

2009 SENATE TRANSPORTATION

SB 2067

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2067

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: January 16, 2009

Recorder Job Number: 7127

Committee Clerk Signature

Jody Hauge

Minutes:

Senator G. Lee opened the hearing on SB 2067 relating to the online registration of donors.

Senator Judy Lee introduced SB 2067 and asked for the committees support.

Pat Ward, representing LifeSource, the organ and tissue donation coordinators in the Upper Great Plains area urged a do pass with the amendments provided. Written testimony #1.

Senator Potter asked how young people under the drivers license age could list themselves as donors.

Ward replied that they could get a state ID card.

Senator Potter clarified that currently they don't need parental approval to do this.

Ward deferred the question to Judge Hagerty.

Jack Golden, a member of the Pa-hin Lodge of the arrow, scouting national honor society, testified in support of SB 2067. Written testimony #2.

Judge Gail Hagerty, a district judge in Bismarck and served on the committee that drafted the Uniform Anatomical Gift Act which was enacted during the last session testified in support of SB 2067. Children under the age of eighteen can designate that they are donors but the one time someone can change that decision after death is in the case of a donor under eighteen, at

that time the parents can make a decision that they do not want to donate. After the young person does turn eighteen, it is their decision.

Senator Potter asked if the Uniform Anatomical Gift Act in other states relate to drivers license, and if they have higher ages and children 14 & 15 are not able to designate themselves as donors.

Hagerty replied yes. Uniform law should be pretty much uniform from state to state, but it is a state organization and we recognize the ability of states to fit uniform laws to their particular needs in situations.

Senator Fiebiger asked how many other states allow for online registration.

Hagerty said she did not have a count but as they went through the drafting process they involved people who ran registries in other states. There are all kinds of Federal Funds to encourage development of registries in states.

Linda Butts, Deputy Director for Driver and Vehicle Services at the Department of Transportation testified in support of SB 2067. Written testimony #3. Butts also explained the proposed amendments. Exhibit #4.

Kathleen Zimmermon, organ recipient, spoke in support of SB 2067.

No further testimony.

Senator Lee closed the hearing on SB 2067.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2067

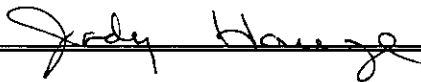
Senate Transportation Committee

Check here for Conference Committee

Hearing Date: January 22, 2009

Recorder Job Number: 7575

Committee Clerk Signature



Minutes:

Committee work on SB 2067 relating to the online registration of donors.

Senator Potter moved the amendment 90371.0101.

Senator Fiebiger seconded the amendment.

The committee discussed who would be affected by the liability.

Roll call vote 6-0-0.

Senator Potter moved a Do Pass as Amended.

Senator Fiebiger seconded.

Roll call vote 6-0-0.

Senator Fiebiger is the carrier.

Date: 1-22-09
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2067

Senate Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number 90371-0101 0200

Action Taken Do Pass Do Not Pass Other
as amended

Motion Made By Senator Potter Seconded By Senator Fiebiger

Senator	Yes	No	Senator	Yes	No
Chairman Senator Gary Lee	✓		Senator Tom Fiebiger	✓	
Senator George Nodland	✓		Senator Richard Marcellais	✓	
Senator Dave Nething	✓		Senator Tracy Potter	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Fiebiger

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

REPORT OF STANDING COMMITTEE

SB 2067: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2067 was placed on the Sixth order on the calendar.

Page 1, line 1, remove ", subsection 2 of"

Page 1, line 2, remove "section 39-06-07,"

Page 1, line 20, after the first "the" insert "identification"

Page 1, line 21, after the underscored period insert "The department may not be held civilly or criminally liable for any act or omission in implementing and maintaining the online registration of donors."

Page 2, remove lines 3 through 16

Page 3, line 6, replace the first "card" with "license" and replace the second "card" with "license"

Page 3, line 7, after the underscored period insert "The department may not be held civilly or criminally liable for any act or omission in implementing and maintaining the online registration of donors."

