

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 13, 2005**

**TO:** Honorable Dianne White Delisi, Chair, House Committee on Public Health

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB120** by Dawson (Relating to the creation of a donor education, awareness, and registry program, the establishment of an organ donor and tissue council, and anatomical gift donation. ), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB120, Committee Report 1st House, Substituted: a negative impact of (\$52,823) through the biennium ending August 31, 2007.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	(\$52,823)
2007	\$0
2008	\$576,000
2009	\$576,000
2010	\$576,000

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain/ (Loss) from <i>GENERAL REVENUE FUND 1</i>	Probable Savings/(Cost) from <i>STATE HIGHWAY FUND 6</i>	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND 1</i>
2006	\$0	(\$479,490)	(\$52,823)
2007	\$0	\$0	\$0
2008	\$576,000	\$0	\$0
2009	\$576,000	\$0	\$0
2010	\$576,000	\$0	\$0

**Fiscal Analysis**

The bill would amend the Transportation Code and Health and Safety Code as it relates to the creation of a donor education, awareness, and registry program, the establishment of an organ donor and tissue council, and anatomical gift donation.

Section 1 of the bill would amend the Transportation Code to allow the statement of an organ gift to be shown on a donor's driver's license or personal identification certificate. Under current statute, the statement of a gift is only shown on a donor card signed by the donor.

Section 2 of the bill amends the Transportation Code to require donors to provide written notice to the organization selected by the public safety director in order for the donors name and other information to be deleted from the statewide internet-based registry of organ, tissue, and eye donors.

Section 3 of the bill removes current language that was enacted on September 1, 1997 in order to include all donors. Under current law, only driver's licenses or personal identification certificates issued prior to September 1, 1997 may accompany a donor to the hospital or health care facility if the donor does not have a donor card.

Section 4 of the bill would amend the Transportation Code to require the Department of Public Safety (DPS), in consultation with the Department of State Health Services (DSHS) and organ procurement organizations, to establish a Donor Education, Awareness, and Registry Program of Texas and enter into an agreement with an organization selected by the director of public safety for the establishment and maintenance of a statewide internet-based registry of donors.

Section 5 of the bill amends the Transportation Code to require DPS to collect \$1 for the issuance or renewal of a license to pay the costs of the Donor Education, Awareness, and Registry Program and the Texas Organ, Tissue, and Eye Donor Council from any person who opts to pay the fee. The \$1 currently collected by DPS for the issuance or renewal of a license under section 521.421 (g) funds the Anatomical Gift Educational Program (AGEP). Section 9 of this bill would repeal the section of the Health and Safety Code that provides the AGEP's statutory authority.

Section 6 of the bill amends the Transportation Code to require DPS to collect a \$1 fee for the issuance or renewal of a personal identification card to pay the costs of the Donor Education, Awareness, and Registry Program and the Texas Organ, Tissue, and Eye Donor Council from any person who opts to pay the fee. The \$1 currently collected by DPS for the issuance or renewal of an identification card under section 521.422 (c) funds the Anatomical Gift Educational Program (AGEP). Section 9 of this bill would repeal the section of the Health and Safety Code that provides the AGEP's statutory authority.

Section 7 of the bill requires DPS to provide each county assessor-collector educational materials for prospective donors. This section of the bill would also allow the county assessor-collector to collect an additional \$1 fee for the registration or renewal of a motor vehicle to pay for the costs of the Donor Education, Awareness, and Registry Program of Texas and the Texas Organ, Tissue, and Eye Donor Council from any person who opts to pay the additional fee. Any fees collected by the county assessor-collector for the Donor Education, Awareness, and Registry Program of Texas and the Texas Organ, Tissue, and Eye Donor Council would be remitted to the Comptroller who will maintain the identity of the source of the fees.

Section 8 of the bill would amend the Health and Safety Code by adding a new chapter regarding the Texas Organ, Tissue and Eye Donor Council. The council would be attached to DPS. The Texas Organ, Tissue and Eye Donor Council would be composed of eight members.

Section 9 of the bill would repeal Chapter 49 of the Health and Safety Code that provides statutory authority for the Anatomical Gift Educational Program at DSHS.

Section 10 of the bill would require appointments be made to the Texas Organ, Tissue, and Eye Donor Council by the public safety director of DPS, the Commissioner of DSHS, the director of the Texas Department of Transportation, and the Governor.

Section 11 of the bill would require DPS to contract with an organization for establishment and maintenance of a registry for organ, tissue, and eye donors not later than September 1, 2006.

The bill would take effect immediately if it receives a two-thirds majority vote in both houses of the Legislature. Otherwise, the bill, with the exception of Section 7, would take effect on September 1, 2005. Section 7 of the bill would take effect September 1, 2007.

The provisions of the bill would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either within or outside

of the Treasury, or create a dedicated revenue source. Thus the fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

## **Methodology**

Section 7 of the bill creates an option for a person to pay an additional fee of \$1 to the county assessor-collector for the registration or renewal of registration of a motor vehicle to fund the Donor Education, Awareness, and Registry Program of Texas. The county assessor-collector would be required to remit fees collected to the Comptroller, who would maintain the identity of the source of the fees. The fees would be deposited into the General Revenue Fund. The Department of Public Safety would be required to remit to the organization selected by the public safety director, all \$1 fees collected, less any money the Department of Public Safety determines is necessary to pay the costs incurred by the Texas Organ, Tissue, and Eye Donor Council. This section of the bill would take effect September 1, 2007.

The Department of Public Safety estimates that the \$1 fee would generate \$576,000 in General Revenue annually. Additionally, the Department of Transportation reports that there will be a one-time cost to the State Highway Fund No. 006 of \$451,200 in fiscal year 2006 for programming changes to the Registration and Title System. Costs include \$439,600 for professional services; \$2,000 for revisions to notifications, manuals, and administrative rules; and \$9,600 for materials and distribution. The Department of Public Safety reports that \$28,290 in State Highway Fund No. 006 in fiscal year 2006 would be needed to update driver license documents and internet updates. Costs include \$6,000 for vendor costs associated with updating driver license/personal identification certifications and \$22,290 for vendor costs associated with program changes for TexasOnline. The Comptroller's Office reports that \$52,823 in General Revenue Funds would be necessary in fiscal year 2006 to upgrade programs. The total estimated cost of the provisions of the bill would be \$532,313 in fiscal year 2006.

The Department of State Health Services (DSHS) reports that any costs associated for DSHS to participate in the Texas Organ, Tissue, and Eye Donor Council would be absorbed using available resources.

## **Technology**

The technology costs include \$439,600 for professional services for the Department of Transportation, \$22,290 for vendor costs associated with programming changes for TexasOnline for the Department of Public Safety, and \$52,823 for the Comptroller's Office to upgrade programs in fiscal year 2006.

## **Local Government Impact**

No significant fiscal implication to units of local government is anticipated. There would be some personnel costs to counties to distribute educational materials and collect the fee, but these costs are not expected to be significant.

**Source Agencies:** 304 Comptroller of Public Accounts, 405 Department of Public Safety, 537 Department of State Health Services, 601 Department of Transportation, 709 Texas A&M University System Health Science Center, 720 The University of Texas System Administration

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