



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated March 22, 2024)

Drafting Number:	LLS 24-0800	Date:	April 12, 2024
Prime Sponsors:	Rep. Rutinel; Bradfield Sen. Buckner	Bill Status:	House Appropriations
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Bill Topic: **SUPPORT FOR LIVING ORGAN DONORS**

Summary of	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
Fiscal Impact:	<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill creates the Care for Living Organ Donors Act. The bill increases state revenue and state expenditure on an ongoing basis.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$8,745 to the Department of Revenue.

Fiscal Note Status: The revised fiscal note reflects the introduced bill, as amended by the House Health and Human Services Committee and the House Finance Committee.

Table 1
State Fiscal Impacts Under HB 24-1132

		Budget Year FY 2024-25	Out Year FY 2025-26
Revenue	Cash Funds	\$11,166	\$12,140
Expenditures	Cash Funds	\$8,745	\$8,909
Transfers		-	-
Other Budget Impacts	TABOR Impact	\$11,166	\$12,140

Summary of Legislation

The bill prohibits employers from demoting or otherwise taking adverse action against an employee 30 days before or 90 days after they become a living organ donor unless the employer has clear and convincing evidence that the action was not taken in response to the donation and was otherwise lawful. Violations may be addressed through civil court.

Additionally, the bill:

- requires the Department of Public Health and Environment (CDPHE) to certify living organ donors;
- makes April 11th Organ Donor Recognition Day; and
- creates the “living organ donor” tag for the Donate Life license plate.

Background

The Division of Motor Vehicles (DMV) in the DOR uses its Driver License, Record, Identification and Vehicle Enterprise Solution (DRIVES) information technology system for all driver license and motor vehicle transactions. The DRIVES system requires an extensive 18-month upgrade which is scheduled to take place from July 1, 2024, through March 31, 2026. As a result, the DOR has requested that any new legislation requiring DRIVES programming have an effective date of April 1, 2026, with roll-forward spending authority through FY 2026-27, noting that each programming requirement during the system upgrade period may increase the overall project timeline. Based on the current effective date in the bill, the fiscal note includes costs for the DRIVES programming to take place twice—in the existing and new system.

State Revenue

The new license plate tag will increase state cash fund revenue by \$11,000 in FY 2024-25 and \$12,000 in FY 2025-26, as shown in Table 2. This revenue is subject to TABOR. Expected demand for the Living Organ Donor license plate is based on the actual demand for the Craig Hospital license plate. The fiscal note assumes that the tag will generate similar demand to a new specialty license plate.

Table 2
Increase in State Revenue Under HB 24-1132

	FY 2024-25	FY 2025-26
License Plate Sets Issued	186	200
DRIVES Cash Fund (\$25)	\$4,650	\$5,000
Highway Users Cash Fund (\$25)	\$4,650	\$5,000
License Plate Cash Fund	\$1,825	\$2,140
Total Revenue Increase	\$11,125	\$12,140

- **Standard license plate fees.** Upon registration, all vehicle owners must pay a plate and tab production fee of about \$10 for a digital passenger vehicle plate set. All specialty plates are manufactured as digital plates, and the fiscal note assumes motorcycle issuance will be minimal. Fees from plate and tab production are credited to the License Plate Cash Fund.
- **Special license plate fees.** Applicants for the new license plate are required to pay an additional \$50 in fees, of which \$25 is credited to the Highway Users Tax Fund (HUTF) and \$25 is credited to the Licensing Services Cash Fund.
- **Highway Users Tax Fund.** Of the HUTF revenue, 65 percent is credited to the State Highway Fund (SHF) for expenditure by the Department of Transportation, 26 percent is credited to counties, and 9 percent is credited to municipalities. Table 3 outlines the estimated HUTF revenue generated under this bill.

**Table 3
 Expected HUTF Distributions Under HB 24-1132**

	FY 2024-25	FY 2025-26
State Highway Fund (65 percent)	\$3,023	\$3,250
Counties (26 percent)	\$1,208	\$1,300
Municipalities (9 percent)	\$419	\$450
Total HUTF Distribution	\$4,650	\$5,000

Filing Fees. To the extent that disputes around employer retaliation arise, state revenue may increase for the Judicial Department as a result of increased civil case filings with the trial courts; however, given the relative small populations of living organ donors and an assumed high compliance by employers, any revenue increase to the trial courts is expected to be minimal.

