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## FISCAL IMPACT REPORT

**ORIGINAL DATE** 02/5/15  
**SPONSOR** Candelaria **LAST UPDATED** \_\_\_\_\_ **HB** \_\_\_\_\_

**SHORT TITLE** Carlos Vigil Memorial Act & Bullying **SB** 381

**ANALYST** Cerny

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

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Children, Youth and Families Division (CYFD)

Department of Health (DOH)

#### No Response Received

University of New Mexico (UNM)

### SUMMARY

#### Synopsis of Bill

Senate Bill 381 enacts the Carlos Vigil Memorial Act.

SB 381 establishes the Carlos Vigil Memorial Board, consisting of one member appointed by the president pro tempore of the senate, one member appointed by the minority floor leader of the senate, one member appointed by the speaker of the house of representatives, one member appointed by the minority floor leader of the house of representatives, and one member appointed by the governor from the department of health staff.

The board is charged with reviewing grant applications and awarding grants from the fund established by the bill for the purpose of cultivating a statewide culture where bullying is not accepted, teaching New Mexicans to recognize bullying behaviors and understand the potential consequences, and to provide services and programs for the prevention, resolution, and eradication of bullying. The bill establishes a fund for this purpose, the Eradicate Bullying Fund, in the State Treasury, to be administered by the Board of Regents of the University of New Mexico.

## FISCAL IMPLICATIONS

SB 381 carries no appropriation. “Making an appropriation” in the title of the bill refers to the fact that a new fund is being established and disbursements will be made from the fund.

This bill creates a new fund, the “Eradicate Bullying Fund,” and provides for continuing appropriations.

The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

## SIGNIFICANT ISSUES

According to an article in the Albuquerque Journal on July 19, 2013, Carlos Vigil was a 17-year old high school student from Los Lunas who took his life in July, 2013. He had been bullied from the time he was eight years old. He had hoped to become a lawyer and politician – first at the Roundhouse and then on Capitol Hill. The article may be found here:

<http://www.abqjournal.com/223039/news/bullying-leads-17yearold-to-take-his-own-life.html>

DOH analysis states:

Almost 30 percent of youth in the United States (over 5.7 million) are estimated to be involved in bullying as either a bully, a target of bullying, or both. In a recent national survey of students in grades 6-10, 13 percent reported bullying others, 11 percent reported being the target of bullies, and another 6 percent said that they bullied others and were bullied themselves. (Nansel, Overpeck, Pilla, Ruan, Simons-Morton, & Scheidt, *Bullying Behaviors among US Youth: Prevalence and Association with Psychosocial Adjustment*, 2001.)

Exposure to bullying is more prevalent among Gay, Lesbian, Bisexual, Transgender, Queer (GLBTQ) students, where nearly 9 of 10 students report experiencing sexual orientation or gender related bullying (2007 National School Climate Survey, 2008).

There appears to be a strong relationship between bullying other students and experiencing later legal and criminal problems as an adult. In one study, 60 percent of those characterized as bullies in grades 6-9 had at least one criminal conviction by age 24. Chronic bullies seem to maintain their behaviors into adulthood, negatively influencing their ability to develop and maintain positive relationships. (Olweus D., *Bullying at School: What we know and What we can do*, 1993)

In New Mexico, more than one-fourth (27.2 percent) of students were in a physical fight within the 30 days preceding their responses in the Youth Risk and Resiliency Survey (YRRS). A fight was more common among boys (32.8 percent) than among girls (21.5 percent). Also, 9.7 percent of New Mexico students were in a physical fight and 18.2 percent were bullied on school property within the 30 days preceding the survey. Additionally, 7.4 percent of students did not go to school on at least one day in the preceding month because they felt unsafe at school. (NM YRRS, 2013)

On November 30, 2006, the NM Public Education Department issued a rule requiring all public schools, including charter schools and state supported educational institutions to address bullying of students by adopting and implementing policies by April 2007. (6.12.7.1, NMAC - N, 11-30-06) It is unclear, according to DOH, how compliant school districts in New Mexico with this rule.

**PERFORMANCE IMPLICATIONS**

SB381 relates to the DOH FY16 Strategic Plan, Result 1: Improved Health Outcomes for the People of New Mexico

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