelson, Safety Division Director, ND DOT: Support (see attached^{#2}). There isn't a standardized curriculum for the driver's education classes.

Rep. Heller: Could there be information when they go to sign up to take the driver's license exam. Could this be part of the DOT education there.

Mark Nelson: I know they have some pamphlets available in the front. As far as the qualifications are, as far as being able to get the sample there, I would have to check. I know we partner with Lifesource, the outline was from Lifesource and what we hand out currently in our curriculum.

Rep. Mock: You said you do provide sample curriculum or recommend curriculum to the driver's education instructors.

Mark Nelson: Correct.

Rep. Mock: My understanding is that if this bill were to pass that the instructors could use the recommended curriculum, they can go more, they can go less the way the bill is written, correct.

Mark Nelson: It deals with each school district, are we hitting the private side, the commercial driving schools. I'm not sure with the language that's in here.

Rep. Mock: You're correct. This just deals with the driver's education courses that are offered through the public schools. In that case, those offered through the public school districts, if there is a driver's education course, you would recommend or give recommendations for curriculum to be used for instruction in those courses.

Mark Nelson: That's correct. We do provide a curriculum, it's not mandated to be followed.

Ch. Nathe: Is it your desire to have the private schools also covered under this law.

Mark Nelson: I guess in the long-range vision from looking at it from a safety standpoint, I compare it to when I grew up, everybody had to go through the school drivers ed program. It was just part of school. I guess I don't see why the public school system teaches one part of the curriculum, but a private school can teach a different type of curriculum. That's why I keep going back to, that a standardized instruction is something that has a lot of merit. Then we would know what our kids were being instructed in, and it's not up to the choice of each individual instructor what parts they want to teach or not.

Ch. Nathe: That might be for a different bill. Standardizing across the board would be good to look at in the next session.

Mark Nelson: The donor programs are excellent. This may not reach all the intended targets.

Rep. Rohr: Do we know how many school districts actually teach drivers ed and what would be the % of students that will be affected by this and how many schools are we talking.

Mark Nelson: We don't know that number. We will do some checking and find out how many schools don't offer this course.

Rep. Heller: I was probably in my late '20s when I finally decided to be a donor. It was like I never had enough information. So even if you had brochures there, and we get our testing done in Beulah, I think Dickinson's DOT comes up to Beulah. Even if the brochure was there, and you didn't make your decision at that moment, there is a website to go to, they can go home and think about it, and now in six years, if you want it to be redone. I think it would be a good idea to have this available.

Mark Nelson: I don't disagree. I think having the information available on a program as important as the donor program, is good. I will go back and ask that question of our driver's license director and ask him how they decide that.

Ch. Nathe: Thank you.

Pat Ward: I was doing some research and I've been communicating with Susan Mau from Lifesource in MN. I want to clarify a couple of things. When we worked on the Uniform Anatomical Gift Act last time, that's section 23-06.6-07 of the Code, there are a couple things in the Code. I'm not sure whether the parent has to sign the form. They sign the form for a minor to get a driver's license. I don't know if they sign again on that check off box or not. The way it works, and there is an online registry, and if you don't do it at the time, if the kids hear about it at school, in a class, or from a friend, they can go to the online registry and add donor to the registry online. But the parents still have the final say while they are a minor. If one of these children were to pass away while they are still a minor, the fact that they are a donor would be indicated on their driver's license or in the motor vehicle department records. It would be brought to the attention of the parents, did you know that Michael was a donor. But they would still have the final word if they are a minor, whether or not they can harvest those organs. Really, they aren't bound by the minor's decision while the person is a minor. #3

Ch. Nathe: Do we give them that sensitive informational brochure to the student without the parents' consent.

Pat Ward: I would say probably yes.

Rep. Rohr: Do you have the name of the Lifesource person for ND.

Pat Ward: Her name is Susan Larson.

Rep. Rohr: Is she here in Bismarck.

Pat Ward: She is in Minneapolis. Her name is 651-603-7852. The statute is fairly clear, we worked quite a bit on this statute in the Human Services Committee with Rep. Weisz, the last time this came up, in 2007.

Ch. Nathe: Thank you. Further testimony in support.

Marlin Jacobson, husband of Sally Jacobson: I have a question. If we are worried about our sensitive children with this story about possible motorcycle and car wrecks and walking in the street where there is traffic, do we compare that with the same things that they see on TV, Sandy Hook, and from some of the places where we have had mass deaths. Maybe we need to worry more about what appears on TV than what our children might learn from a brochure or from a 30 minute presentation by someone who would like to use their organs in a positive way.

