

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the Legislature. LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

FISCAL IMPACT REPORT

LAST UPDATED 03/09/2025

SPONSOR Cullen **ORIGINAL DATE** 03/04/2025

BILL

SHORT TITLE Organ Donor Public Assistance & Registry **NUMBER** House Bill 513

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Department of Public Safety	No fiscal impact	\$250.0	\$50.0	\$300.0	Recurring	General Fund
Regulation and Licensing Department	\$6,700.0	No fiscal impact	No fiscal impact	\$6,800.0	Nonrecurring	General Fund
Regulation and Licensing Department	No fiscal impact	\$110.0	\$110.0	\$220.0	Recurring	General Fund
Department of Game and Fish	No fiscal impact	\$300.0	\$300.0	\$300.0	Recurring	General Fund
Taxation and Revenue Department	No fiscal impact	\$385.0	No fiscal impact	No fiscal impact	Nonrecurring	MVD Suspense Fund
Taxation and Revenue Department	No fiscal impact	\$141.0	\$141.0	\$282.0	Recurring	General Fund
Health Care Authority	No fiscal impact	\$5,046.2	No fiscal impact	\$5,046.2	Nonrecurring	General Fund
Health Care Authority	No fiscal impact	\$81.0	\$81.0	\$162.0	Recurring	General Fund
Total	\$6,700.0	\$7,278.2	\$672.0	\$13,110.2		

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to Senate Bill 118.

Sources of Information

LFC Files

Agency Analysis Received From

Regulation and Licensing Division (RLD)
 New Mexico Department of Game and Fish (DGF)
 Department of Public Safety (DPS)
 Taxation and Revenue Department (TRD)
 Health Care Authority (HCA)

SUMMARY

Synopsis of House Bill 513

House Bill 513 (HB513) makes virtually identical changes to 54 sections of state law adding to occupational and professional application and licensing forms as well as applications for public assistance programs a space to indicate if the person applying or applying to be licensed wishes to be or is an anatomical donor of their entire body or part of their body under the Jonathan Spradling Revised Uniform Anatomical Gift Act (Section 24-6B NMSA 1978). If the person wishes to be an anatomical donor after death and has not previously indicated the desire to do so on a driver's license application, the person can sign the form prescribed in Sections 1 to 4 of this bill in the presence of a witness. The forms filled in and witnessed would then be transmitted to the Motor Vehicles Division (MVD) of the Taxation and Revenue Department (TRD), which would maintain a registry of such prospective donors. Information in that registry would be made available to hospitals and to organ and tissue donor programs just before or after a donor's death.

The effective date of this bill is January 1, 2026.

FISCAL IMPLICATIONS

There is no appropriation in House Bill 513.

The Department of Public Safety (DPS) indicates a first-year cost estimate of \$250 thousand with on-going costs of \$50 thousand for software update and maintenance.

The Regulation and Licensing Department (RLD) would incur high expense for software modifications for all of its affected boards as well as ongoing costs relative to this bill's provisions of \$110 thousand per year. Explanation of its one-time cost of \$6 million for software and associated costs follows:

Based upon costs incurred in recent years for changes/upgrades to those licensing software platforms (collectively known as the "NM Plus" system), it can be anticipated that RLD will require an appropriation of not less than six million dollars (\$6,000,000) for the changes and additions that would be required if HB513 is passed. In addition to licensing software changes, RLD would need to contract with a third-party vendor to provide the ability to ensure that an applicant/licensee wishing to become a donor at the time of licensing or renewal has this selection witnessed by another person. There would be technical costs associated with the information transfer. It would cost an estimated additional four hundred thousand dollars (\$400,000) to implement the transfer and IT employee/contractor cooperation. It would also cost a further three hundred thousand dollars (\$300,000) to implement the changes on the NM Plus system for each of the boards, to modify each board's application/renewal process for each license type. There would also need to be a reporting feature added to the licensure process so that those wishing to make an anatomical donation are added to the database. Further, the six million seven hundred thousand dollars (\$6,700,000) appropriation would need to be in place in FY25 to have contracts in place to ensure that the necessary software changes and witness attestation requirements are made prior to the June 20, 2025, deadline that is mandated in HB513.

However, as noted in the technical issues section, it is not clear what HB513 means with its witness-requirement; if RLD does not need to have a witness verify signatures, the fiscal impact to the department would be substantially lower.

