

# HOUSE BILL No. 6276

November 13, 1990, Introduced by Rep. Bryant and referred to the Committee on Judiciary.

A bill to create the commission on dispute resolution and conflict management and prescribe its powers and duties; and to create certain funds and provide for their use.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Dispute resolution and conflict management" includes  
3 any process that assists persons with a dispute or a conflict in  
4 resolving their differences without further litigation, prosecu-  
5 tion, civil unrest, economic disruption, or violence.

6       (b) "Dispute resolution and conflict management program"  
7 means any of the following:

8       (i) A program that provides or encourages dispute resolution  
9 and conflict management, including, but not limited to, a program  
10 that provides or encourages mediation or conciliation, a  
11 mini-trial program, a summary jury trial, or nonbinding

1 arbitration. The program may serve the legal community, business  
2 community, public sector, private sector, or private individuals,  
3 or any combination of them, and its scope may include disputes  
4 and conflicts in the domestic context, international context, or  
5 both.

6 (ii) A program that provides education or training in the  
7 primary and secondary schools and colleges and universities of  
8 this state, as well as in other appropriate educational forums,  
9 about the elimination, prevention, resolution, and management of  
10 disputes and conflicts in the domestic and international  
11 context.

12 (iii) A program that provides or encourages dispute resolu-  
13 tion and conflict management, as described in subdivision (b)(i),  
14 and provides education or training, as described in subdivision  
15 (b)(ii).

16 Sec. 2. (1) The commission on dispute resolution and con-  
17 flict management, consisting of 12 members, is established within  
18 the department of commerce. The purpose of the commission is to  
19 provide, coordinate, fund, and evaluate dispute resolution and  
20 conflict management education, training, and research programs in  
21 this state, and to consult with, educate, train, provide  
22 resources for, and otherwise assist and facilitate other persons  
23 and public or private agencies, organizations, or entities that  
24 are engaged in activities related to dispute resolution and con-  
25 flict management. Six members of the commission shall be  
26 appointed by the governor, 3 members shall be appointed by the

1 senate majority leader, and 3 members shall be appointed by the  
2 speaker of the house of representatives.

3       (2) Within 30 days after the effective date of this act, the  
4 governor, the senate majority leader, and the speaker of the  
5 house of representatives shall make initial appointments to the  
6 commission. Of the initial appointments made to the commission  
7 by the governor, 2 shall be for terms of 2 years each, 2 shall be  
8 for terms of 3 years each, and 2 shall be for terms of 4 years  
9 each. Of the initial appointments made to the commission by the  
10 senate majority leader and the speaker of the house of represen-  
11 tatives, 1 each shall be for a term of 2 years, 1 each shall be  
12 for a term of 3 years, and 1 each shall be for a term of 4  
13 years. Thereafter, terms of office shall be for 3 years, with  
14 each term ending on the same day of the same month of the year as  
15 the term that it succeeds. Each member shall hold office from  
16 the date of his or her appointment until the end of the term for  
17 which he or she was appointed. Members may be reappointed.  
18 Vacancies shall be filled in the manner provided for original  
19 appointments. A member appointed to fill a vacancy occurring  
20 before the expiration date of the term for which his or her  
21 predecessor was appointed shall hold office as a member for the  
22 remainder of that term. A member shall continue in office subse-  
23 quent to the expiration date of his or her term until a successor  
24 takes office or until a period of 60 days has elapsed, whichever  
25 occurs first.

26       (3) The commission shall meet within 2 weeks after all of  
27 its members have been appointed, at a time and place determined

1 by the governor. After the initial meeting, the commission shall  
2 meet at least quarterly, or more often upon the call of the  
3 chairperson or at the request of the executive director of the  
4 commission. The commission shall organize by selecting from  
5 among its members a chairperson, a vice-chairperson, and such  
6 other officers as are necessary. All officers shall be elected  
7 annually by vote of the members of the commission. Each member  
8 of the commission shall have 1 vote. Seven members constitute a  
9 quorum, and the votes of a majority of the members present are  
10 required to validate an action of the commission.

11 (4) The members of the commission shall serve without com-  
12 pensation, but each member shall be reimbursed for actual and  
13 necessary expenses incurred in the performance of official  
14 duties, and actual mileage for each mile necessarily traveled in  
15 the performance of official duties.

16 Sec. 3. (1) The commission on dispute resolution and con-  
17 flict management shall do all of the following:

18 (a) Appoint and set the compensation of an executive direc-  
19 tor who shall serve at the pleasure of the commission.

20 (b) Establish and maintain a central office.

