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FISCAL IMPACT REPORT

ORIGINAL DATE 2-10-07

SPONSOR Ortiz y Pino LAST UPDATED _____ HB _____

SHORT TITLE Office of Peace Act SB 499

ANALYST Aubel

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Non-Rec | Fund Affected |
|---------------|---------|-------------------------|------------------|
| FY07 | FY08 | | |
| | \$493.6 | Recurring | General Fund |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)
 Department of Finance Administration (DFA)
 Department of Public Safety (DPS)
 Department of health (DOH)

SUMMARY

Synopsis of Bill

Senate Bill 499 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 \$493.6 thousand from the general fund for fiscal years 2008 and 2009. Any unexpended or unencumbered balance remaining at the end of FY 09 shall not revert to the general fund.

Section 10: The effective date of the Act is July 1, 2007.

FISCAL IMPLICATIONS

The appropriation of \$493.6 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2009 shall not revert to the general fund. This appropriation contains a reasonable “start-up” provision for a two-year phase-in period.

Additional years to fund the Office of the Peace will be recurring and may be funded entirely by the general fund, or partially offset by federal grants. Given the staffing proposed in Section 6, paragraph A, the operating budget would compare similarly to that of the Governor’s Office of Victim Advocacy, which stands at \$297.3 thousand for FY08.

The LFC FY08 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.

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.

DFA and DPS voiced confusion as to whether the Office for Peace is to function as a think-tank, a dispute resolution resource for agencies, an oversight agency, an educational program, as a citizen ombudsman program, or all of the above considering the scope of work is immense, covering issues relating to almost all state agencies, the public schools and the courts.

Both DPS and DFA query whether the agreements reached by the disputing parties through the efforts of the Office of the Peace would be binding, or if either party could pursue remedy through existing mediations efforts or tort claims. DPS believes one benefit to utilizing the process listed in the bill would be a reduction in the number of tort claims against DPS because the differences with members of the public could be resolved prior to them filing an action against the agency.

DFA concludes that any such authority for binding resolution would be strictly limited to the extent to which existing authorities extend such powers to the Office of Peace.

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.

DFA notes that because the Office of Peace would be administratively attached to the DFA, DFA might be asked to provide the Office operational support services.

PED states its Social Studies Content Standards, Benchmarks, and Performance Standards would support a “peace education curriculum” as defined in legislation and notes that New Mexico is one of the few states that does address human rights within the performance standards.

DOH suggested the following indicators of the effectiveness of an Office of Peace:

- Confirmed cases of child abuse and neglect;
- Domestic violence reports to local law enforcement agencies; and
- Number of substantiated referrals for elder abuse, neglect and exploitation.

ADMINISTRATIVE IMPLICATIONS

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

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

PED states that this bill would require some staff time to coordinate and implement curricula activities but maintains that this additional administrative mandate could be absorbed by current resources.

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

TECHNICAL ISSUES

The definitions section of the Act does not define “peace”, nor does it have performance measures to determine the effectiveness of the Office.

OTHER SUBSTANTIVE ISSUES

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 2004-05 Safe Schools Report, which is the most current report produced by the School and Family Support Bureau within PED, indicates that the total number of incidents of violence and vandalism in the 2004-2005 school year was 35% lower than in the 1998-1999 school year. Firearm incidents were by far the least frequent of the incidents in New Mexico schools, accounting for only 0.3% of all incidents reported. Incidents of physical violence (fights and assaults of various kinds) accounted for over three out of every four reported incidents, and were 14% higher than the previous year. Vandalism incidents were 34% lower and other criminal activities were 68% lower compared with the previous school year.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

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

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

POSSIBLE QUESTIONS

1. Are there other states with an Office of Peace?
2. Are the qualifications listed for the Director sufficient to successfully implement the scope of activities defined for the Office?

MA/csd