

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 17-0257.01 Kip Kolkmeier x4510 & Christy Chase x2008

HOUSE BILL 17-1027

HOUSE SPONSORSHIP

Becker J. and Buckner,

SENATE SPONSORSHIP

Gardner and Garcia,

House Committees

Finance
Appropriations

Senate Committees

Finance
Appropriations

SENATE
Amended 3rd Reading
April 10, 2017

A BILL FOR AN ACT

101 **CONCERNING THE EMILY MAUREEN ELLEN KEYES ORGAN AND TISSUE**
102 **DONATION AWARENESS FUND, AND, IN CONNECTION THEREWITH,**
103 **CHANGING THE NAME OF THE FUND, EXTENDING THE REPEAL**
104 **DATE OF THE FUND, REQUIRING AN ANNUAL REPORT ON THE USE**
105 **OF DONATED FUNDS, CLARIFYING THAT AN ORGAN AND TISSUE**
106 **DONOR DESIGNATION IS EFFECTIVE UNLESS REVOKED BY THE**
107 **DONOR, AND MAKING AN APPROPRIATION.**

SENATE
Amended 2nd Reading
April 7, 2017

HOUSE
Amended 3rd Reading
March 1, 2017

HOUSE
Amended 2nd Reading
February 28, 2017

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Section 1 of the bill clarifies that designation as an organ and tissue donor (donor) by an applicant for a driver's license, instruction permit, or license renewal remains in effect until revoked by the applicant. Section 1 also removes the repeal date of the Emily Maureen Ellen Keyes organ and tissue donation awareness fund (fund). **Section 2** of the bill continues the option that allows applicants for a driver's license, instruction permit, or license renewal to donate to the fund and, if not already a donor, to volunteer to become a donor. **Section 3** of the bill requires the state auditor to conduct an audit of the fund every 10 years beginning on July 1, 2018, and submit the report to the legislative audit committee.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-2-107, **amend**
3 (4)(b)(II), (4)(b)(III) introductory portion, (4)(b)(III)(A), (4)(b)(III)(C),
4 (4)(b)(IV), (4)(b)(V), and (4)(b)(VII); and add (4)(b)(VIII) as follows:

5 **42-2-107. Application for license or instruction permit -**
6 **anatomical gifts - donations to Emily Keyes - John W. Buckner organ**
7 **and tissue donation awareness fund - legislative declaration - rules -**
8 **annual report - repeal.** (4)(b)(II) There is hereby created in the state
9 treasury the ~~Emily Maureen Ellen Keyes~~ ~~EMILY KEYES - JOHN W.~~
10 BUCKNER organ and tissue donation awareness fund, which shall consist
11 of all moneys credited thereto from all sources including but not limited
12 to moneys collected from voluntary contributions for organ and tissue
13 donation pursuant to subparagraph (V) of this paragraph (b) and section
14 42-2-118 (1)(a)(II). All moneys in the fund are hereby continuously
15 appropriated to the department of the treasury and shall remain in the
16 fund to be used for the purposes set forth in subparagraph (III) of this
17 paragraph (b) and shall not revert to the general fund or any other fund.
18 All interest derived from the deposit and investment of this fund shall be
19 credited to the fund. At least quarterly, the state treasurer shall transfer all

1 available moneys in the Emily Maureen Ellen Keyes EMILY KEYES - JOHN
2 W. BUCKNER organ and tissue donation awareness fund to donor alliance,
3 inc., or its successor organization, as directed by sub subparagraph (A) of
4 subparagraph (III) of this paragraph (b).

