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| LFC Requester: | Sunny Liu |
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**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: Date 2/7/19
Original **Amendment** **Bill No:** SB412
Correction **Substitute**

Sponsor: Sen. Nancy Rodriguez **Agency Code:** 924
Short CIRCUS ARTS EDUCATION **Person Writing** Daniel Manzano
Title: _____ **Phone:** 505-670-3820 **Email** Daniel.Manzano@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|--------------|---------------------------|---------------|
| FY19 | FY20 | | |
| NFI | \$100,000.00 | Nonrecurring | General |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY19 | FY20 | FY21 | | |
| NFI | NFI | NFI | N/A | N/A |
| | | | | |

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY19 | FY20 | FY21 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| Total | | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

None identified at this time.

Duplicates/Relates to Appropriation in the General Appropriation Act

None identified at this time.

SECTION III: NARRATIVE

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.