Ch. Nathe: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.

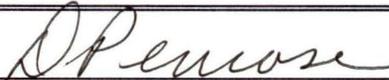
2013 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1268
January 28, 2013
17837

Conference Committee

Committee Clerk Signature



Minutes:

Ch. Nathe: We will take a look at HB 1268.

Rep. Rohr: I have an amendment that deals with notifying the parents when this subject is to be discussed during driver's education curriculum.

Rep. Heller: I move the amendment.

Rep. Meier: Second the motion.

Rep. Rohr: Explained the amendment. There was quite a bit of information from three sources. One was DOT, Lifesource out of MN, and also the DPI. Lifesource information indicated that there are some states who have introduced legislation such as this and there were a total of 11 states that included the driver's education curriculum requirement and then 6 states just put it in the legislation for school curriculum. DOT indicated to me that currently in the state of ND, 70% of our people with drivers licenses are organ donors and have indicated that on their licenses. I asked for a breakdown of 17 years of age and under, and we didn't get any information on that. In terms of DPI, I spoke with Dennis, currently in the state of ND there are 20 schools that provide drivers education that are taught during the summers, which would involve 1,657 students and then there is also 117 schools, these would be during the actual curriculum, then during the summer of 2012, we had 117 schools, which was a total of 4,039 students. When I saw that there was 70% already that were indicating that they were organ donors on their licenses, I thought we should have killed the bill. Then I spoke with Mike, and of course, the way the bill is written now, it indicates that each school district shall ensure that its curriculum for driver's education includes information regarding the manner in which a student obtaining a driver's license may make an anatomical gift, as provided for in Section 23-06.6-04. The Lifesource representative indicated that the statutes listed in her email were directly from the ND law.

Ch. Nathe: This notifies the parent that the children will be receiving that postcard about organ donation.

Rep. Rohr: Yes.

Ch. Nathe: So they are notified and they decide yes or no if the child will participate in the program.

Rep. Rohr: Yes.

Rep. Meier: Did we want to include private schools, as well on this bill.

Rep. Rohr: The people that were here for the hearing, and provided testimony, were organ recipients. We did not here from the consumer, nor did we hear from the teachers, I don't feel right including somebody on the bill if they weren't here to provide their position.

Ch. Nathe: There isn't a standardized curriculum for driver's education as we heard. I think they need to tackle that next session.

Rep. Rust: Nothing is said in there about the parent having the right of refusal. I could say, we notified you, it came out anyway. All I have to do is notify, that's all this does. There is a big difference between notification and notification with a right of refusal.

Ch. Nathe: I think that once a parent gets it, and if they object to it, they can call the person in charge of the program and say that you don't want your child to participate. I think there is some latitude, common sense.

Rep. Rust: I wanted to point out that there is a difference.

Rep. Meier: I visited with Pat Ward, after the hearing, and he said the parent always has the oversight over this, so they would always have the right to refuse.

Ch. Nathe: Voice vote on the amendment. Motion carried. We have HB 1268 before us as amended. What are the committee's wishes.

Rep. Heller: I move a Do Pass as amended.

Rep. Heilman: Second the motion.

9 YES 0 NO 4 ABSENT

DO PASS AS AMENDED

CARRIER: Rep. Rohr

1/28/13
CANC

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1268

Page 1, after line 6, insert:

"1."

Page 1, after line 9, insert:

"2. The school district shall provide notification of the curricular requirement set forth in subsection 1 to the parent of each student enrolled in driver education. The notification may be provided electronically or in written form."

Renumber accordingly

Date: 1/28/13

Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1268

House EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0062.01001 02000

Action Taken: Do Pass Amended Rerefer to Appropriations
 Do Not Pass Adopt Amendment

Motion Made By Rep. Heller Seconded By Rep. Heilman

Representatives	Yes	No	Representatives	Yes	No
Chairman Mike Nathe	✓		Rep. Bob Hunsakor		
Rep. Mike Schatz			Rep. Jerry Kelsh	✓	
Rep. Joe Heilman	✓		Rep. Corey Mock		
Rep. Brenda Heller	✓				
Rep. Dennis Johnson	✓				
Rep. Ben Koppelman					
Rep. Lisa Meier	✓				
Rep. Karen Rohr	✓				
Rep. David Rust	✓				
Rep. John Wall	✓				

TOTAL (YES) 9 (NO) 0 (ABSENT) 4

FLOOR ASSIGNMENT Rep. Rohr

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1268: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1268 was placed on the Sixth order on the calendar.

