

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1197

Short Title: Living Will/Organ Don. Registry.

(Public)

Sponsors: Representatives Fox; and Luebke.

Referred to: Rules, Calendar and Operations of the House.

May 1, 1997

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE A STUDY OF THE ESTABLISHMENT OF A
2 STATEWIDE REGISTRY OF PERSONS WHO HAVE EXECUTED LIVING
3 WILLS AND WHO HAVE CONSENTED TO BE ORGAN DONORS, AND TO
4 APPROPRIATE FUNDS THEREFOR.
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6 The General Assembly of North Carolina enacts:

7 Section 1. (a) There is established the Legislative Study Commission on
8 Living Will/Organ Donation State Registry. The purpose of the Commission is to study
9 the feasibility of establishing a statewide registry of persons who have executed
10 documents pertaining to declarations of a desire for a natural death, commonly referred to
11 as "living wills", and pertaining to human organ donation.

12 (b) The Commission shall consist of 12 members as follows:

13 (1) Four Representatives, appointed by the Speaker of the House of
14 Representatives.

15 (2) Four Senators, appointed by the President Pro Tempore of the Senate.

16 (3) One practicing attorney and one medical doctor appointed by the
17 Speaker of the House of Representatives.

18 (4) One practicing attorney and one medical doctor appointed by the
19 President Pro Tempore of the Senate.

1 The President Pro Tempore of the Senate and the Speaker of the House of
2 Representatives shall appoint as cochairs of the Commission from the General Assembly
3 membership to serve on this Commission. All members shall serve at the will of their
4 appointing officer. Unless removed or unless resigning, members shall serve until the
5 Commission has made its report. Vacancies in membership shall be filled by the
6 appropriate appointing officer.

7 (c) The Commission shall review the feasibility, desirability, and possible methods
8 of making available statewide a registry of persons who have lawfully executed the
9 following:

- 10 (1) Declaration of a Desire for a Natural Death, Health Care Power of
11 Attorney, or other document serving the same or similar purpose and
12 commonly referred to as a "living will"; and
- 13 (2) Documents indicating a person's consent to donate the person's organs
14 upon the person's death.

15 The purpose of the registry would be to allow emergency and other health care personnel
16 to readily ascertain and attempt to accommodate certain wishes of persons who are in the
17 care of and are unable to communicate their wishes to emergency and other health care
18 personnel. The Commission may study other related matters necessary for meeting its
19 purpose.

20 (d) The Commission may contract for consultant services as provided by G.S.
21 120-32.02. Upon approval of the Legislative Services Commission, the Legislative
22 Administrative Officer shall assign professional and clerical staff to assist in the work of
23 the Commission. The professional staff shall include the appropriate staff from the Fiscal
24 Research, Research, and Legislative Drafting Divisions of the Legislative Services Office
25 of the General Assembly. Clerical staff shall be furnished to the Commission through the
26 offices of House of Representatives and Senate Supervisors of Clerks. The Commission
27 may meet in the Legislative Building or the Legislative Office Building upon the
28 approval of the Legislative Services Commission. The Commission, while in the
29 discharge of official duties, may exercise all the powers provided under the provisions of
30 G.S. 120-19 through G.S. 120-19.4, including the power to request all officers, agents,
31 agencies, and departments of the State to provide any information and any data within
32 their possession or ascertainable from their records, and the power to subpoena witnesses.

33 Members of the Commission shall receive per diem, subsistence, and travel
34 allowances as follows:

- 35 (1) Commission members who are members of the General Assembly, at
36 the rate established in G.S. 120-3.1;
- 37 (2) Commission members who are officials or employees of the State or of
38 local government agencies, at the rate established in G.S. 138-6; and
- 39 (3) All other Commission members, at the rate established in G.S. 138-5.

40 (e) The Commission may make an interim report to the 1997 General
41 Assembly, Regular Session 1998, and shall make its final report to the 1999 General
42 Assembly upon its convening. The Commission shall terminate upon filing its final
43 report.

1 Section 2. There is appropriated from the General Fund to the General
2 Assembly the sum of forty thousand dollars (\$40,000) for the 1997-98 fiscal year and the
3 sum of forty thousand dollars (\$40,000) for the 1998-99 fiscal year to carry out the study
4 established under this act.

5 Section 3. This act becomes effective July 1, 1997.