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FISCAL IMPACT REPORT

ORIGINAL DATE 2-14-2007

SPONSOR Arnold-Jones LAST UPDATED _____ HB 945

SHORT TITLE Modern Dance Company Scholarships SB _____

ANALYST Dearing

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$350.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Cultural Affairs Department (CAD)

Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

House Bill 945 appropriates \$350 thousand from the general fund for expenditure in FY08 to Cultural Affairs department for a nonprofit modern repertory dance company. House Bill specifies that the appropriation shall be directed to a durable dance company, in operation in excess of ten years, providing guest artist series and outreach education. Additionally, the selected provider would have to grant scholarships for persons with disabilities.

FISCAL IMPLICATIONS

The appropriation of \$350 thousand contained in House Bill 945 is a recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of FY08 shall revert to the General Fund.

SIGNIFICANT ISSUES

According to the Attorney General's office

“Article IX Section 14 of the New Mexico Constitution, commonly referred to as the anti-donation clause, prohibits the state from making any donation to or in aid of any person, association or public or private corporation, with several specific exceptions. Article IV Section 31 prohibits the legislature from making appropriations for charitable, educational or other benevolent purposes to any person, corporation, association, institution or community, not under the absolute control of the state, with specific exceptions. This bill appears intended to provide funding for a particular modern repertory dance company. Presumably that company is not a state agency. House Bill 945 does not contain provisions for any consideration back to the state. House Bill 945 may therefore raise issues under those constitutional provisions.”

According to the Cultural Affairs department,

“It is DCA’s understanding that the “nonprofit modern repertory dance company” mentioned in HB 945 is the Keshet Dance Company, founded in Albuquerque in 1996. The organization, which claims to serve 6,500 people annually, has provided the following programmatic and budget breakdown in order to meet the initiatives and \$350.0 appropriation specified in the bill:

Scholarship Program:

- 200 community class scholarships for dancers ages 2-18 who are participating in after-school esteem-building dance programming (\$25,000).
- 25 scholarships for youth ages 8-18 within Keshet’s Pre-Professional Program (\$25,000).

Mixed Ability Programming:

- Provide program coordination and skilled dance instructors and physical and/or occupational therapists with a dance background to teach Keshet’s mixed ability dance classes and facilitate teacher training workshops throughout New Mexico (\$45,000).
- Provide staff mentors and rehearsal director throughout the rehearsal and production process for mixed-ability dancers within physically integrated dance productions (\$20,000).

Outreach Education:

- 200 dance education classes over a one year period (incorporating literacy and math skills taught through dance) for homeless youth in partnership with the Title I Homeless Project as part of the after-school tutoring program (\$25,000).
- 100 dance classes with an esteem-building/positive body-image focus to adult women recently released from prison in partnership with Albuquerque-based reintegration programs (\$10,000).
- 3,000 free tickets to Keshet’s mainstage production series for school children (\$30,000).
- 25 instructors with 60 hours each of teacher training and curriculum development workshops for dance instructors working within Keshet’s outreach education program (\$15,000).

General Programming:

- 5 dancer’s salaries to work with the professional repertory company and facilitate Keshet’s community programming (\$155,000).”

PERFORMANCE IMPLICATIONS

No performance implications for Cultural Affairs department noted.

ADMINISTRATIVE IMPLICATIONS

The department would experience no significant administrative impact. The department would conduct an RFP process in order to accomplish the initiatives outlined in the bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This relates to the arts services grants/contracts that the New Mexico Arts Division gives out to arts organizations statewide. HB 618 and SB 669, duplicate bills in the House and Senate, and both containing appropriations for \$250.0, are related. It is the department's understanding that these bills also refer to the Keshet Dance Company.

POSSIBLE QUESTIONS

Would passage of this act possibility violate the anti-donation clause of the New Mexico Constitution, Article IV., Section 31, Appropriations for Charitable, Educational, etc. purposes?

PD/mt