



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 19-0333
Prime Sponsors: Rep. Esgar, Sen. Moreno

Date: January 28, 2019
Bill Status: House Health & Insurance
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Bill Topic: IDENTITY DOCUMENTS FOR TRANSGENDER PERSONS

Summary of Fiscal Impact:
- State Revenue (minimal)
- State Expenditure (minimal)
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill eliminates a requirement that an individual get a court order to obtain a new birth certificate reflecting a change in gender designation. Beginning in FY 2018-19, the bill will minimally affect state revenue and increase state workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

Under current law, a person born in Colorado seeking to obtain a birth certificate that reflects a change in gender designation must first obtain a court order indicating that the person's gender has been changed by a surgical procedure and that their name has been changed. The bill eliminates the requirement for a court order, and requires the state registrar in the Colorado Department of Public Health and Environment (CDPHE) to issue a new birth certificate to any person who was born in Colorado and has a gender different from the gender denoted on that person's birth certificate.

To issue a new birth certificate, the state registrar must receive:

- a written request from the person, or the person's parents, guardian, or legal representative if he or she is a minor; and
a statement from a licensed medical or mental health care provider stating that the person has undergone surgical, hormonal, or other treatment for the purpose of gender transition or that the person has an intersex condition.

This provider statement must also specify that in the provider's professional opinion the person's gender designation should be changed. The state registrar may contact the medical or mental health care provider to verify the statement.

**Other states.** Persons who currently reside in Colorado but who were born in another state or in a foreign jurisdiction may request a decree from a court in Colorado if such a decree is required to issue an amended birth certificate in the place of their birth.

## State Revenue

The bill will minimally affect revenue for CDPHE and the trial courts in the Judicial Department.

**CDPHE.** The state registrar charges a fee of \$20 to issue or amend a birth certificate, and a fee of \$13 for additional copies ordered at the same time. In 2018 the office processed 75 gender changes. To the extent that the bill results in an increase in birth certificate requests, CDPHE will experience an increase in revenue to the Vital Records Cash Fund.

**Judicial Department.** Courts will experience a minimal decrease in filing fee revenue from eliminating the need to obtain a court order to amend the gender listed on a birth certificate. Courts may experience an increase in filing fee revenue to issue decrees for amended birth certificates for people born outside of Colorado. Overall, the net change in revenue is assumed to be minimal. Revenue from court fees is divided between the Judicial Stabilization Fund, Court Security Fund, and the Justice Center Fund. This revenue is subject to TABOR.

## State Expenditures

Beginning in the current FY 2018-19, the bill increases workload in the CDPHE and the Judicial Department by a minimal amount. These impacts are described below.

**CDPHE.** The state registrar maintains birth certificates for persons born in Colorado. The increase in eligibility and elimination of the requirement for a court decree may increase the number of requests for birth certificates reflecting a gender change. In 2018 the office processed 75 gender changes. Each request requires about 20 minutes of work and minimal processing costs. Therefore, this workload and expenditure increase can be accomplished within existing appropriations.

**Judicial Department.** The trial courts in the Judicial Department may experience an increase in workload to issue decrees for amended birth certificates for persons born in other states. This increase may be offset by a reduction in workload from eliminating the need for Colorado-born individuals to obtain a court order to amend the gender listed on a birth certificate. Overall, the net change in workload is assumed to be minimal and does not require new appropriations.

**TABOR refunds.** The bill may minimally affect state General Fund obligations for TABOR refunds in FY 2019-20 from birth certificate and court fees. Under current law and the December 2018 forecast, the bill will correspondingly affect the amount refunded to taxpayers via sales tax refunds on income tax returns for tax year 2020. The state is not expected to collect a TABOR surplus in FY 2020-21.

## Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

**State and Local Government Contacts**

Counties  
County Clerks  
Information Technology

Judicial  
Public Health and Environment