



# SENATE BILL No. 818

January 25, 1996, Introduced by Senator PETERS and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to regulate certain commercial arbitrations occurring in this state; and to provide for the enforcement of certain arbitration agreements executed in this state, another state, or another nation.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER I. GENERAL PROVISIONS

Sec. 1. As used in this act:

(a) "Arbitral tribunal" means the body that conducts an arbitration, and may consist of a sole arbitrator or a panel of arbitrators, each of whom may or may not be associated with a permanent arbitral institution.

(b) "Arbitration" means the hearing and determination of an issue in controversy by an arbitral tribunal.

(c) "Arbitration agreement" means a contract whereby the parties agree to submit to arbitration all or certain disputes

1 which have arisen or which may arise between them in a defined  
2 contractual or other legal relationship. An arbitration agree-  
3 ment may be in the form of an arbitration clause in a contract or  
4 in the form of an agreement separate from any other contract.

5 (d) "Claim" means the assertion of a right, and includes a  
6 counterclaim unless the context requires otherwise.

7 (e) "Court" means a body or organ of the judicial system of  
8 a state.

9 (f) "Defense" means a response to a claim, and includes a  
10 response to a counterclaim unless the context requires  
11 otherwise.

12 (g) "Place of business" means any of the following:

13 (i) The site of a party's ongoing commercial activity.

14 (ii) The site of a party's ongoing commercial activity that  
15 most directly relates to an arbitration agreement governed by  
16 this act, if a party's ongoing commercial activity occurs at more  
17 than 1 site.

18 (iii) A party's primary residence, if that party does not  
19 engage in an ongoing commercial activity at a specific site.

20 Sec. 2. (1) Subject to any agreement in effect between this  
21 state and any other state or states, this act applies to intra-  
22 state, national, and international commercial arbitration occur-  
23 ring within this state if any of the following conditions exist:

24 (a) The parties to an arbitration agreement have their  
25 places of business in different states or nations at the time  
26 that arbitration agreement is executed.

1 (b) One or both of the following places is situated outside  
2 the state or nation in which the parties have their places of  
3 business:

4 (i) The place of arbitration, if that place is identified in  
5 the arbitration agreement.

6 (ii) Any place where a substantial part of the obligations  
7 of the commercial relationship are to be performed or the place  
8 with which the subject matter of the dispute is most closely  
9 connected.

10 (c) The parties have expressly agreed that the subject  
11 matter of the arbitration agreement relates to more than 1  
12 country.

13 (2) This act does not supersede any other law of this state  
14 that prohibits the arbitration of certain disputes or prescribes  
15 the manner in which certain disputes are to be arbitrated.

16 (3) Parties empowered to render a determination under this  
17 act may delegate that power to a third party. The third party  
18 may be an institution.

19 (4) An agreement regulated under this act may incorporate by  
20 reference arbitration rules.

21 Sec. 3. Unless otherwise agreed by the parties, a written  
22 communication, other than a pleading in a court proceeding, is  
23 received on the earliest of the following:

24 (a) The date the written communication is personally deliv-  
25 ered to the addressee.

26 (b) The date the written communication is delivered to the  
27 addressee's permanent residence or mailing address.

1 (c) If a reasonable inquiry fails to reveal the current  
2 business or permanent residential address of an addressee, the  
3 date of delivery to the addressee's last known place of business,  
4 permanent residence, or mailing address by certified mail or  
5 other means that provides verification of delivery.

6 Sec. 4. A party who fails to timely object to a person's  
7 noncompliance with either this act or an arbitration agreement  
8 governed by this act waives his or her right to object to that  
9 noncompliance. As used in this subsection, "timely" means within  
10 a period for specifying objections that is identified in the  
11 arbitration agreement, or within a reasonable period of time if  
12 the agreement does not identify a period for specifying  
13 objections.

14 Sec. 5. Except as provided in this act, a court shall not  
15 intervene in a matter governed by this act.

16 Sec. 6. The circuit court has jurisdiction over actions  
17 arising under this act.

## 18 CHAPTER II. ARBITRATION AGREEMENT

19 Sec. 7. (1) An arbitration agreement shall be in writing,  
20 and may be established by any of the following:

21 (a) A document signed by the parties.

22 (b) An exchange of letters, telex, telegrams, or other means  
23 of telecommunication which provide a record of the agreement.

24 (c) An exchange of statements of claim and defense in which  
25 the existence of an agreement is alleged by 1 party and not  
26 denied by another.

1       (2) The reference in a written contract to a document  
2 containing an arbitration clause constitutes an arbitration  
3 agreement if the clause is a component of the contract.