Renumber accordingly

2009 HOUSE TRANSPORTATION

SB 2067

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2067

House Transportation Committee

Check here for Conference Committee

Hearing Date: 02/26/09

Recorder Job Number: 9764

Committee Clerk Signature

Jeanette Cook

Minutes:

Senator Judy Lee, District 13, introduced SB 2067. This bill continues with the strong support that North Dakota has already developed to encourage organ donation. We have supported young people as being registered as donors on their drivers' licenses. This would

allow people to indicate their willingness to donate organs online and make it a simpler process. This was amended with amendments recommended by the DOT concerning liability issues. North Dakota has the highest percentage of donors in the nation. There are people who are on waiting lists, and their lives will be dramatically changed by organ donation.

Representative Weisz: How will notification be done if you do this online between the time that you do it online and you get a new license? I realize there will be a record of it at DOT.

Senator Lee: Defers the question to others to follow with testimony.

Pat Ward, a Bismarck attorney representing LifeSource, presented testimony in support of SB 2067. See attachment #1.

Representative Weisz: How do you ensure the security of this websites? And how do the medical personal know that they have the correct person?

Pat Ward: As soon as someone is logged into the system, a letter will be generated to the address that the donor has indicated as their address. The confirmation will go out almost

immediately. If you get a letter at your house that says that this is not you, you are directed to contact the Motor Vehicle Department to fix it.

Representative Weisz: If I go online and register as a donor today and get into an accident tonight, how does anyone know that I am a donor when I am in the hospital? How do they know without any identifying data, since there are some common names and there may be more than one?

Pat Ward: If someone is brought into the hospital, and they are terminally ill or in a bad accident, there is a check that is made by the emergency people that is coordinated by LifeSource through state radio. The check is done through this online database through DOT.

Representative Frantsvog: On page two of your testimony it says that each day eighteen people are removed from the transplant waiting list by death. Is that nationwide?

Pat Ward: That is nationwide.

Chairman Ruby: You mentioned that there are federal funds to do this. Couldn't it be done without a change in the Century Code? And how much money is that?

Pat Ward: My understanding is that they need legislative authorization in order to utilize the funds. They are going to request something like \$125,000 and expect to get about \$100,000.

Gail Hagerty, District Judge from Bismarck, spoke in support of SB 2067. See attachment #2. She stated that this would not be the type of registry that the hospital would tap into online and get information about someone. Instead, it would collect information and then when hospitals need to make a contact, they would be in contact with the DOT who could identify whether that person had designated an intent to be a donor. The hospitals would not be going into an online registry and obtaining information that way.

Linda Butts, Deputy Director for Driver and Vehicle Services for the North Dakota DOT, spoke in support of SB 206. See attachment #3. This bill was passed in the last session,

but we found that the physical donor had to come into our office to make the change. Then this piece of legislation was presented to allow a web based application. If this is passed, then someone may go online and simply then change their designation. We have worked with LifeSource closely on this. We had some concerns as well, so tried to think of the worst case scenario and then built in protections for the potential donor. We decided that in order to enroll in this web based application, the donor would have to declare their name as it appears on their driver's license, the driver's license number, and the date of birth. Since all three of those items are on a driver's license, to add an additional level of security, we would also ask them to give the last four digits of their social security number. We also decided to do one more final thing, when someone indicates that they want to be a donor, a letter would be sent to them to thank them for being a donor. That notification would confirm their online application. If the person was under eighteen, the parent would also be notified. We feel that we have built in the levels of security that we can. Referring to Representative Weisz's question about someone who donated online and then had an accident that afternoon, the medical community would have to go through state radio and access your driving record. Your driving record would have been updated as that afternoon to indicate that you wanted to become a donor. That would be communicated back to the medical community.

Representative Weiler: I share some of Representative Weisz's concerns about the security. Are we the first state to do this or are there other states that have done this? Have there been any issues that you know of?