Page 1, after line 6, insert:

"1."

Page 1, after line 9, insert:

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Renumber accordingly

2013 SENATE EDUCATION

HB 1268

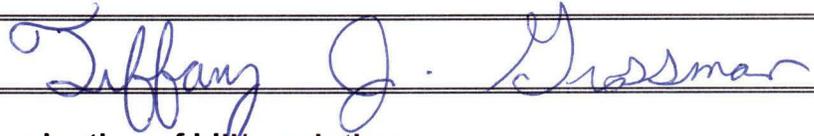
2013 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee
Missouri River Room, State Capitol

HB 1268
2-19-13
19171

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the driver education curriculum

Minutes:

You may make reference to "attached testimony."

Chairman Flakoll opened the hearing on HB 1268

Rep. Corey Mock, District 42: I am proud to introduce HB 1268. For over a year I have been working with Grand Forks constituents related to organ transplants. We have an organ support transplant group once a month. (Refers to attachment #1) HB 1268 says the curriculum shall include information about what it means to be an organ donor in a driver's education class. This isn't meant to sway any individual's decision to become an organ donor or not, just to provide the information so they are comfortable checking yes or no. In the House we added a second subsection to the bill that the parents are notified that this curriculum will be presented and there will be information about becoming an organ donor so the parents know what will be coming in the semester ahead. Beginning in 2014 we ask that any driver's education course run by a school district provide some information so students know what it means to be an organ donor should they make that decision.

Chairman Flakoll: How will it work for a 17 year old not of legal age?

Corey Mock: Any individual can check the box. However, the parent has the final decision at the time of death even if the minor chose to check the box. The parent has the final consent.

Chairman Flakoll: This is more intent legislation for a child or student. May the parent still donate the child's tissues without the box checked?

Corey Mock: I believe the parent can choose.

Senator Heckaman: The implementation data is just giving schools time to get this in order?

Corey Mock: Yes it would take effect in the next school year.

Senator Luick: Is there any cost for this?

Corey Mock: There is no fiscal note. Volunteers provide brochures, informational videos, etc. There are programs available to the school district at no cost.

Senator Luick: I am talking about the cost to the donors themselves or the parents.

Corey Mock: I will defer specifics to LifeSource because the work with that. That is usually handled by the individual receiving the organ transplant. The cost is not on you if you are donating the organs.

Chairman Flakoll: Was there any discussion on private schools or adding them to the bill?

Corey Mock: We discussed this applicability of this language to non-public driver's education courses. Someone from DOT can speak more to that.

Pat Ward, Registered Lobbyist for LifeSource: I will introduce Jeff Richert and Sally Jacobsen. North Dakota has had on the books for years the Uniform Anatomical Gift Act. North Dakota is one of the highest states in the union indicating Organ Donors. My uncle is the longest living heart transplant in Minnesota receiving a heart 25 years ago.

Jeff Richert, Community Partnership Coordinator at Life Source: I am pleased to be in support of HB 1268. (Written Testimony #2 attached)

Chairman Flakoll: Is the 10% improvement going from 2,000 students to 2,200 students or is it taking 10% of the entire grouping and going from 7,000 to 7700.

Jeff Richert: The 10% I refer to is from our experience in Minnesota. We saw a 10% increase so if students do not receive this instruction on donation, we would have 100 students that might support donation. After instruction we might have 110 students.

Chairman Flakoll: So it is a 10% increase to the base.

Jeff Richert: Yes.

Senator Luick: How compatible are organs once you have identified an individual needing an organ.

Jeff Richert: When someone passes away there are a number of tests that have to be performed. Blood type and tissue type have to match. Several other factors go into the decision who receives the transplant. There is a regional element to the decision. If someone passes away in our upper Midwest region, that organ stays in our area because transplants have to take place very quickly.

Chairman Flakoll: If you have 100 people that wish to donate, what percent might the family overrule?

Jeff Richert: In most cases, the family wants to honor what their loved one decided. It is very rare for a family to say they do not want to donate. If someone had not registered and the family is asked, about 50% will decline donation if the person was not registered.

Chairman Flakoll: Some like it because it gives meaning for another life but for some may add insult to injury.

