



**Colorado  
Legislative  
Council  
Staff**

**HB17-1027**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 17-0257 **Date:** January 20, 2017  
**Prime Sponsor(s):** Rep. Becker J.; Buckner **Bill Status:** House Finance  
 Sen. Gardner **Fiscal Analyst:** Erin Reynolds (303-866-4146)

**BILL TOPIC:** REMOVE FUND REPEAL & CLARIFY ORGAN DONOR PROCESS

<b>Fiscal Impact Summary</b>	<b>FY 2017-2018</b>	<b>FY 2018-2019</b>	
This bill changes and continues a program that would otherwise end July 1, 2018, so the fiscal note shows the new and continuing fiscal impacts.	New	New	Continuation
<b>State Revenue</b>		<b>\$445,000</b>	
Cash Funds			\$445,000
<b>State Expenditures</b>	<b>\$33,750</b>	<b>\$440,000</b>	
General Fund	33,750		
Cash Funds		Minimal workload decrease.	\$440,000
<b>Appropriation Required:</b> \$33,750 – Department of Revenue (FY 2017-18).			
<b>Future Year Impacts:</b> Ongoing state revenue and expenditure increase and workload decrease.			

**Summary of Legislation**

The bill removes the July 1, 2018, repeal date for the Emily Maureen Ellen Keyes Organ and Tissue Donation Awareness Fund, continuing it indefinitely. It clarifies that an applicant's self-designation as an organ and tissue donor on a driver license, identification card, or instruction permit remains in effect until revoked by the applicant, codifying that organ donation is an advance directive and a lifetime designation. Finally, the bill requires the Office of the State Auditor (OSA) to conduct an audit of the fund no later than July 1, 2018, and every 10 years thereafter.

**Background**

During the Colorado driver license, identification card, or instruction permit application and renewal process, an applicant may concurrently become registered as an organ and tissue donor. The Division of Motor Vehicles in the Department of Revenue confirms an individual's organ donation status each time a document is issued or renewed. Applicants are also asked if they would like to make a voluntary donation to the Emily Maureen Ellen Keyes Organ and Tissue Donation Awareness Fund, which is used to fund public education surrounding organ and tissue donation. The fund is TABOR exempt. The state treasurer makes a quarterly deposit of this fund's

revenue to the Donor Alliance, Inc. Organ donors can update their donation at any time at Donate Life Colorado's website.

### **State Revenue**

Beginning in FY 2018-19 and each year thereafter, the bill will increase state cash fund revenue by approximately \$445,000 per year to the Emily Maureen Ellen Keyes Organ and Tissue Donation Awareness Fund, collected by the Division of Motor Vehicles in the Department of Revenue, housed in the State Treasury, and transferred to Donor Alliance, Inc. on a quarterly basis. Because the bill continues a fund set to expire on July 1, 2018, revenue to the fund that would otherwise curtail on the repeal date will continue in FY 2018-19 and each year thereafter. This revenue estimate is based on the average amount of money credited to the fund in FY 2015-16 and FY 2016-17. The fund is TABOR exempt.

### **State Expenditures**

In FY 2017-18, the bill increases General Fund expenditures by \$33,750 in the Department of Revenue to reprogram the driver license database. Workload will also increase in the Office of the State Auditor in FY 2017-18 to perform the required audit of the Emily Maureen Ellen Keyes Organ and Tissue Donation Awareness Fund. Beginning in FY 2018-19, the bill continues an estimated \$440,000 of expenditures per year in donations to the Emily Maureen Ellen Keyes Organ and Tissue Donation Awareness Fund, and minimally reduces workload in the Division of Motor Vehicles.

**Department of Revenue — FY 2017-18.** The Department of Revenue estimates that its Division of Motor Vehicles will have computer programming costs of \$33,750 in FY 2017-18 to update its driver license system (DRIVES), using an estimate of 150 hours at \$225 per hour, which is the contract programming rate for FAST Enterprises. The computer programming would allow a division technician to view an applicant's organ donation status, which cannot currently be seen by a technician. The division will also update its workflow practice for and provide training to technicians related to the new practice of not asking the applicant whether or not he or she would like to be an organ donor upon renewal if the applicant is already an organ donor. See Technical Note.

**Department of Revenue — FY 2018-19.** Beginning in FY 2018-19, the bill will increase state expenditures by approximately \$440,000 per year from the Emily Maureen Ellen Keyes Organ and Tissue Donation Awareness Fund in the State Treasury to the Donor Alliance, Inc. This expenditure estimate is based on the average amount of money credited to the fund in FY 2015-16 and FY 2016-17. Because the bill continues a fund set to expire on July 1, 2018, expenditures from the fund would otherwise curtail on the repeal date. In addition, the division will see a minimal workload reduction in its Division of Motor Vehicles related to the organ donation questioning process. This workload reduction will not require a change in division appropriations.

**Office of the State Auditor.** Workload will increase in the Office of the State Auditor beginning in FY 2017-18 to perform the decennial audit of the fund required under the bill.

**Technical Note**

Because no cash fund is identified in the bill, the fiscal note assumes the computer programming expenditure will be paid out of the General Fund.

The bill's effective date does not allow enough time for the DRIVES computer programming to take place, which is estimated at just under a month (150 hours).

**Effective Date**

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

**State Appropriations**

For FY 2017-18, the bill requires a General Fund appropriation of \$33,750 to the Department of Revenue.

**State and Local Government Contacts**

Clerks  
State Auditor

Information Technology  
Treasury

Revenue