5 (III) At least quarterly, the state treasurer shall transfer all
6 available moneys from the Emily Maureen Ellen Keyes EMILY KEYES -
7 JOHN W. BUCKNER organ and tissue donation awareness fund:

8 (A) To donor alliance, inc., or its successor organization, to
9 provide funding for activities to promote organ and tissue donation
10 through the creation and dissemination, by means of electronic media and
11 otherwise, of educational information including public service
12 announcements and information to increase awareness in the medical
13 professions and related fields. Donor alliance, inc., or its successor
14 organization, shall create, by amendment to its articles of incorporation
15 or bylaws or otherwise, as appropriate, an advisory group to allocate
16 moneys received pursuant to this sub subparagraph (A). Such advisory
17 body shall include a representative of any qualified transplant
18 organization. Such organizations shall include those for organs, tissue,
19 bone marrow, and blood AND LIVING DONATIONS. The advisory body
20 created under this sub subparagraph (A) shall report in writing in a form
21 and manner determined by the department and at such intervals as
22 required by the department on the use of moneys received under this
23 sub subparagraph (A). No moneys made available pursuant to this
24 paragraph (b) shall be used to encourage fetal tissue donation.

25 (C) Before any payment to Donor Alliance, Inc., or its successor
26 organization, from the Emily Maureen Ellen Keyes EMILY KEYES - JOHN
27 W. BUCKNER organ and tissue donation awareness fund may be made for

1 any purpose, to the department for the reasonable costs associated with
2 the initial installation of the organ and tissue donor registry, the setup for
3 electronic transfer of the donor information for the organ and tissue donor
4 registry to the federally designated organ procurement organization, and
5 computer programming, REPROGRAMMING, and form changes necessary
6 as a result of the creation OR MODIFICATION of the organ and tissue donor
7 registry.

8 (IV) Appropriations made by the general assembly pursuant to
9 subparagraph (III) of this paragraph (b) shall not exceed moneys in the
10 ~~Emily Maureen Ellen Keyes~~ EMILY KEYES - JOHN W. BUCKNER organ and
11 tissue donation awareness fund that are available for appropriation.

12 (V) An applicant may make a donation of one dollar or more to
13 the ~~Emily Maureen Ellen Keyes~~ EMILY KEYES - JOHN W. BUCKNER organ
14 and tissue donation awareness fund, created in ~~subparagraph (II) of this~~
15 ~~paragraph (b)~~, SUBSECTION (4)(b)(II) OF THIS SECTION, to promote the
16 donation of organs and tissues under the ~~provisions of the~~ "Revised
17 Uniform Anatomical Gift Act", part 1 of article 34 of title 12. E.R.S. The
18 department shall collect such FINANCIAL donations and transmit them to
19 the state treasurer, who shall credit ~~the same~~ THEM to the ~~Emily Maureen~~
20 ~~Ellen Keyes~~ EMILY KEYES - JOHN W. BUCKNER organ and tissue donation
21 awareness fund. The donation prescribed in this ~~subparagraph (V)~~
22 SUBSECTION (4)(b)(V) is voluntary and may be refused by the applicant.
23 The department shall make available informational booklets or other
24 informational sources on the importance of organ and tissue donations to
25 applicants as designed and approved by the advisory body created under
26 ~~sub-subparagraph (A) of subparagraph (III) of this paragraph (b)~~
27 SUBSECTION (4)(b)(III)(A) OF THIS SECTION. The department shall inquire

1 of each applicant at the time the completed application is presented
2 whether the applicant is interested in making a donation of one dollar or
3 more and shall also specifically inform the applicant of the option for
4 organ and tissue donations. The department shall also provide written
5 information designed and approved by the advisory body created under
6 ~~sub-subparagraph (A) of subparagraph (III) of this paragraph (b)~~
7 SUBSECTION(4)(b)(III)(A) OF THIS SECTION to each applicant volunteering
8 to become an organ and tissue donor. The written information shall
9 disclose that the applicant's name shall be transmitted to the organ and
10 tissue donor registry authorized in section 12-34-120 C.R.S., and that the
11 applicant shall notify the federally designated organ procurement
12 organization of any changes to the applicant's donor status. THE ISSUANCE
13 OF AN IDENTIFICATION CARD, A DRIVER'S LICENSE, OR AN INSTRUCTION
14 PERMIT WITH A DONOR'S DESIGNATION COMPLETES THE DONATION
15 PROCESS AND IS EFFECTIVE UNLESS REVOKED PURSUANT TO SECTION
16 12-34-106 OF THE "REVISED UNIFORM ANATOMICAL GIFT ACT", PART 1
17 OF ARTICLE 34 OF TITLE 12.