Sally Jacobsen, LifeSource Volunteer: I do a lot of presentations and I try to get the message out because I was saved. My family knows how important being an organ donor is to us because I am alive. Seven years ago I knew I had about a month to live. I was unable to do things for myself. I was totally incapacitated. I want others to live too. Eighteen people die every day waiting for an organ transplant. In the last two years 3,500 people have been added to the list to receive an organ transplant. As of the end of January there were 116,919 in the United States waiting for an organ transplant. One person can enhance up to 60 lives through tissue and organ donation. The recipient and the family get the whole bill. Insurance is usually 80/20. We were on our way to Kansas when we heard this bill was coming up. We cut our trip short and came back in the dreadful weather. This is so important to me. I speak to driver's education classes in east Grand Forks regularly. I am invited back every session. I spoke to Grand Forks Central and Red River High School students considering health care as a career. After we were done with our presentation, we asked how many had drivers education and all had it. We asked if they heard anything regarding organ donors prior to our discussion and not one of them had heard. Several said they would encourage their friends. It won't cost the schools anything. When talking to students I tell them about the poem "The Dash" by Linda Ellis. What you do with your life is that dash. It is important they discuss their decision with their family. My liver is older than average. Next April my liver will be 90. It is 21 years older than me.

LeAnn Nelson, NDEA: I wish to support HB 1268 (Written testimony #3 attached) (33:41)

Mark Nelson, DOT: We did not come opposed to this bill. Our concerns when we read this were the private schools or schools that use private sources to teach driver's education. Currently in North Dakota we have 61 schools that are not a school curriculum. Those students would not be touched by this bill. Currently we have 187 school districts. 126 is truly the total because of combined schools. The curriculum we put together is not mandated but recommended. We are not reaching all of the age groups because the way the system is set up in North Dakota and we don't hit the 16 and 17 year olds because they aren't mandated to go through the driver's education curriculum. We are hitting the 14 and 15 year olds, not the 16 and 17 year olds.

Chairman Flakoll: Does it matter if you have students enrolled in ND but live in SD? Is that a big problem here?

Mark Nelson, DOT: Not that I am aware of.

Chairman Flakoll: You are testifying on behalf of the department?

Mark Nelson, DOT: Yes.

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Chairman Flakoll: Closed the hearing on HB 1268

Vice Chairman Schaible: I move a Do Pass on Engrossed HB 1268

Senator Poolman: Second

A roll call vote was taken for a Do Pass on Engrossed HB 1268: 6 yeas, 0 neas, 0 absent

Chairman Flakoll: will carry

HB 1268

Date: 2-19-13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO.

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DC Pass

Motion Made By Schaible Seconded By Podman

Senators	Yes	No	Senator	Yes	No
Chairman Tim Flakoll	✓	✓	Senator Joan Heckaman	✓	
Vice Chairman Donald Schaible	✓	✓	Senator Richard Marcellais	✓	
Senator Larry Luick	✓				
Senator Nicole Poolman	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Flakoll

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1268, as engrossed: Education Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1268 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1268



**TESTIMONY OF LEANN NELSON,
NORTH DAKOTA EDUCATION ASSOCIATION
HB 1268
January 23, 2013**

Good Morning Chairman Nathe and Members of the House Education Committee. For the record my name is LeAnn Nelson, representing the North Dakota Education Association (NDEA). I am here to voice NDEA's support for HB 1268.

This bill provides additional information to the driver's education curriculum without deviating or taking away from the curriculum. In discussions with Tom Johnson, President of the North Dakota Driver and Traffic Safety Association, Larry Nagel, Past President and Carol Thurn, Program Manager for the North Dakota Department of Transportation, they feel that there is no problem with the addition of this information to the driver's education curriculum.

Chairman Nathe and Members of the House Education Committee that ends my testimony. Thank you for your time and we hope the committee recommends a "Do Pass" on HB 1268. I will stand for any questions you may have.

#2

**House Education Committee
January 23, 2013 - 9 a.m. – Pioneer Room**

**North Dakota Department of Transportation
Mark Nelson, Safety Division Director
House Bill 1268**

Mr. Chairman and members of the committee, I'm Mark Nelson, Director of the Safety Division at the North Dakota Department of Transportation (NDDOT). Thank you for giving me the opportunity to present information to you today.

Currently, the NDDOT-sponsored curriculum that some driver education classes are using includes information on making anatomical gifts. However, not all driver education programs are using the NDDOT-sponsored curriculum and those that may use it are not required to present the anatomical gift information.