The New Mexico Medical Board does not indicate any costs or impediments to that board from implementation of this legislation.

The Health Care Authority, however, estimates costs as follows:

To implement the necessary changes, the Health Care Authority (HCA) will require funds [for] nonrecurring costs to make system enhancement to allow for HCA to send the affidavit to MVD electronically to add the individual to the Organ Donor Registry. Also, along with the electronic process to send the affidavit, the affidavit will need to be attached to paper and online applications. HCA is required to have applications readily available in Spanish, Simplified Chinese, and Vietnamese language the affidavit will need to be translated in the above said languages. These activities have a one-time cost of \$5,046.2 [in thousands]. To maintain the electronic process to send affidavit to MVD there will be a recurring cost of \$81.0 [in thousands].

The Department of Game and Fish (DGF) does not estimate its costs under the bill but states that it would require “Staff time for at least one programmer, SQA specialist, and licensing operations manager to plan, program and test changes to web-based software applications and build interface with MVD. It’s difficult to quantify how long this would take.” Assuming an average cost for salary and benefits of \$100 thousand for each of these positions, SB118’s fiscal impact to DGF would be \$300 thousand on a recurring basis.

TRD would also incur costs, estimated as follows: “Implementation of this bill will have a high impact on ITD. The estimated time to develop, test and implement the changes is approximately 1,280 hours or 8 months and approximately \$390,499. (\$305,200 contractual resources including gross receipts tax, and staff workload costs of \$85,299).” TRD also cites a recurring personnel cost of \$141 thousand for additional staff capacity at MVD.

SIGNIFICANT ISSUES

DPS indicates that:

This legislation aligns with national and state efforts to increase organ donor enrollment, potentially expanding the pool of registered donors in New Mexico. To maximize the bill’s impact, public awareness campaigns may be necessary to inform applicants of the new registration option and encourage participation. Furthermore, agencies must consider the user experience when modifying application forms, ensuring that the donor designation process is clear, intuitive, and seamlessly integrated to promote ease of registration.

DPS notes that this legislation would present a “logical and beneficial expansion of New Mexico’s donor registry process but [would] require careful planning and coordination to ensure cost-effective and efficient implementation.” DPS and other affected agencies comment that coordinating the transfer of information from license and other applications to MVD would be complicated. DPS also notes that “by incorporating public benefits applications, HB513 broadens the scope of organ donation outreach beyond licensed professionals to include a larger portion of the population receiving state aid.”

RLD indicates that it will be difficult to ascertain the identity and presence of a witness when an on-line application is filled out containing an organ donor enrollment.

DGF comments extensively on the difficulty of asking its offices and approximately 150 external license vendors to collect the required data and to transmit that data to MVD. DGF also notes the possibility that a hunting or fishing license purchaser declining to participate in organ donation on the DGF form while having a driver's license indicating the opposite would create contradictory records. DGF feels that the legislation would be unworkable if a physical copy of the enrollment form and signature would need to be transmitted to MVD.

HCA raises concerns about the possibility that Medicaid applicants will feel coerced to sign up to be organ donors to receive their Medicaid benefits.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill duplicates Senate Bill 81 from the 2022 legislative session, which was ruled non-germane. It is virtually identical to Senate Bill 118, except that it adds five additional license applications for which the requirement for an organ donor option is to be made.

TECHNICAL ISSUES

RLD points out that “HB513 does not specifically include language to amend the license application and renewal forms for the RLD’s Construction Industries Division, Manufactured Housing Division, and Cannabis Control Division, all of which are subject to the Uniform Licensing Act.” The discrepancy between these three divisions and RLD’s many other boards and commissions would cause problems in software design.

RLD also points out that the system of reporting desire to be an organ donor to MVD would work only if the applicant or licensee had a New Mexico driver license. Further modifications would be needed to accommodate the information of those not possessing a New Mexico driver’s license.

As pointed out by DPS, Section 29-16-6(B) NMSA 1978 states that Concealed Handgun Carry Act participants’ identity is confidential; thus, their information could not be passed on to MVD without an amendment to that statute.