Judge Hagerty: I don't have the exact number of states. I know that there are other online registries around the country, and they have the same kind of safeguards built in to ensure the information is correct and reflects a person's intentions. We are not the first state to do an online registry. We can get more information about that for you.

Representative Thorpe questioned whether using the last four digits of a person's social security number would make it easier for hackers to find a person's social security number and tie it to their name.

Linda Butts clarified the question. Are you asking if the last four digits can be reconstructed into a full social security number?

Cindy Worrel, the Chief Examiner for the Drivers' License Division at the DOT, explained the make-up of a social security number. The first three digits indicate the state where you were born. The following six numbers are random. The online website would have the same firewall protections that our current drivers' license system has. It would be difficult to hack that and tie everything together. The purpose to get the last four digits of the donor's social security number at the front end of the process is a check to make sure that DOT get the record for the correct person. The last four digits will not be contained in an online registry.

Representative Potter: In the bill it talks about the social security number in the online registration process. Do you collect the full social security number?

Cindy Worrel: Yes, we do collect the full social security number for a permit, ID card, or driver's license. That is in current state statute that we collect that number. It is for record purposes, but also driven by child support requirements.

There was no further testimony on SB 2067.

The hearing was closed on SB 2067.

Representative R. Kelsch moved a Do Pass on SB 2067.

Representative Weisz seconded the motion.

General discussion was held on the funding for this project. Pat Ward indicated that it was his understanding that there was a pool of money federal that these grants are drawn from. LifeSource will help the DOT with the grant application. In fact it is basically already done.

The amount of money that they expect to get is more than enough for the IT people to build this database.

Francis Ziegler, Director for the DOT, will get the answers to two questions: How much will the federal aid be and what our costs will be? Also, how many other states are doing this already?

A roll call vote was taken. **Aye 14 Nay 0 Absent 0**

The motion passed.

Representative Griffin will carry SB 2067.

Date: 2/26/09

Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2067

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass Don't Pass Amended

Motion Made By Kelsch Seconded By Weisz

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman	✓		Representative Delmore	✓	
Rep. Weiler - Vice Chairman	✓		Representative Griffin	✓	
Representative Frantsvog	✓		Representative Gruchalla	✓	
Representative Heller	✓		Representative Potter	✓	
Representative R. Kelsch	✓		Representative Schmidt	✓	
Representative Sukut	✓		Representative Thorpe	✓	
Representative Vigasaa	✓				
Representative Weisz	✓				

Total Yes 14 No 0

Absent 0

Bill Carrier Griffin

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

REPORT OF STANDING COMMITTEE

SB 2067, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2067 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

SB 2067

January 16, 2009

**Testimony in Support of Senate Bill 2067
Senate Transportation Committee
January 16, 2009**

Good morning Chairman Lee and Committee Members. My name is Pat Ward. I am an attorney here in Bismarck. I represent LifeSource, the organ and tissue donation coordinators in the Upper Great Plains area. I am proud to bring forward for your consideration Senate Bill 2067, a bill designed to allow for the online registration of organ and tissue donors.

The goal of this bill is to provide an easy and accessible means for North Dakotans to designate their decision to save lives through organ and tissue donation. We have worked with the motor vehicle department at the DOT to put together this bill. There is federal grant money available for the asking to help create this online registry. The IT people at DOT are ready and able to make this change. I will be offering a few amendments DOT have suggested along with my testimony.

The national transplant waiting list holds the names of more than 100,000 men, women and children who are waiting for a life-saving organ transplant; 2,745 of whom are listed at transplant centers in the LifeSource

region of Minnesota, North Dakota, and South Dakota. There are numerous success stories. One of my own uncles is still alive today more than 15 years after having received a donated heart. Unfortunately, the flip side is that each day 18 people are removed from the transplant waiting list by death.