State Expenditures

The bill increases state expenditures in the DOR by \$8,745 in FY 2024-25 and \$8,909 in FY 2025-26, paid from the DRIVES Cash Fund, and the License Plate Cash Fund. Expenditures are shown in Table 4 and detailed below.

**Table 4
 Expenditures Under HB 24-1132**

	FY 2024-25	FY 2025-26
Department of Revenue		
Computer Programming	\$6,879	\$6,769
License Plates	\$1,866	\$2,140
Total Cost	\$8,745	\$8,909

¹ Centrally appropriated costs are not included in the bill's appropriation.

Department of Revenue. The bill increases DOR expenditures as discussed below.

- **Computer programming.** This bill requires one-time expenditures in DOR in two fiscal years—\$6,600 in both FY 2024-25 and FY 2025-26—to program, test, and update database fields in the DOR's DRIVES software systems. Programming costs are estimated at \$4,960 for 20 forms in DRIVES. Costs for testing at the department include \$525 for 15 hours of innovation, strategy, and delivery programming support at a rate of \$35 per hour, and \$352 for 11 hours of user acceptance testing at a rate of \$32 per hour. Finally, costs to update the legacy DRIVES system are expected to require \$792 for 8 hours of OIT programming support at \$99 per hour. Once the new DRIVES is deployed, the DOR will incur the programming costs again at a slightly higher cost due to inflation.
- **License plates.** The bill is expected to require \$1,866 in FY 2024-25 and \$2,140 in FY 2025-26 for purchases of license plates, based on the assumption that about 400 plates will be purchased over two years. The bill requires a one-time fee payment of \$250 to Colorado Correctional Industries in FY 2024-25 only.

Department of Regulatory Agencies. Workload will minimally increase for the Department of Regulatory Agencies to conduct outreach and education regarding the disclosure requirements. Given that there are only four transplant centers in Colorado, no change in appropriations is required.

Judicial Department. To the extent that disputes around employer retaliation or non-compliance with any other provision of the bill arise, workload may increase as a result of increased civil case filings with trial courts; however, high compliance with the provisions of the bill is assumed, so any workload increase is expected to be minimal.

Department of Labor and Employment. While the bill does not grant the Department of Labor and Employment specific enforcement authority regarding the employer prohibitions outlined in the bill, workload may increase in the Division of Labor Standards and Statistics (DLSS) to receive and respond to additional complaints under the bill. It is assumed that this work can be accomplished within current resources.

Department of Public Health and Environment. Workload in CDPHE will increase to certify living organ donors. Given the limited number of donors and transplant centers, it is assumed that this work can be managed by existing staff using available resources.

Other Budget Impacts

TABOR refunds. The bill is expected to increase the amount of state revenue required to be refunded to taxpayers by the amounts shown in the State Revenue section above. This estimate assumes the March 2024 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2025-26. Because TABOR refunds are paid from the General Fund, increased cash fund revenue will reduce the amount of General Fund available to spend or save.

Local Government

This bill increases local government HUTF revenue by the amounts shown in Table 3. HUTF revenue generated by license plate fees is distributed to counties (26 percent) and municipalities (9 percent) for transportation needs.

Technical Note

The fiscal note currently includes a duplicative programming cost for the DOR's DRIVES system, as discussed in the Background section. The duplicate cost would be removed if the bill is amended to make its license plate provisions take effect on or after April 1, 2026, when the DRIVES upgrade is complete.

Effective Date

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

State Appropriations

For FY 2024-25, the bill requires an appropriation of \$8,745 to the Department of Revenue. Of this appropriation:

- \$6,879 is from the DRIVES Cash Fund, of which \$792 is reappropriated to the Office of Information Technology; and
- \$1,866 is from the License Plate Cash Fund.

Departmental Difference

The Department of Public Health and Environment estimates the cost of credentialing living organ donors at \$22,981 for 0.3 FTE annually starting in FY 2024-25. The department estimates that this staff will be responsible for processing applications and storing information that contains sensitive, federally protected data. Given the limited number of transplant centers and organ donors, the fiscal note assumes that this can be accomplished within existing resources.

State and Local Government Contacts

Information Technology
Revenue

Personnel
Transportation

Public Health and Environment

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).