Attached is an example of a presentation used as part of the NDDOT driver education curriculum.

Mr. Chairman, I would be happy to answer any questions at this time. Thank you.

Organ and Tissue Donation: The Gift of Life

Thank you for sharing information about donation and transplantation with your students. Our goal at LifeSource is to provide accurate information about donation so that students can make an informed decision about donation when they apply for or renew their driver's license. This presentation is designed to be used in the following manner:

• Slides 2 through 18 include general information about organ and tissue donation; please note that there are suggested talking points included on some slides under the "Notes Pages" view. To see the talking points, select "view" from the navigation bar at the top and select "Notes Page."

• Slides 19 and 20 are quizzes that review the information outlined in this presentation. Please feel free to go over these with your class or print them out and have students complete them as group work or individually. Answers are included in the Notes Pages.

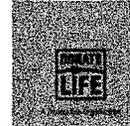
Thank you again for educating students about this life-saving issue. If you have any questions, please call LifeSource at 888.5.DONATE.

LifeSource
Organ & Tissue Donation



Organ and Tissue Donation: It's Your Decision

LifeSource
Organ & Tissue Donation



Why is it important to get the facts about donation?

- There are more than 100,000 people waiting for a life-saving organ transplant
- 18 people die each day in the US simply because there aren't enough organs to go to everyone who needs one
- A new name is added to the transplant waiting list every 12 minutes

LifeSource
Organ & Tissue Donation



How does donation help?

One person can save or enhance up to 60 lives through organ and tissue donation!



How you can help

Register to donate
Talk to your family and friends



Minnesota Drivers can Register by...

•Checking the "Donor Document of Gift" box on the driver's license application

•If you are 18 years or older, checking the box is a legal agreement. You are agreeing to be an organ and tissue donor if something were to happen to you and you died.

•For those under the age of 18, parents or legal guardians ultimately make the decision for you. However, your designation on your license shows them what your wishes are.

•Registering online at www.DonateLifeMN.org

•Available to anyone with a driver's license or state identification card that do not have "donor" marked on their driver's license. This designation is also a legal agreement for those 18 and older.

North Dakota Drivers can Register by...

•Checking the "Donor Document of Gift" box on the driver's license application

•If you are 18 years or older, checking the box is a legal agreement. You are agreeing to be an organ and tissue donor if something were to happen to you and you died.

•For those under the age of 18, parents or legal guardians ultimately make the decision for you. However, your designation on your license shows them what your wishes are.

Find more information online at www.DonateLifeND.org

South Dakota Drivers can Register by...

•Checking the "Donor Document of Gift" box on the driver's license application

•If you are 18 years or older, checking the box is a legal agreement. You are agreeing to be an organ and tissue donor if something were to happen to you and you died.

•For those under the age of 18, parents or legal guardians ultimately make the decision for you. However, your designation on your license shows them what your wishes are.

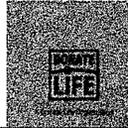
Find more information online at www.DonateLifeSD.org

Talk with your family

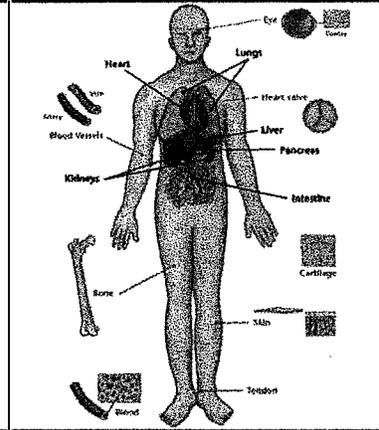
Remember – it's always important to share your wishes with your loved ones!



LifeSource
Organ & Tissue Donation



What organs and tissues can be donated?



Who can be a donor?

Just about anyone can be a donor

Donation either occurs:

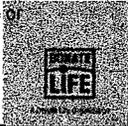
•After death (**deceased donation**)

OR

•While a person is still living (**living donation**)

•For example, donating a kidney to a relative or friend in need

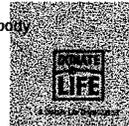
LifeSource
Organ & Tissue Donation



Deceased Donation

- All deceased donors suffer some kind of severe head trauma
 - Stroke: auto, motorcycle, or bicycle accident; other trauma
- Doctors and medical professionals do everything in their power to save the patient
- Unfortunately, sometimes the patient's brain stops receiving blood, oxygen and the nutrients it needs to survive and death occurs
- Donation can only take place after a patient has died
- A breathing machine artificially keeps the organs of the body functioning so that they may be recovered for transplant

LifeSource
Organ & Tissue Donation



Organ and Tissue Donation: The Gift of Life

Up next...