North Dakota has a history of strong leadership in donation. More than 300,000 North Dakotans have registered on their driver's license to donate organs and tissue upon their death, representing 62% of licensed drivers. In 2008 alone, more than 19,000 people in the state made this life-saving decision. This increase illustrates the care and generosity of North Dakotans and their willingness to help others. Clearly the process for designating oneself a donor has been effective. However, a great barrier to individuals saying yes to donation is their ability to easily document their decision.

Currently, North Dakotans can document their decision when they apply for or renew their driver's license or state ID card. Adding an on-line registration capability means North Dakotans could easily add donor to their record at any time and without leaving the privacy of their homes.

LifeSource and the State are engaged in a number of activities to educate the public about donation including media campaigns, information in

driver's license stations, and community outreach programs. The on-line registry would allow a direct response for those moved by these outreach efforts. It would provide a website for information about donation specific to North Dakota, and allow individuals to document their donation decision at the time of their choosing. The ability to review data from the online registry would also help LifeSource and the State in assessing the effectiveness of public education programs, leading to smarter use of limited resources.

In 2007 the State of North Dakota was one of the first to adopt the 2006 Revised Uniform Anatomical Gifts Act. This act strengthens and supports donor designation as legal authorization. The online donor registration builds upon this important legislation.

In 2007, 77% of people with potential to donate upon their death actually did donate their organs and tissues for life-saving transplants. This means 23% of eligible donors had not designated their wishes to donate during their lifetime and their family declined the opportunity to donate upon their death. It can be presumed that some of these individuals would have designated themselves donors if they had the opportunity to learn more about donation and an easy, accessible means to document their decision at the time of their choosing.

The 100,000 people on the transplant waiting list have hopes and dreams for a full and active life. They are our mothers, fathers, siblings, children and neighbors. Their hope lies in the hands of people like Kevin, who make the generous decision to save lives.

Kevin died in July of 2003, following a work-related injury. Only 30 years old at the time of his death and living in Garrison, North Dakota, Kevin was survived by his wife, Nicole, and their 14-month old daughter, Skyla. At the hospital, Nicole was informed that Kevin had made the decision to save lives through donation when he renewed his driver's license.

Although Nicole and Kevin had never discussed donation, Nicole felt very strongly that it was important that his decision was honored. She recently shared that today she feels it is even more important that the donation decisions of loved ones are honored knowing how many people Kevin was able to help. The gifts of Kevin's heart, liver, pancreas and kidneys have made him a hero to five grateful recipients.

By helping North Dakotans register as organ and tissue donors the Department of Transportation is providing an important service to the community and playing a vital role in saving lives. By passing Senate Bill 2067 you are ensuring more citizens have the opportunity to say yes to donation, ultimately saving more lives through transplantation. I urge you

to make your decision today on behalf of everyone touched by donation and transplantation.

We urge a do pass with the amendments provided. We will gladly provide necessary assistance to prepare a fiscal note for the collection and expenditure of the available grant money. Thank you.

Jack Golden
#2

Her Name was Alexa. She was 14 and from West Fargo. She died waiting for a double lung transplant. She was one of 11,000 in America who die every year waiting for an organ donation. None of us want to think of something tragic happening to us, but if it did, wouldn't it be better if it gave others the chance to live?

The Pa-hin Lodge of the order of the arrow, scouting's national honor society, has been working to get the word out about the new uniform anatomical gifts act out. There is no better way to get youth and adults alike to identify themselves as organ donors than to make this chance available online.

I called a friend of mine last night, also a lodge member, and he asked me what I was going to say to you all today, I said I didn't know, but he insisted that I ask you: If this bill saves even one life isn't it worth a vote of confidence?

Thank you for the opportunity to speak.

(Hand out flyers.)



Her name was Alexa.

She was 14 and from West Fargo. She died waiting for a double lung transplant.

She was one of 11,000 in America who dies every year waiting for an organ donation.

None of us want to think of something tragic happening to us, but if it did, wouldn't it be better if it gave others the chance to live.

