

**NOTE:** As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR: Lopez DATE TYPED: 02/12/03 HB \_\_\_\_\_

SHORT TITLE: Create Office of Public Facilitation SB 288

ANALYST: Geisler

### APPROPRIATION

| Appropriation Contained |      | Estimated Additional Impact |               | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|---------------|----------------------|---------------|
| FY03                    | FY04 | FY03                        | FY04          |                      |               |
|                         |      |                             | See Narrative |                      |               |
|                         |      |                             |               |                      |               |

(Parenthesis ( ) Indicate Expenditure Decreases)

### REVENUE

| Estimated Revenue |      | Subsequent Years Impact | Recurring or Non-Rec | Fund Affected                |
|-------------------|------|-------------------------|----------------------|------------------------------|
| FY03              | FY04 |                         |                      |                              |
|                   |      | Indeterminate           | Recurring            | New-Public Facilitation Fund |

(Parenthesis ( ) Indicate Revenue Decreases)

### SOURCES OF INFORMATION

General Services Department (GSD)  
 Regulation and Licensing Department (RLD)  
 Office of Attorney General (AG)  
 State Personnel Office (SPO)

### SUMMARY

#### Synopsis of Bill

SB 288 amends the Governmental Dispute Resolution Act creating an Office of Public Facilitation (OPF), administratively attached to DFA, with a director appointed by the Governor who has at least 10 years primary experience with dispute resolution and with state government. The office would provide oversight of state agency alternative dispute resolution (ADR) programs and would have procedure and rule-making authority. The new office would also have research, fact-finding, training, assistance and advisory responsibilities to all public agencies (including

local governments) on a broad number of issues, including water, natural resource management, environmental health, public health and other statewide issues. The bill requires a dispute resolution coordinator in agencies with more than 25 positions. The bill also creates the public facilitation fund but does not make an appropriation to fund the office.

### Significant Issues

Several agencies believe SB 288 and its impact to be assessed. To be effective in state government ADR activities, OPF should be independent of all other state agencies and should reside under the direct supervision of the Governor. Additionally, the responsibilities of OPF should be exclusively limited to ADR process matters and should not include substantive matters of other state government agencies.

SB 288 does not take into account several, highly successful, existing state agency ADR programs that utilize volunteer mediators, facilitators and other at little or no cost to the taxpayers.

SB 288 proposes to create in OPF an institution that would require a very large staff of FTEs to carry out the analytical, advisory and funding acquisition responsibilities set forth therein.

### **FISCAL IMPLICATIONS**

SB 288 creates a new public facilitation fund but carries no appropriation. There is no appropriation to support the new office and its staff or ADR coordinators to be required in agencies. The research and advice duties could require substantial staff support.

### **ADMINISTRATIVE IMPLICATIONS**

Under the current law, agencies may now use dispute resolution. Those electing to use dispute resolution do so with trained agency volunteers who implement the process. The Risk Management Division (RMD) of the General Services Department (GSD) provides training and serves as a clearinghouse for ADR program and resource information. Some of the functions included in SB 288 are performed by GSD staff who have EEO responsibilities. To comply with the requirements of this bill would require significantly more staff effort.

GG/njw