Common questions about donation



LifeSource
Organ & Tissue Donation



Are donors treated with respect?

Yes! Donors are treated with great care and dignity.

Organ and tissue recovery is a respectful surgical procedure, and donors are able to have an open casket funeral.

LifeSource
Organ & Tissue Donation



Who pays for donation?

There is no cost to the donor family for donation. The cost of donation is passed on to the recipient and their health insurance company.

LifeSource
Organ & Tissue Donation



Doctors will try to save my life first, right?

Yes! Doctors do everything in their power to treat each patient – their number one priority is saving YOUR life.

The doctors involved in treating you are not the same doctors involved in the transplant process. Donation is only an option after death.

LifeSource
Organ & Tissue Donation



How do people know if someone is a designated donor?

At the time of death, medical professionals check with the Department of Motor Vehicles computer database to see if the person documented their decision to donate their organs and tissues.

LifeSource
Organ & Tissue Donation



How do I get more information?

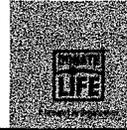
Contact LifeSource:

888.5.DONATE

www.OrganDonation.org

www.DonateLifeMN.org

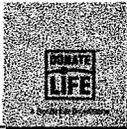
LifeSource
Organ & Tissue Donation



Questions

1. How many people in the U.S. are currently waiting for an organ transplant?
2. How many people in the U.S. die each day because they didn't receive the transplant they needed?
3. How many people can be impacted by one organ and tissue donor?
4. What steps should be taken to register as a donor?
5. Who makes the decision to be an organ and tissue donor if the person is under the age of 18?
6. List the eight organs that can be donated.
7. List five tissues that can be donated.

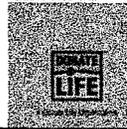
LifeSource
Organ & Tissue Donation



True/False

1. Donors can have an open casket funeral.
2. All major religions support donation.
3. If I support donation, all I have to do to make my wishes known is tell my family.
4. The donor's family has to pay for donation.
5. If a person is 18 years of age or older and has "donor" designation on their driver's license, that is considered legal authorization for donation and will ensure the person's decision is honored.

LifeSource
Organ & Tissue Donation



Rohr, Karen M.

From: Susan Mau Larson <smlarson@life-source.org>
Sent: Friday, January 25, 2013 1:56 PM
To: Nathe, Mike R.
Cc: Schatz, Mike A.; Heilman, Joe A.; Heller, Brenda A.; Hunskor, Bob L.; Johnson, Dennis E.; Kelsh, Jerome G.; Koppelman, Ben; Meier, Lisa M.; Mock, Corey R.; Rohr, Karen M.; Rust, David S.; Wall, John D.; Patrick Ward (PWard@zkslaw.com)
Subject: HB 1268
Attachments: HB 1268 LifeSource testimony.docx; DLA_StateApprovedOrganDonationInstruction_043009.doc; DMV_thanksgiving_ND_PRINT.pdf

Representative Nathe and Education Committee Members,

Thank you for your consideration of HB 1268 to include donation curriculum in driver's education courses. Attached is my written testimony in support of this legislation. I have also included two additional attachments for your reference. The first is a list of other states which have state-approved donation education. The second is a copy of a Thanksgiving card sent by LifeSource staff to the driver's license offices in North Dakota. The card features a story of a 15-year-old girl from Adams, ND who gave the gift of life through organ and tissue donation after her death.

Please don't hesitate to contact me if you have any questions or if I can provide you with additional information. Thank you.

Susan Mau Larson
Director, Public Affairs
LifeSource
2550 University Ave W, Suite 315S
St. Paul, MN 55114
651-603-7852
612-968-2940 (cell)

Everyone Shares the Gift of Life

Register to be an organ and tissue donor today at www.donatelifend.org

January 25, 2013

HOUSE BILL NO. 1268

A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to the driver education curriculum. Driver education curriculum - Content - Anatomical gift.