Our legislature has now made it possible for people as young as 14 to be listed on their driver's license or permit as an organ donor. Just check the box on your license or permit application and tell your family.

Scouting for Life

Youth talking to youth about saving lives.

For more information, go to:
www.ScoutingforLife.org



Scouting for Life is a project of the Order of the Arrow,
Scouting's national honor society.

SENATE TRANSPORTATION COMMITTEE
January 16, 10:30 a.m. Lewis and Clark Room

North Dakota Department of Transportation
Deputy Director for Driver and Vehicle Services for the NDDOT
SB 2067

*Same given
to House.*

Good morning, Mr. Chairman and members of the committee. I'm Linda Butts, the Deputy Director for Driver and Vehicle Services at the North Dakota Department of Transportation. Thank you for giving me the opportunity to present information to you today.

The North Dakota Department of Transportation is testifying in support of SB 2067 which will allow individuals to indicate their donor designation wishes via an online registry. NDDOT would develop a secure web-based application which would allow an update of the driver record of the individual's intention to either add or remove the donor designation. This will eliminate the need for the individual to appear in person at a driver's license site or pay for a duplicate card. Upon the person's next visit to a driver license site, the non-driver photo identification card or the license would reflect the donor designation. The registry will also provide for donor agency access to determine an individual's donor intention and for statistical reporting.

The department has worked closely with LifeSource in the development of the requirements of the registry and to insure protection for the individual. In order to enroll via the registry, the individual will be required to enter their full name, operator license number, date of birth and the last 4 digits of their social security number. The department will also send a notification letter to the individual when the donor designation changes. In the case of minors, the notification letter will be addressed to the 'Parent of'.

Section 1 adds the ability for a North Dakota resident who has applied for a non-driver photo identification card to indicate that they wish to be identified as an organ donor without requiring them to visit a driver's license office. They would be able to complete their request to be identified as an organ donor via an online registry approved by the director.

Sections 2 and 3 add the provision for a North Dakota resident who has applied for a license to be identified as a donor under chapter 23-06.6 by completing their request to be identified as an organ donor via an online registry approved by the director.

Mr. Chairman, that concludes my testimony. Are there any questions?

PROPOSED AMENDMENTS TO SENATE BILL NO. 2067

Page 1, line 1, remove “, subsection 2 of”

Page 1, line 2, remove “section 39-06-07,”

Page 1, line 20, after the first “the” insert “identification”

Page 1, line 21, after “renewal.” insert “The department may not be held civilly or criminally liable for any act or omission in implementing and maintaining the online registration of donors.”

Page 2, remove lines 3 through 16

Page 3, line 6, after the first “the” replace “card” with “license” and after “duplicate” replace “card” with “license”

Page 3, line 7, after “renewal.” insert “The department may not be held civilly or criminally liable for any act or omission in implementing and maintaining the online registration of donors.”

Renumber accordingly

Attachment # 1

February 26, 2009

**Testimony in Support of Senate Bill 2067
House Transportation Committee
February 26, 2009**

Good morning Chairman Ruby and Committee Members. My name is Pat Ward. I am an attorney here in Bismarck. I represent LifeSource, the organ and tissue donation coordinators in the Upper Great Plains area. I am proud to bring forward for your consideration Senate Bill 2067, a bill designed to allow for the online registration of organ and tissue donors.

The goal of this bill is to provide an easy and accessible means for North Dakotans to designate their decision to save lives through organ and tissue donation. We have worked with the motor vehicle department at the DOT to put together this bill. There is federal grant money available for the asking to help create this online registry. The IT people at DOT are ready and able to make this change. This current bill as it was approved by the Senate incorporates the amendments DOT suggested.

The national transplant waiting list holds the names of more than 100,000 men, women and children who are waiting for a life-saving organ transplant; 2,745 of whom are listed at transplant centers in the LifeSource region of Minnesota,

North Dakota, and South Dakota. There are numerous success stories. One of my own uncles is still alive today more than 20 years after having received a donated heart. Unfortunately, the flip side is that each day 18 people are removed from the transplant waiting list by death.

