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## FISCAL IMPACT REPORT

**SPONSOR** Ortiz y Pino **ORIGINAL DATE** 03/04/11  
**LAST UPDATED** \_\_\_\_\_ **HB** \_\_\_\_\_

**SHORT TITLE** Create "Office of Peace" **SB** 374

**ANALYST** Haug

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

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		Substantial*	Substantial*	See Narrative	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Health (DOH)

Higher Education Department (HED)

Public Education Department (PED)

Veterans Service Department (VSD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 374 would create the Office of Peace under the executive and be administratively attached to the Department of Finance and Administration. The Act would provide for the powers and duties of the Director of the Office and create the Citizens Peace Advisory Council.

### FISCAL IMPLICATIONS

Senate Bill 374 would impact the General Fund and have continuing demands on the General Fund. The establishment of the Office of Peace, even administratively attached to DFA, and its continuing operations would contribute substantial additional cost. Even a relatively small agency can have operating costs of \$500 thousand or more.

### SIGNIFICANT ISSUES

The Governor would appoint the Director with the consent of the Senate, and the Act outlines the qualifications of the Director, including having appropriate training in alternative dispute resolution and mediation, and two years experience in applying those skills. The Director would manage the operations of the Office to implement policies and programs for prevention, management and resolution of conflict; public education on peace and nonviolence; the study

and promotion of social, environmental and economic conditions that create a culture of peace; and the development of a peace education curriculum, including restorative justice programs, with educators and schools at all levels.

The Act would also create the Council to be composed of the Director and 11 eleven representatives from state agencies, private organizations, and the public sector. Each representative would be appointed by the appropriate governing body, department secretary, or the Director according to the following:

- two representatives appointed by the Director from established state or local peace advocacy organizations;
- one representative appointed from the New Mexico faith community appointed by the Director;
- one representative from a local, county or state law enforcement agency who has specialized in violence prevention, appointed by the Secretary of Public Safety;
- one health professional with expertise in behavioral and public health issues, appointed by the Secretary of Health;
- one representative appointed from the New Mexico Mediation Association, appointed by that organization's body;
- one veteran who has served in an armed conflict, appointed by the Secretary of Veterans' Services;
- one public school educator with knowledge of peace curriculum development, appointed by the Secretary of Public Dducation;
- one representative appointed by the UNM Peace Studies Program, appointed by that program's body;
- one youth representative between 15-24 years, appointed by the Lt. Governor; and
- one member appointed by the Secretary of Indian Affairs.

The Council would meet no less than twice per year and submit an annual report to the Director and the Governor reviewing the impact of state peace activities on governmental entities and communities.

The DOH states:

Interpersonal violence is a significant public health problem. Almost 30% of youth in the United States (or over 5.7 million) are estimated to be involved in bullying as either a bully, a target of bullying, or both. In a national survey of students in grades 6-10, 13% of the students reported bullying others, 11% reported being the target of bullies, and another 6% 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).

The 2009 New Mexico Youth Risk and Resiliency Survey (YRRS) reports the following findings: More than one-third (37.3%) of high school students were in a physical fight in the prior year; fighting was more common among boys (44.5%) than among girls (29.8%). The overall rate for New Mexico (37.3%) was higher than the US rate (31.5%), and was the highest rate among the 42 states that conducted this survey in 2009. Nearly one fifth (19.5%) of high school students report being bullied in school, while nearly one third (31.2%) of middle school students report the same.

Violence, including domestic violence is a serious public health problem in New Mexico.

In 2007, 22,286 incidents of domestic violence involving 17,487 victim were reported to law enforcement agencies in New Mexico. (“Incidence and Nature of Domestic Violence In New Mexico VIII”, published in 2008, using 2007 data).

During 2005 – 2006, there were 1,127 violent deaths reported in New Mexico, including 696 Suicides and 282 Homicides (New Mexico Epidemiology, December 5, 2008, Vol. 2008, Number 10).

The DOH has stated previously that there are numerous programmatic efforts by the Department of Health (DOH) and other agencies to address the problem of violence in New Mexico that could be considered in relation to the proposed Office of Peace. Because there would be a comprehensive array of agencies and services impacted, this initiative would require extensive interagency cooperation, organization and collaboration.