21, (c) Adopt rules pursuant to the administrative procedures  
22 act, Act No. 306 of the Public Acts of 1969, being sections  
23 24.201 to 24.328 of the Michigan Compiled Laws, to govern the  
24 application for, and the awarding of, grants made available by  
25 the commission under this act out of the dispute resolution and  
26 conflict management commission gifts and grants fund established  
27 in subsection (3).

1 (d) Seek, solicit, and apply for grants from any public or  
2 private source to provide for the operation of dispute resolution  
3 and conflict management programs in this state, and deposit all  
4 grants received in the dispute resolution and conflict management  
5 commission gifts and grants fund.

6 (e) Adopt standards for the evaluation of dispute resolution  
7 and conflict management programs funded pursuant to this act.

8 (f) Provide technical aid and assistance to dispute resolu-  
9 tion and conflict management programs, to centers that provide  
10 these programs, and to public and private agencies and organi-  
11 zations that provide these programs or engage in dispute resolu-  
12 tion and conflict management activities.

13 (g) Approve an annual operating budget.

14 (h) Prepare an annual report on the operation of the commis-  
15 sion and the office established by the commission, and provide  
16 the report to the governor, the supreme court, and the  
17 legislature.

18 (2) The commission may do any of the following:

19 (a) Receive and accept donations, grants, awards, bequests,  
20 gifts, and similar funds from any lawful source, to be deposited  
21 in the state treasury as provided in subsection (3).

22 (b) Accept the services of volunteer workers and consultants  
23 at no compensation, other than reimbursement for actual and nec-  
24 essary expenses incurred in the performance of their official  
25 duties and reimburse any volunteer workers or consultants for  
26 their actual and necessary expenses so incurred.

1 (c) Prepare and publish statistical data and case studies  
2 and other data pertinent to the development, operation, and  
3 evaluation of dispute resolution and conflict management programs  
4 and centers that provide these programs or engage in dispute res-  
5 olution and conflict management services.

6 (d) Conduct programs that have a general objective of train-  
7 ing and educating mediators and other persons engaged in provid-  
8 ing dispute resolution and conflict management services.

9 (e) Develop programs and curricula that are designed to pro-  
10 vide dispute resolution and conflict management training and edu-  
11 cation for public and private education, as well as other appro-  
12 priate education forums.

13 (3) There is established in the state treasury the dispute  
14 resolution and conflict management commission gifts and grants  
15 fund. All donations, grants, awards, bequests, gifts, and simi-  
16 lar funds received by the commission under subdivision (2)(a)  
17 shall be deposited in the fund. All money in the fund, including  
18 interest and earnings, shall not lapse at the end of the fiscal  
19 year but shall remain in the fund to be expended as provided in  
20 this act.

21 Sec. 4. (1) A person shall not be appointed executive  
22 director of the Michigan commission on dispute resolution and  
23 conflict management unless the person is trained in law, public  
24 affairs, business administration, or social sciences and the  
25 person has experience in administering dispute resolution and  
26 conflict management programs or services. The executive director

1 appointed by the commission shall serve at the pleasure of the  
2 commission.

3 (2) The executive director shall do both of the following:

4 (a) Appoint and set the compensation of personnel who are  
5 necessary for the efficient operation of the office established  
6 by the commission with the approval of the commission.

7 (b) Keep and maintain financial records pertaining to the  
8 awarding of grants and contracts, and report periodically, but  
9 not less than annually, to the commission on all relevant data  
10 pertaining to the operations, costs, and projected needs of the  
11 office established by the commission and on recommendations for  
12 legislation or amendments to court rules that may be appropriated  
13 to improve dispute resolution and conflict management programs.

14 (3) The executive director may do any of the following:

15 (a) Make all necessary arrangements to coordinate the serv-  
16 ices of the office established by the commission with any feder-  
17 al, state, county, municipal, township, or private entity or pro-  
18 gram established to provide dispute resolution and conflict man-  
19 agement services and to obtain and provide all funds allowable  
20 from any such entity or under any such programs.

21 (b) Consult and cooperate with professional groups concerned  
22 with the study, development, implementation, and evaluation of  
23 dispute resolution and conflict management programs and services  
24 and the operation of the state dispute resolution and conflict  
25 management office established by the commission.

26 (c) Accept the services of volunteer workers and consultants  
27 at no compensation, other than reimbursement for actual and

1 necessary expenses incurred in the performance of their official  
2 duties, and provide for the reimbursement of any volunteer work-  
3 ers or consultants for their actual and necessary expenses so  
4 incurred.

5       (d) Prescribe any forms that are necessary for the uniform  
6 operation of this act.