

LFC Requester:

Helen Gaussoin

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 2/21/2025

Bill No: HB 513

**Agency Name
and Code
Number:**

Department of Game and Fish
51600

Sponsor: Catherine J. Cullen

Person Writing:

Analysis:

Michael Sloane

**Short
Title:** Organ Donor Public
Assistance and Registry

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		
0	0	NA	none

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		

0	0	0	NA	none

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	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.				nonrecurring	

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: SB 118
 Duplicates/Relates to Appropriation in the General Appropriation Act None

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: The bill establishes a requirement that the Department of Game & Fish provide a specific statement that the customer wishes to make an anatomical gift upon their death on all applications for licenses. In addition, the bill requires signatures of the applicant and a witness at the time of application. It further establishes a requirement that all Game & Fish license vendors submit a copy or image of all such statements to the division of motor vehicles.

FISCAL IMPLICATIONS

The fiscal implications of the proposed legislation would largely depend on how it is implemented, if it is even possible to implement. All Department of Game & Fish license applications, which include both draw applications and all license sales at all vendor locations and Department offices, use custom built web-based software. The specific language provided by the law could not be accommodated verbatim because our customers “sign” their applications essentially by agreeing to the terms we provide upon application or sale. The attestation of a witness and signature electronically or in person creates numerous issues for the department.

If the Department were able to use an electronic attestation, it would be a simple matter of staff time to program this into our software and test it, as well as building some sort of interface to convey this information to MVD.

It is possible for the Department to display a popup or message in our software requiring the customer to answer yes or no, but a physical signature of the applicant and a witness would only be possible if the customer were handed a physical sheet of paper with the language specified in the bill. This would create a confusing and burdensome additional requirement for the Department's license vendors, who sell hunting and fishing licenses by agreement with the Department and receive \$1 per transaction for this service.

SIGNIFICANT ISSUES

It's unclear whether this bill could be implemented in our software because of the specific language and signature requirement described in the legislation. The Department exclusively uses custom built software applications to sell licenses and allow draw applications, so requiring physical (paper) forms would be a step backwards for the Department.

It is unclear in HB513 whether the Department would be able to provide a list of customers who answered in the affirmative to MVD. The legislation seems to say that we have to provide a copy or image of the form containing the specific language and signature line. This is dependent on whether the Department can allow the customer to attest by clicking yes or no whether they wish to be an organ donor.

As written, the legislation requires the Department as well as all of our external license vendors (about 150) to collect and submit the customer's organ donor selection and signature to MVD. This would be an enormous new burden on our external vendors, who are not Department employees. Would the Department have to require vendors to hand the customer a sheet of paper with this language on it? This would be prohibitively burdensome. External vendors receive a \$1 vendor fee per transaction, and the Department has imposed additional requirements on them in recent years because they have to issue carcass tags and they have to vend additional license types. Adding a requirement for vendors to offer and then collect a paper form would be self-defeating to the Department's efforts over the past few years to streamline processes for the benefit and convenience of our customers.

There are a number of logistical issues. For example, what if a customer is already designated an organ donor on their driver's license, but selects "no" in their application for a hunting or fishing license? What if they are a nonresident and their state's organ donor laws conflict with New Mexico's?

There is also an issue of whether the Department is required to display that the customer is an organ donor on the license itself, which may create additional logistical problems because we'd have to amend our contract with RR Donnelly to print and mail carcass tags for us.

PERFORMANCE IMPLICATIONS

The legislation would place additional burdens on the Department's license vendors and all Department customers by requiring the collection of additional information that is not related to hunting or fishing. The Department has an agreement with external license vendors that allows them to sell licenses for us, however, external vendors are not Department employees, so the

Department is not present at vendor locations to monitor their performance. A clerk at Walmart may check yes or no on this question and the Department has no control of that at the time of purchase. This may lead to errors or mismatched entries from the Department and MVD.

The additional requirements would also add steps to the sales and draw application processes, potentially slowing the Department down in terms of customer service. This would negatively affect the Department's efforts to handle massive volume during peak sales and application periods.

ADMINISTRATIVE IMPLICATIONS

See above

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

The legislation appears to require specific language, as well as a copy or image of this specific language to be submitted to MVD, it's unclear how the Department would implement it. The department would have to insert specific language that is inconsistent with the rest of the language in our sales system and draw application. We'd have to determine whether the customer could electronically "sign" assuming that we could simply ask them if they are or want to be an organ donor yes or no. The additional signature of a witness in the presence of the organ donor creates issues as well.

Submitting copies or images of physical documents to MVD would be enormously problematic. The Department could relatively easily upload a list of customers who answered affirmatively to MVD, but that's not what the legislation appears to require.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

The Department would likely be able to accomplish the basic requirements of the bill if we were able to display the question with a yes or no answer in our web-based software and if we could consider the customer's response to be a signature. We would also potentially be able to upload a list of customers who answered in the affirmative to MVD.

The legislation would be entirely unworkable, however, if a physical copy of the language must be provided and a physical signature collected. Having the Department's external license vendors collect and submit physical forms documenting the customer's response is not workable without imposing enormous new burdens on our vendors and potentially the Department.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None

AMENDMENTS

None