

LFC Requester:	LFC Analyst Noah Montano
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
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**SECTION I: GENERAL INFORMATION**

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

**Date Prepared:** 21FEB25 *Check all that apply:*  
**Bill Number:** HB513 Original  Correction   
 Amendment  Substitute

<b>Sponsor:</b>	Representative Catherine J. Cullen	<b>Agency Name and Code</b>	790 – Department of Public Safety
<b>Short Title:</b>	Organ Donor Public Assistance & Registry	<b>Number:</b>	
		<b>Person Writing</b>	Matthew Broom, Deputy Chief
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	\$250	\$50	\$300	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Senate Bill 188 2025 Regular  
 Duplicates/Relates to Appropriation in the General Appropriation Act

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

House Bill 513 (HB513) expands donor registration opportunities to hunting and fishing licenses, public assistance benefits, concealed handgun licenses and professional licenses and creates a procedure for the Motor Vehicle Division of the Taxation and Revenue Department to maintain and update the statewide donor registry.

### **FISCAL IMPLICATIONS**

This legislation presents a logical and beneficial expansion of New Mexico's donor registry process but requires careful planning and coordination to ensure cost-effective and efficient implementation.

The fiscal impact of this bill is primarily associated with modifications to existing application systems and the development of an automated reporting mechanism to NM TRD. Minor adjustments to the DPS Law Enforcement Records Bureau (LERB) Concealed Carry application forms will require limited development effort for UI, database, and API updates.

However, the data reporting process to TRD introduces significant complexity. If a simple batch-processing approach using a Secure File Transfer Protocol (SFTP) transfer of flat files is adopted, costs remain low. However, a real-time Application Programming Interfaces (APIs) integration with TRD's system would require a web service, possible firewall modifications, and inter-agency coordination, increasing costs and potentially requiring contractor support. This could extend development time from two weeks to several months, impacting the agency's budget and resources.

The initial implementation cost for FY 2026, including data transfer, technical development, and contractor support, is estimated at \$250,000, with a recurring annual operational cost of \$50,000 in subsequent years.

### **SIGNIFICANT ISSUES**

HB513 expands the Jonathan Spradling Revised Uniform Anatomical Gift Act, mandating that public assistance applicants—along with individuals applying for or renewing various professional and recreational licenses—be given the option to register as organ donors. The Motor Vehicle Division (MVD) of the Taxation and Revenue Department will maintain the donor registry and provide verification services to authorized medical personnel. This bill builds upon Senate Bill 118 (SB118), which similarly integrates donor registration options into license applications but does not extend to public assistance programs. 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.

A key concern is the data-sharing mechanism between agencies. If TRD does not already have an adaptable system in place, additional funding and resources will be needed to establish a secure and efficient transmission method. Additionally, there may be privacy and security considerations related to storing and transferring donor designation information. Agencies must also ensure compliance with the Uniform Anatomical Gift Act (UAGA) and relevant state privacy laws.

NMSA 1978, Section 29-19-6(B) of the New Mexico Concealed Handgun Carry Act provides that the "information relating to an applicant," which would include the application, "is confidential and exempt from public disclosure unless an order to disclose information is issued by a court of competent jurisdiction." The only exception for sharing an applicant's information, in the absence of a court order, is if it is requested by "a state or local law enforcement agency." Therefore, if this bill is enacted, NMSA 1978, Section 29-19-6(B) would need to be amended to indicate further exceptions from the confidentiality of the information regarding the applicant if a donor statement is completed. In that case, the application would be provided to MVD and, MVD would then provide both the application and verification of the donor's status if requested by "[a]uthorized hospital or organ and tissue donor program personnel, immediately prior to or after a donor's

death.”

If there is a desire to have the organ donor status appear on the license, NMSA 1978, Section 29-19-6(C), which sets forth what the license is to contain, would need to be amended to add the licensee’s organ donor status per the authorization completed as part of the application.

### **PERFORMANCE IMPLICATIONS**

If enacted, HB513 could significantly increase donor registrations by reaching individuals who may not hold driver’s licenses or professional certifications. This may increase organ donor participation rates in New Mexico, aligning with federal organ donation initiatives. However, the bill’s effectiveness will depend on how seamlessly agencies can modify their systems to integrate with TRD’s donor registry.

However, success hinges on public awareness, clear communication, and seamless system integration. Performance metrics should assess donor registration rates among public assistance recipients, system error rates, and registry accessibility for authorized personnel.

### **ADMINISTRATIVE IMPLICATIONS**

State agencies must update application forms, user interfaces, databases, and reporting mechanisms to accommodate donor registration options. The administrative impact depends on the Taxation and Revenue Department’s (TRD) data integration approach—a batch processing method would require minimal adjustments, while a real-time API system would necessitate IT development by internal staff or external contractors. Agencies such as the Human Services Department (HSD), Motor Vehicle Division (MVD), and various licensing boards must coordinate efforts to modify both digital and paper applications, implement staff training, and establish inter-agency workflows. Additionally, the Law Enforcement Records Bureau (LERB) may experience an increase in verification requests from medical examiners and organ procurement organizations, requiring enhanced access controls, audit logs, and compliance measures to align with state and federal privacy laws.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB513 overlaps significantly with SB118, both aiming to enhance donor registration through state agencies. However, SB118 focuses exclusively on professional and recreational licenses, while HB513 extends this requirement to public assistance applications, creating potential duplication in licensing-related provisions. HB513 also relates to existing state donor registry laws under NMSA 1978, Section 66-5-10, which governs organ donation through driver’s license applications.

### **TECHNICAL ISSUES**

HB513 must specify which public assistance programs fall under its mandate, such as Medicaid, SNAP, TANF, and housing assistance. Additionally, data-sharing agreements between HSD and MVD require legal review to ensure compliance with FERPA, HIPAA, and the New Mexico Inspection of Public Records Act (IPRA).

### **OTHER SUBSTANTIVE ISSUES**

New Mexico law recognizes a strong public interest in increasing organ donor participation, but balancing voluntary participation with administrative efficiency is crucial. Potential concerns include equity in donor registration outreach, ensuring non-English speakers receive proper guidance, and protecting sensitive information from misuse.

### **ALTERNATIVES**

None at this time.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Without HB513, organ donor registration will remain limited to driver’s license and professional license applicants, missing large segments of the population who do not frequently interact with the MVD. This could

reduce the potential pool of available organs, impacting patients awaiting transplants. Additionally, without centralized public assistance registration, the state would forgo an opportunity to streamline donor data collection.

**AMENDMENTS**

None at this time.