RE: Written Testimony for the House Education Committee

Submitted by: Susan Mau Larson, Director of Public Affairs, LifeSource

Chairman Nathe and Committee Members, I am pleased to be able to submit this written testimony in support of House Bill No. 1268. My name is Susan Mau Larson and I am the director of Public Affairs for LifeSource. LifeSource is a non-profit organization dedicated to saving lives and providing hope and healing through excellence in organ and tissue donation in the Upper Midwest. We manage all aspects of organ and tissue donation cases in North Dakota, South Dakota, Minnesota, and Western Wisconsin.

The intent of House Bill 1268 is to ensure that driver's education courses include information about donation. When a new driver receives their license they have the opportunity to designate their wishes to help save lives through donation. This is an important decision and we believe it is best made when the individual has information about donation and the impact of their decision.

North Dakota has long been a leader and strong supporter of donation. An estimated 67% of driver's license and ID card holders in North Dakota have documented their wishes to donate. This compares favorably to the national average of 43%. We believe this high rate of donation is reflective of the strong commitment to giving and sense of community that exists in North Dakota. However, we would like to see this number move higher and believe that can be achieved by implementing a driver's education program. Similar bills are in place in 16 other states (see attached list) Experience in other states suggests that teens who receive education about donation have a donor registration rate 10% higher than their peers who do not receive the education.

The true value of this education is seen for families like the Misialek's from Adams, ND. Their 15-year-old daughter Kelsey gave the gift of life through organ and tissue donation after her tragic death in June of 2012. *"We talked with Kelsey about the decision to be a donor but didn't know what she chose until she excitedly showed us her driver's license," said her mom Michaela. "She was so proud of her decision. Kelsey's organs have saved the lives of four people and her gifts of tissue may help dozens of people in years to come."*

The North Dakota Department of Transportation and LifeSource have partnered for many years to support donation throughout the state. The Department has established an effective system for people to document their wishes to donate. It can be done in the driver's license offices or on-line. Together, we ensure that all driver's license offices have information about donation on display and available for customers to read. Providing the education in driver's education courses is an extension of these strategies and helps to reach new drivers with the information on a more personal level.

LifeSource will work with the Department to provide the needed curriculum and materials to the driver's education instructors. This can be in the form of videos to show in class and printed materials to give to students. We will include in these materials a message that students share their decision about donation with their parents. It is very important for parents, like Kelsey's, to know their children's wishes. Please know that these materials are for informational purposes and are not intended to persuade students to take a specific action.

*who
follows
the information
parent
provide*

The donor designation on a driver's license or other documentation serves as legal authorization for donation in the same way an advanced health care directive provides guidance for someone's wishes. In the rare case that someone under the age of 18 dies, their parents do have the opportunity to revoke their donation decision. In those situations LifeSource speaks with the parents, lets them know their child's wishes, and then honors the parent's final decision.

I thank you for consideration of this important legislation. We truly believe this will fulfill an important need for students by ensuring they have accurate information and know from experience that it contains great potential to save more lives through transplantation.

Happy Thanksgiving

**GIVE THANKS,
GIVE LIFE**



With Gratitude, Jeff Richert
LifeSource Community Partnership Coordinator
651.603.7863 | jrichert@life-source.org



*Dear North Dakota Driver's
License Examiner,*

Families like ours know all too well the importance of your work in getting the public to complete their driver's license application. Our 15-year-old daughter, Kelsey, gave the gift of life through organ and tissue donation after her death earlier this year. She was such a cool kid – we called her our “princess dressed in camo.” We miss her energetic personality.

We talked with Kelsey about the decision to be a donor but didn't know what she chose until she excitedly showed us her driver's license. She was so proud of her decision.

Kelsey's organs have saved the lives of four people and her gifts of tissue may help dozens of people in years to come. I know her recipients would echo our thanks for your hard work.

Warmly,

Kevin and Michaela Misialek
Adams, ND

HOUSE BILL NO. 1268

#2

A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to the driver education curriculum. Driver education curriculum - Content - Anatomical gift.

On Tuesday morning our driver's education bill will be heard in the North Dakota Senate Transportation Committee. Jeff Richert will be traveling to ND to testify. The committee hearing is at 10:00 a.m.

- > Patrick J. Ward
- > Zuger Kirmis & Smith
- > PO Box 1695
- > 316 North 5th Street
- > Bismarck, ND 58502-1695
- > Phone: 701.223.2711
- > Fax: 701.223.9619
- > Email: pward@zkslaw.com<mailto:pward@zkslaw.com>
- > Web: www.zkslaw.com<http://www.zkslaw.com/>

> Linda Butts, Cindi Worrel, Glenn Jackson Sanford Bismarck (Kid) and Fargo (panc and kid)

Education: Chairman sen tim flakoll, vice chairman sen donald schaible, Leg Members: Sen Joan Heckaman, Sen Larry Luick, Sen Richard Marchellias, Sen Nicole Poolman.