HB513 includes the language that, “If the applicant desires to be a new donor, the form shall be signed by the donor in the presence of a witness who shall also sign the form in the donor’s presence” when amending the Uniform Licensing Act, the Concealed Handgun Act, and Section 17-3 NMSA 1978. However, the donor statements included in HB513 only include signature lines for a donor and for a parent or guardian if the donor is under fifteen years of age. Further, Section 24-6B-5 NMSA 1978, which governs the manner in which an organ donor may make a gift prior to their death, only requires that the act of organ donation be witnessed if the donor is terminally ill or physically unable to sign a record. What HB513 means by “witness” is therefore unclear. HB513 should be clarified to define what is meant by “witness” and to align bill language with Section 24-6B-5 NMSA 1978.

TRD points out that lines 21-22 on page 27, that sections “refers to the concealed handgun license application form, but this section of the act pertains to the Collection Agency Regulatory Act. The concealed handgun license application form language needs to be removed and replaced with language that pertains to collection agency licensing.”

Further, TRD discusses privacy issues:

Most driver’s license applications and renewals submitted to MVD contain personally identifiable information (PII), including social security numbers (SSNs). To process these submissions, MVD must establish a work queue where clerks manually enter data. If a matching record exists in the system, the donor designation will be linked to that record. If no match is found, the application or renewal may require manual redaction before storage. In cases where no existing record is located, the application will only be accessible within the Organ Donor system. This system must be redesigned to ensure that redacted images are available to organ donor agents while maintaining strict data security protocols. To minimize the handling of unnecessary PII, it is recommended that all external entities revise their forms to include a separate page exclusively for organ donor registration. This page should contain only the applicant’s name, driver’s license number, date of birth, and signed consent for organ donation. This approach will reduce the transmission of sensitive information to MVD, mitigating security risks and easing processing burdens.”

LAC/hj/SL2

Attachments

1. List of affected applicant groups.

Attachment 1.

Section of SB 118	Modifies this section of Statutes NMSA 1978	Group affected
1	17-3	Applicants for fishing and hunting licenses
2	27	Public assistance applicants
3,5	29-19	Concealed handgun carry applicants
4	22-10A	School personnel
6	61-1	Applicants for licensing under <ul style="list-style-type: none"> • Construction industries division of RLD • Crane operators licensing • Any board, commission or agency enumerated in Section 61 • Cannabis control division • Any other state agency subject to Uniform Licensing Act law
7	61-2	Optometry applicants
8	61-3	Nurse applicants
9	61-4	Chiropractic physician applicants
10	61-5A	Dentist and dental hygienist applicants
11	61-6	Medical practice act applicants
12, 13	61-6A	Genetic counseling applicants
14, 15	61-6B	Polysomnography practice act applicants
16	61-6C	Physician assistant applicants
17	61-6D	Anesthesiologist assistant applicants
18	61-7A	Nutrition and dietetics practice act applicants
19	61-8	Podiatry act applicants
20	61-9	Professional psychologist act applicants (see also Section 38 of this bill)
21	61-9A	Counseling and therapy act applicants
22	61-11	Pharmacy act applicants
23	61-10A	Occupational therapy act applicants
24	61-12B	Respiratory care act applicants
25	61-12C	Massage therapy practice act applicants
26	61-12D	Physical therapy act applicants
27, 28	61-12F	Naprapathic act applicants
29	61-12G	Naprapathic doctor applicants
30	61-13	Nursing home administrators act applicants
31	61-14	Veterinary practice act applicants
32	61-14A	Acupuncture and Oriental medicine practice act applicants
33	61-14B	Speech-language pathology, audiology and hearing aid dispensing practices act applicants
34	61-14D	Athletic trainer practice act applicants
35	61-14E	Medical imaging and radiation therapy health and safety act applicants
36, 37	61-14F	Uniform athlete agents act applicants
38	61-15	Architecture act applicants
39	61-17A	Barbers and cosmetologists act applicants
40	61-17B	Body art safe practices act applicants
41	61-18A	Collection Agency Regulation Act applicants
42	61-23	Engineering and surveying practice act applicants
43	61-24B	Landscape architects act applicants
44	61-24C	Interior designers act applicants
45	61-24D	Home inspector licensing act applicants
46	61-27B	Private investigations act applicants
47	61-28B	1999 Public accountancy act applicants
48	61-29	Real estate broker and appraiser applicants
49	61-30	Real estate appraisers act applicants
50	61-31	Social work practice act applicants
51	61-32	Funeral services act applicants
52	61-33	Utility operator's certification act applicants
53	61-34	Signed language interpreting practices act applicants
54	61-36	Lactation care provider act applicants