4       Sec. 8. (1) If a civil action arising from a matter gov-  
5 erned by an arbitration agreement is filed with a court, and a  
6 party to that civil action requests with his or her initial  
7 pleading that the court refer the matter to arbitration, the  
8 court shall refer the matter to arbitration unless the court has  
9 determined that the arbitration agreement is void, inoperative,  
10 or incapable of being performed.

11       (2) If a civil action described in subsection (1) has been  
12 filed with a court and the court has not referred the matter to  
13 arbitration, an arbitration may be commenced, continued, or com-  
14 pleted while the civil action is pending.

15       Sec. 9. Notwithstanding the terms of an arbitration agree-  
16 ment, upon a party's request before or during arbitration pro-  
17 ceedings a court may issue an interim protection order.

18           CHAPTER III. COMPOSITION OF ARBITRAL TRIBUNAL

19       Sec. 10. In a dispute between parties of different nations,  
20 a person shall not be precluded from acting as an arbitrator  
21 because of his or her nationality without the consent of all par-  
22 ties to the arbitration agreement.

23       Sec. 11. (1) The parties to an arbitration agreement may  
24 agree on the number of arbitrators and a procedure of appointing  
25 the arbitrator or arbitrators, subject to subsections (2), (3),  
26 and (4).

1 (2) If the parties to an arbitration agreement do not agree  
2 on a procedure described in subsection (1), the number of  
3 arbitrators shall be 3, and all of the following apply:

4 (a) In an arbitration with 3 arbitrators, each party shall  
5 appoint 1 arbitrator, and those arbitrators shall appoint the  
6 third arbitrator.

7 (b) If a party fails to appoint an arbitrator within 30 days  
8 of receipt of a request to do so from the other party, or if the  
9 2 arbitrators fail to agree on the third arbitrator within 30  
10 days of their appointment, the circuit court shall make the  
11 appointment.

12 (c) If the parties are unable to agree on an arbitrator in  
13 an arbitration with a sole arbitrator, a party may request that  
14 the circuit court make the appointment. Upon receipt of that  
15 request, the circuit court shall make the appointment.

16 (3) If any of the following occur and an arbitration agree-  
17 ment does not provide a remedial appointment procedure that  
18 addresses the issue, a party may request that the circuit court  
19 appoint an arbitrator or arbitrators:

20 (a) A party fails to act in accordance with the arbitration  
21 agreement's appointment procedure.

22 (b) The parties or arbitrators designated to make an  
23 appointment cannot agree on an appointment in accordance with the  
24 arbitration agreement.

25 (c) A third party fails to perform a duty under the arbitra-  
26 tion agreement.

1       (4) In appointing an arbitrator under this section, the  
2 circuit court shall consider the qualifications required of an  
3 arbitrator under the arbitration agreement, and determine whether  
4 the individual appointed is independent and impartial. In a dis-  
5 pute between parties of different nations, the court shall addi-  
6 tionally consider the nation of residence of the individual, and  
7 the effect his or her residency may have on the dispute.

8       (5) A circuit court decision under this section is not  
9 subject to appeal.

10       Sec. 12. (1) Before accepting an appointment as an arbitra-  
11 tor, an individual shall disclose any circumstances of which he  
12 or she is aware that may call into question his or her impartial-  
13 ity or independence. If a circumstance arises after his or her  
14 appointment that may call into question his or her impartiality  
15 or independence, he or she shall immediately disclose that cir-  
16 cumstance to the parties.

17       (2) An arbitrator may be challenged only if circumstances  
18 exist that give rise to justifiable doubts as to his or her  
19 impartiality or independence, or if he or she does not possess  
20 qualifications required by an agreement of the parties. A party  
21 may challenge an arbitrator appointed by him or her, or in whose  
22 appointment he or she has participated, only for reasons of which  
23 he or she becomes aware after the appointment has been made.

24       Sec. 13. (1) The parties may agree on a procedure for chal-  
25 lenging an arbitrator, subject to subsection (3).

26       (2) If an agreement described in subsection (1) does not  
27 exist, a party who seeks to challenge the appointment of an

1 arbitrator shall provide the arbitral tribunal with a written  
2 statement of the reasons for the challenge within 15 days after  
3 he or she becomes aware of a circumstance that warrants the  
4 challenge. Unless the challenged arbitrator voluntarily with-  
5 draws from his or her office or the parties to the dispute agree  
6 to his or her removal, the members of the arbitral tribunal,  
7 including the challenged person, shall review the challenge,  
8 render a written determination granting or denying the removal,  
9 and serve a copy of that written determination on each party.

10 (3) If a challenge to the appointment of an arbitrator is  
11 denied under this section, a party may appeal that denial to the  
12 circuit court within 30 days after the party receives written  
13 notice of the denial. While an appeal to the circuit court is  
14 pending, the arbitral tribunal, including the challenged arbitra-  
15 tor, may continue and complete the arbitral proceedings. A deci-  
16 sion of the circuit court under this subsection is not subject to  
17 appeal.