18 (VII) ~~This paragraph (b) is repealed July 1, 2018 BY OCTOBER 1,~~
19 ~~2017, AND BY EACH OCTOBER 1 THEREAFTER, DONOR ALLIANCE, INC., OR~~
20 ~~ITS SUCCESSOR ORGANIZATION, SHALL SUBMIT TO THE DEPARTMENT AN~~
21 ~~ANNUAL REPORT DETAILING THE AMOUNTS AND SPECIFIC USES OF ALL~~
22 ~~FUNDS RECEIVED BY DONOR ALLIANCE, INC., FROM THE EMILY KEYES~~
23 ~~- JOHN W. BUCKNER ORGAN AND TISSUE DONATION AWARENESS FUND.~~

24 (VIII) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE
25 SEPTEMBER 1, 2027.

26 **SECTION 2.** In Colorado Revised Statutes, 42-2-118, **amend**
27 (1)(a)(II) as follows:

1 **42-2-118. Renewal of license in person or by mail - donations**
2 **to Emily Keyes - John W. Buckner organ and tissue donation**
3 **awareness fund - repeal.** (1) (a) (II) (A) An applicant may make a
4 donation of one dollar or more to the Emily Maureen Ellen Keyes EMILY
5 KEYES - JOHN W. BUCKNER organ and tissue donation awareness fund,
6 created in section 42-2-107 (4)(b)(II), to promote the donation of organs
7 and tissues under the provisions of the "Revised Uniform Anatomical Gift
8 Act", part 1 of article 34 of title 12. C.R.S. The department shall collect
9 such donations and transmit them to the state treasurer, who shall credit
10 the same to the Emily Maureen Ellen Keyes EMILY KEYES - JOHN W.
11 BUCKNER organ and tissue donation awareness fund. The donation
12 prescribed in this ~~sub-subparagraph (A)~~ SUBSECTION (1)(a)(II)(A) is
13 voluntary and may be refused by the applicant. The department shall
14 make available informational booklets or other informational sources on
15 the importance of organ and tissue donations to applicants as designed
16 and approved by the advisory body created under section 42-2-107
17 (4)(b)(III)(A). The department shall inquire of each applicant at the time
18 the completed application is presented whether the applicant is interested
19 in making a donation of one dollar or more ~~and~~ TO THE FUND. IF THE
20 APPLICANT HAS NOT ALREADY MADE A DONOR DESIGNATION, THE
21 DEPARTMENT shall also specifically inform the applicant of the option for
22 organ and tissue donations by having a "Y" placed in the donor field on
23 the front of the document. The department shall ~~also~~ advise each
24 applicant volunteering to become an organ and tissue donor that the
25 applicant's name shall be transmitted to the organ and tissue donor
26 registry authorized in section 12-34-120 C.R.S., and that the applicant
27 shall notify the federally designated organ procurement organization of

1 any changes to the applicant's donation.

2 (B) This subparagraph (H) SUBSECTION (1)(a)(II) is repealed,
3 effective July 1, 2018 SEPTEMBER 1, 2027.

4 [REDACTED]

5 **SECTION 3. Appropriation.** For the 2017-18 state fiscal year,
6 \$33,750 is appropriated to the department of revenue. This appropriation
7 is from the Emily Keyes - John W. Buckner organ and tissue donation
8 awareness fund created in section 42-2-107 (4)(b)(II), C.R.S. To
9 implement this act, the department may use this appropriation for CITA
10 annual maintenance and support.

11 **SECTION 4. Act subject to petition - effective date.** This
12 act takes effect September 15, 2017; except that, if a referendum petition
13 is filed pursuant to section 1 (3) of article V of the state constitution
14 against this act or an item, section, or part of this act within the ninety-day
15 period after final adjournment of the general assembly, then the act, item,
16 section, or part will not take effect unless approved by the people at the
17 general election to be held in November 2018 and, in such case, will take
18 effect on the date of the official declaration of the vote thereon by the
19 governor.