North Dakota has a history of strong leadership in donation. More than 300,000 North Dakotans have registered on their driver's license to donate organs and tissue upon their death, representing 62% of licensed drivers. In 2008 alone, more than 19,000 people in the state made this life-saving decision. This increase illustrates the care and generosity of North Dakotans and their willingness to help others. Clearly the process for designating oneself a donor has been effective. However, a great barrier to individuals saying yes to donation is their ability to easily document their decision.

Currently, North Dakotans can document their decision when they apply for or renew their driver's license or state ID card. Adding an on-line registration capability means North Dakotans could easily add donor to their record at any time and without leaving the privacy of their homes.

LifeSource and the State are engaged in a number of activities to educate the public about donation including media campaigns, information in driver's license stations, and community outreach programs. The on-line registry would allow a direct response for those moved by these outreach efforts. It would provide a

website for information about donation specific to North Dakota, and allow individuals to document their donation decision at the time of their choosing. The ability to review data from the online registry would also help LifeSource and the State in assessing the effectiveness of public education programs, leading to smarter use of limited resources.

In 2007 the State of North Dakota was one of the first to adopt the 2006 Revised Uniform Anatomical Gifts Act. This act strengthens and supports donor designation as legal authorization. The online donor registration builds upon this important legislation.

In 2007, 77% of people with potential to donate upon their death actually did donate their organs and tissues for life-saving transplants. This means 23% of eligible donors had not designated their wishes to donate during their lifetime and their family declined the opportunity to donate upon their death. It can be presumed that some of these individuals would have designated themselves donors if they had the opportunity to learn more about donation and an easy, accessible means to document their decision at the time of their choosing.

The 100,000 people on the transplant waiting list have hopes and dreams for a full and active life. They are our mothers, fathers, siblings, children and neighbors. Their hope lies in the hands of people like Kevin, who make the generous decision to save lives.

Kevin died in July of 2003, following a work-related injury. Only 30 years old at the time of his death and living in Garrison, North Dakota, Kevin was survived by his wife, Nicole, and their 14-month old daughter, Skyla. At the hospital, Nicole was informed that Kevin had made the decision to save lives through donation when he renewed his driver's license.

Although Nicole and Kevin had never discussed donation, Nicole felt very strongly that it was important that his decision was honored. She recently shared that today she feels it is even more important that the donation decisions of loved ones are honored knowing how many people Kevin was able to help. The gifts of Kevin's heart, liver, pancreas and kidneys have made him a hero to five grateful recipients.

By helping North Dakotans register as organ and tissue donors the Department of Transportation is providing an important service to the community and playing a vital role in saving lives. By passing Senate Bill 2067 you are ensuring more citizens have the opportunity to say yes to donation, ultimately saving more lives through transplantation. I urge you to make your decision today on behalf of everyone touched by donation and transplantation.

We urge a do pass. Thank you.

Attachment #2

Testimony in Support of Senate Bill 2067 by District Judge Gail Hagerty

Chair Ruby, Members of the Committee, I am Gail Hagerty, a district judge in Bismarck.

I'm testifying today in support of Senate Bill 2067, which would permit the Department of Transportation to maintain an online registry of those who wish to be donors.

I became interested in donation as a member of a committee which drafted the Uniform Anatomical Gift Act, which was adopted in North Dakota in 2007. There are more than 100,000 people awaiting organ donations. Every day more than 100 people are added to the national transplant waiting list and 18 people die while waiting for needed organs and tissues. Anything we can do to facilitate gifts of organs and tissue will save lives.

The bill provides a method for making one's intention to be a donor known. People routinely handle important matters over the internet – especially young people. This bill provides for the necessary checks to insure that a person's wishes are know and followed at the time of death.

I ask your support of Senate Bill 2067.