AGENCY BILL ANALYSIS
2019 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  X Amendment  ___
Correction  ____ Substitute  ____

Date 2/7/19  Bill No: SB412

Short Title: CIRCUS ARTS EDUCATION  Person Writing Daniel Manzano
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

<table>
<thead>
<tr>
<th></th>
<th>FY19</th>
<th>FY20 $100,000.00</th>
<th>Recurring or Nonrecurring</th>
<th>Fund Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation</td>
<td>NFI</td>
<td></td>
<td>Nonrecurring</td>
<td>General</td>
</tr>
</tbody>
</table>

(Parenthesis ( ) Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

<table>
<thead>
<tr>
<th></th>
<th>FY19</th>
<th>FY20 NFI</th>
<th>FY21 NFI</th>
<th>Recurring or Nonrecurring</th>
<th>Fund Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Revenue</td>
<td>NFI</td>
<td>NFI</td>
<td>NFI</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(Parenthesis ( ) Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)
### BILL SUMMARY

**Synopsis:**

SB 412 appropriates one hundred thousand dollars from the general fund to the public education department for expenditure in fiscal year 2020 for a program to educate children in circus arts such as trapeze, aerial fabrics, uni-cycling, juggling, clowning, stilt-walking, giant puppetry and partner acrobatics. Any unexpended or unencumbered balance remaining at the end of fiscal year 2020 shall revert to the general fund.

### FISCAL IMPLICATIONS

SB 412 is to appropriate $100,000 from the general fund for fiscal year 2020, and reverts any unexpended or unencumbered balance to the general fund.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

### SIGNIFICANT ISSUES

There is a significant liability that potentially exists in teaching circus arts, and there is no statute or regulation currently identified prescribing parameters for teaching circus arts in a public school in the state. It is unclear at this time which educator license would be applicable to the circus arts classes, and also what kind of license may be required and where a teacher can complete the requirements to obtain a license. It may also be difficult for the school or its claims adjuster to investigate whether an educator teaching the class acted without breaching any duty owed to a student who suffers injuries. Due to the potentially significant liability, premiums would be expected to rise substantially to cover predicted potential losses.

The US Department of Health and Human Services recommends that children and adolescents aged 6 to 17 years have 1 hour or more of physical activity each day to include aerobic, muscle-strengthening, and bone-strengthening activities. The guidelines also recommend that children...
and adolescents participate in a variety of physical activities that are appropriate for their age and enjoyable (https://www.cdc.gov/healthyschools/physicalactivity/facts.htm).

It is not clear which program is being targeted to receive these funds nor what ages or locations will be served.

**PERFORMANCE IMPLICATIONS**

None identified at this time.

**ADMINISTRATIVE IMPLICATIONS**

The administrative impact for the PED will be minimal.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None identified at this time.

**TECHNICAL ISSUES**

None identified at this time.

**OTHER SUBSTANTIVE ISSUES**

None identified at this time.

**ALTERNATIVES**

None identified at this time.

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

The targeted program will not receive an allocation from the general fund in 2020.

**AMENDMENTS**

None identified at this time.