Chairman Flakoll and Committee Members, I am pleased to be here to testify in support of House Bill No. 1268. My name is Jeff Richert and I am the Community Partnership coord for LifeSource. We are a non-profit organization dedicated to saving lives and providing hope and healing through excellence in organ and tissue donation in the Upper Midwest. We manage all aspects of organ and tissue donation cases in North Dakota, South Dakota, Minnesota, and Western Wisconsin.

The intent of House Bill 1268 is to ensure that driver's education courses include information about donation. When a new driver completes their driver license or state ID application they have the opportunity to designate their decision to help save lives through donation. This is an important decision and we believe it is best made when the individual has accurate information about donation and the impact that donation can have.

North Dakota is a national leader and historically has shown strong support for donation. An estimated 70% of driver's license and ID card holders in North Dakota have documented their decision to donate. This compares favorably to the national average of 43%. Similar requirements are in place in 16 other states (see attached list) Their experience suggests that teens who receive education about donation have a donor registration rate up to 10% higher than their peers who do not receive the education.

Leanne Nelson
NDEA Lobbyist

mmr
April - 90 year old
6-day party
bill signing

The more people who register their support of donation, the more people will receive the tx they need.

100% of those eligible to donate at the time of their deaths who are registered, do so, whereas about 50% of those who do not register, don't do so because their family says no, which is their right but often it is because they don't know what their loved one wanted.

The true value of this education is seen for families like the Misialek's from Adams, ND. Their 15-year-old daughter Kelsey gave the gift of life through organ and tissue donation after her tragic death in June of 2012. "We talked with Kelsey about the decision to be a donor but didn't know what she chose until she excitedly showed us her driver's license," said her mom Michaela. "She was so proud of her decision. Kelsey's organs have saved the lives of four people and her gifts of tissue may help dozens of people in years to come."

The North Dakota Department of Transportation and LifeSource have partnered for many years to support donation throughout the state. The Department has established an effective system for people to document their decision to donate. It can be done in the driver's license offices or on-line. Together, we ensure that all driver's license offices have information about donation on display and available for customers to read. Providing the education in driver's education courses is an extension of these strategies and helps to reach new drivers with the information on a more personal level.

LifeSource will work with the Department to provide the needed curriculum and materials, free of charge, to the driver's education instructors. This can be in the form of videos to show in class and printed materials to give to students. We will include in these materials a message that students share their decision about donation with their parents. Because that communication is so important.

Donor designation on a driver's license or other document serves as legal authorization for donation. It's like leaving a will. In the rare case that someone under the age of 18 dies, their parents do have the opportunity to revoke their donation decision. In those situations LifeSource speaks with the parents, lets them know their child's wishes, and then honors the parent's final decision.

I spoke with Loren and Monica Kersting from West Fargo yesterday. They lost their 14 y/o daughter Alexa in 2004. She died waiting for a lung tx that never came. There was no lung available for her. Loren told me just yesterday that "Waiting and Hoping are real". There are real ND right now waiting for their chance of tx like 4th grader Jordan Peterson, from Fargo who is still waiting his double lung transplant.

That's ultimately what this is about. Greater support for donation and more North Dakota lives saved through transplant.

Lille Alexa. Lille Jordan.

Thank you for considering this important legislation.



#3

**TESTIMONY OF LEANN NELSON,
NORTH DAKOTA EDUCATION ASSOCIATION
HB 1268
February 19, 2013**

Good Morning Chairman Flakoll and Members of the Senate Education Committee. For the record my name is LeAnn Nelson, representing the North Dakota Education Association (NDEA). I am here to voice NDEA's support for HB 1268.

This bill provides additional information to the driver's education curriculum without deviating or taking away from the curriculum. In discussions with Tom Johnson, President of the North Dakota Driver and Traffic Safety Association, Larry Nagel, Past President and Carol Thurn, Program Manager for the North Dakota Department of Transportation, they feel that there is no problem with the addition of this information to the driver's education curriculum.

Chairman Flakoll and Members of the Senate Education Committee that ends my testimony. Thank you for your time and we hope the committee recommends a "Do Pass" on HB 1268. I will stand for any questions you may have.