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FISCAL IMPACT REPORT

SPONSOR Martinez DATE TYPED 2/7/05 HB 280

SHORT TITLE Office of Peace Act SB _____

ANALYST Hanika-Ortiz

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	\$250.0		\$0.1	Recurring	General Fund

Duplicates SB 277

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)
Corrections Department (CD)
Children, Youth & Families Department (CYFD)
Department of the Environment (ED)
Human Services Department (HSD)
Administrative Office of the Courts (AOC)
Department of Finance Administration (DFA)
Energy, Minerals and Natural Resources Department (EMNRD)
Health Policy Commission (HPC)

SUMMARY

Synopsis of Bill

HB 280 enacts the "Office of Peace Act," creating an "Office of Peace" administratively attached to the DFA and a diverse 10-member Citizens Peace Advisory Council, dedicated to peacemaking; justice and human rights; training that will enable the prevention, management and resolution of conflict without violence; and the study and implementation of conditions conducive to a culture of peace.

Section 3: The Act defines the terms "council," "dialogue," "director" and "office."

Section 5: The Act provides for a "director of peace" who will be the administrative head of the

office, to be appointed by the governor with the consent of the senate.

Section 6: The Act sets out the duties of the director with regard to the following areas:

- The prevention, management and resolution of conflict
- Public education
- Policy development
- Public information

Section 7: The Act creates the “citizens peace advisory council,” to be composed of the director and ten appointed members, to be chosen as directed by the Act.

Section 8: The Act provides for the logo to be used by the department.

Section 9: The Act appropriates \$250,000 from the general fund for FY 06. Any unexpended or unencumbered balance remaining at the end of FY 06 shall not revert to the general fund.

Section 10: The effective date of the Act is July 1, 2005.

Significant Issues

- The Office of Peace will be responsible for conflict resolution across a comprehensive array of state and local government services, including:
 - Child and adult abuse and neglect,
 - Criminal punishment and rehabilitation,
 - School and gang violence,
 - Hate crimes,
 - Disputes between police and community members,
 - Natural resources dispute within and between communities, and
 - Disputes within and between government agencies.

PERFORMANCE IMPLICATIONS

The Citizens Peace Advisory Council will meet at least twice annually to provide assistance, make recommendations and submit an annual report to the director and the Governor regarding peace activities.

The DFA report the Office of Peace would be administratively attached to the DFA, which, at most, would mean that the DFA might be asked to provide the Office operational support services.

Because there is a comprehensive array of agencies and services impacted, this initiative would require extensive interagency cooperation, organization and collaboration.

FISCAL IMPLICATIONS

The appropriation of \$250 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY06 shall not revert to the general fund.

HB 280 appropriation is sufficient to cover expenses for a modest start-up and operations, conferences, educational curricula and supporting materials to assist the Office of Peace with its mission. With regard to revenue, this agency is not expected to generate revenue, but would likely seek grants which would be considered other state funds.

The DFA give examples of operating budgets for agencies with similar functions:

MLK Commission	\$250 thousand
Office of Educational Accountability	\$320 thousand
Office of African American Affairs	\$420 thousand
Commission on the Status of Women	\$450 thousand

The LFC FY06 appropriation recommendation is balanced between revenues and expenditures and any increase in recurring funding must be offset in other areas of the recommendation. The Legislature must consider all priorities and funding requirements to find revenue to support this legislation.

ADMINISTRATIVE IMPLICATIONS

Several agencies suggest the Office of Peace take into consideration the existing work of various state agencies to avoid duplication of efforts.

Several agencies also voiced confusion about whether the council is to function as a think-tank, a dispute resolution resource for agencies, an oversight board, or as a citizen ombudsman, considering the scope of work is immense covering issues relating to almost all state agencies, the public schools and the courts.

TECHNICAL ISSUES

The definitions section of the Act does not have a definition for “peace”, nor does it have performance measures to determine the effectiveness of the office.

Recommendation to re-word “director of peace” in paragraph C of Section 3, to “director of the Office of Peace”.

The EMNRD recommends that “renewable energy” be substituted for “alternative energy”. EMNRD also recommends that the language “within and between communities” be deleted to provide flexibility in addressing conflicts and disputes that may occur outside a community.

OTHER SUBSTANTIVE ISSUES

The PED reports all public schools in New Mexico are required to have a comprehensive Safe Schools Plan that includes prevention, intervention and response sections.

The CD requests clarification of the relationship between the Office of Peace and the Judiciary.

CYFD believes the collaboration required to effectively implement such an initiative would aid in closing some of the existing gaps or overlaps in state and local services.

The ED believes the training and experience requirements may not be enough for the position of

director.

The DFA states that it appears that any authority to effect finding decision in the resolution of conflicts is limited to the extent in which existing authorities extend such powers to the Office of Peace.

ALTERNATIVES

Current programs dealing with conflict resolution, social justice and other peace-related issues would continue to operate independently.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

Initiatives for peace may not be well supported, and information to the public on peace-related activities may not be as readily available.

Successful activities within the Office of Peace may result in avoidance of costly litigation and prevent escalation of conflicts, thereby positively impacting agencies.

QUESTIONS

Are there other states with an Office of Peace?

Would the Office of Peace be a cabinet-level agency?

AHO/yr