The PED states:

All public schools in New Mexico are required to have a comprehensive Safe Schools Plan that includes four sections, as follows:

1. Prevention – provides a guideline for ensuring a safe school environment. Programs, such as health education, counseling, traffic safety, secure schools and safe building and grounds, will assist the school in providing a school environment that is healthy, safe and conducive to learning.
2. Policies and Procedures - provides staff with direction in the areas of discipline, dress, attendance, and abuse/neglect reporting, bullying, etc.
3. Response - is designed to assist the school staff in preparing for emergencies, managing emergency response efforts, and maintaining a safe school environment.
4. Recovery – provides school staff as school resumes after a critical incident has occurred.

Any curricula developed for use in school districts to facilitate instruction in peaceful conflict resolution, peace awareness and other peaceful objectives, as outlined in SB 374, must align to the New Mexico Content Standards, Benchmarks, and Performance Standards.

The HED reports:

There are currently many disparate organizations and projects dedicated to peace-building activities and education in the State of New Mexico. These include mediation in lieu of trial in some courts (for example Albuquerque Municipal Court), peace studies programs (for example, the University of New Mexico), mediation training programs (for example, at the University of New Mexico School of Law), professional organizations dedicated to ADR (for example, the New Mexico Mediation Association).

ADR is increasingly used to resolve divorce and custody issues, parent-child or sibling conflicts, elder care issues, family business concerns, adoption, premarital agreements, neighbor disputes, workplace disputes, labor/management issues, environmental/public policy issues, health care disputes, and international conflicts.

The Alternative Dispute Resolution (ADR) Act of 1998 requires federal district courts to adopt an official ADR program. According to the National Center for State Courts, 16 states currently require some form of mandatory mediation, while another 16 have voluntary or discretionary use of mediation in cases involving such issues as divorce, child custody, small claims, and landlord-tenant disputes. In New Mexico, the Government Dispute Resolution Act (Section 12-8A-2 through 12-8A-5 and 1-2-2.1) authorizes and encourages state and local governments to use ADR to address conflicts and make government more effective. While the bill does not authorize appropriation of funds directly, it allows agencies to request authority to move money around in their budgets for ADR purposes.

Voluntary alternative dispute resolution can be more cost effective than court-ordered proceedings. For example, in 2010 the U.S. Department of Justice (DOJ) spent \$1,547,874 on 718 cases for ADR. DOJ reports a savings of \$11,662,500 in litigation and discovery expenses, 12,260 days of attorney and staff time, and 930 months of litigation time during 2010 due to alternative dispute resolution.

According to the New Mexico Mediation Association (NMMA), there are no national training requirements or credentials for mediators. States vary widely in their approach to regulating the field, with some states choosing to "license" mediators while other states may "register" or "certify." Currently, only four states (FL, NH, TX, VA) have certification programs. There is an increasing trend toward mediator rosters and credentialing programs through professional organizations. NMMA is currently working towards implementing a mediator credentialing program for New Mexico.

The wide-ranging efforts in New Mexico to implement a broad range of peace-building activities could benefit from the coordination and support of a central agency such as the Office of Peace and its Citizens Peace Advisory Council.

The HED has noted previously that the Director is charged to help integrate the peace education curriculum into the training programs for new and experienced teachers and recommend peace studies courses as part of teacher education in New Mexico. Most teacher education programs in New Mexico have integrated considerations of peace education and social justice into their social methods courses and multicultural education courses. A Peace Studies course could be part of the Social Studies Teaching Field offered to elementary teachers or the Social Studies Endorsement offered to secondary teachers. The University of New Mexico has a Peace Studies Program that offers a Peace Studies Minor and a Peace and Justice Studies Certificate. UNM-Taos also offers a Certificate in Peace Studies.

The DFA has noted previously that the administrative implications of establishing the Office of Peace involve the initial setup of the office as well as the issues involved in being administratively attached to the Department of Finance and Administration (DFA), which are outlined in section 9-1-7 NMSA 1978 and are summarized here:

1. Exercise its functions independently of the department and without approval or control of the department;
2. Submit its budgetary requests through the department;
3. Submit reports required of it by law or by the governor through the department.

4. Provide, if mutually agreed, the budgeting, record-keeping and related administrative and clerical assistance to the agency; and
5. Include the agency's budgetary requests, as submitted and without changes, in the departmental budget
6. Unless otherwise provided by law, the agency shall hire its own personnel in accordance with the Personnel Act.

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