18 Sec. 14. (1) A party may petition the circuit court for the  
19 removal of an arbitrator on the basis of any of the following:

20 (a) The arbitrator is unable to perform the functions  
21 required of him or her by the arbitration agreement.

22 (b) The arbitrator has failed to act without undue delay.

23 (2) A circuit court determination under this section is not  
24 subject to appeal.

25 (3) If an arbitrator withdraws from his or her office or a  
26 party agrees to his or her removal following a challenge  
27 described in section 13, or if the arbitrator is removed under



1 this section, the withdrawal or removal does not constitute a  
2 finding of fact on the grounds alleged for the withdrawal or  
3 removal.

4       Sec. 15. Upon the withdrawal or removal of an arbitrator, a  
5 substitute arbitrator shall be appointed in the same manner as  
6 the original appointment.

7               CHAPTER IV. JURISDICTION OF ARBITRAL TRIBUNAL

8       Sec. 16. (1) An arbitral tribunal may determine the valid-  
9 ity of an arbitration agreement. If a contract contains an arbi-  
10 tration clause authorizing the creation of the arbitral tribunal,  
11 that clause remains enforceable even if the arbitral tribunal  
12 determines that the balance of the contract is void.

13       (2) A party who claims that an arbitral tribunal does not  
14 have jurisdiction over the party or a dispute shall state that  
15 claim not later than the submission of that party's statement of  
16 defense in the arbitration. A party is not precluded from rais-  
17 ing the claim because he or she has appointed, or participated in  
18 the appointment of, an arbitrator. A party who claims that an  
19 arbitral tribunal is exceeding the scope of its authority shall  
20 state that claim as soon as the matter alleged to be beyond the  
21 scope of the tribunal's authority is raised during the arbitral  
22 proceedings. The arbitral tribunal may consider a late claim  
23 under this section if it determines that the delay was  
24 justified.

25       (3) The arbitral tribunal may rule on a claim referred to in  
26 subsection (2) either as a preliminary question or in a  
27 determination on the merits of a claim. If the arbitral tribunal

1 rules as a preliminary question that it has jurisdiction over a  
2 dispute, any party may appeal that ruling to the circuit court  
3 within 30 days after receiving notice of the ruling. A circuit  
4 court decision on the issue is not subject to appeal. The arbi-  
5 tral tribunal may continue the arbitral proceedings while a  
6 matter is pending in the circuit court.

7       Sec. 17. Unless otherwise agreed upon by the parties, upon  
8 the request of a party an arbitral tribunal may order a party to  
9 take interim measures to protect those interests in dispute while  
10 an arbitration is pending. An interim measure may include the  
11 payment of security.

## 12           CHAPTER V. CONDUCT OF ARBITRAL PROCEEDINGS

13       Sec. 18. An arbitral tribunal shall ensure that each party  
14 to a dispute is treated equally and provided with full opportu-  
15 nity to present evidence.

16       Sec. 19. (1) Except as otherwise provided in this act, the  
17 parties to an arbitration agreement may agree to establish proce-  
18 dures for the conduct of an arbitration. If the parties are  
19 unable to agree on arbitration procedures, the arbitral tribunal  
20 shall conduct an arbitration in a manner determined by that tri-  
21 bunal to be appropriate.

22       (2) Unless an agreement between the parties to an arbitra-  
23 tion provides otherwise, the arbitral tribunal may determine the  
24 admissibility, relevance, materiality, and weight of any evidence  
25 submitted to that tribunal.

26       Sec. 20. The parties to an arbitration agreement may  
27 determine the site for that arbitration. If the parties do not

1 agree on a site, the arbitral tribunal shall designate a site or  
2 sites after considering the circumstances affecting the dispute  
3 and the convenience of the parties.

4       Sec. 21. Unless otherwise agreed by the parties, arbitral  
5 proceedings relating to a particular dispute commence on the date  
6 a party notifies 1 or more other parties to an arbitration agree-  
7 ment that he or she has requested arbitration.

8       Sec. 22. (1) The parties to an international arbitration  
9 agreement may specify in the agreement the language or languages  
10 to be used in the arbitral proceedings. In the absence of an  
11 agreement, the arbitral tribunal shall determine the language or  
12 languages to be used in the proceedings. Unless the parties  
13 agree otherwise, the language or languages determined or agreed  
14 upon for the arbitration shall apply to all written statements by  
15 a party, to hearings before the arbitral tribunal, and to any  
16 determination or communication by the arbitral tribunal.

17       (2) The arbitral tribunal may order that documentary evi-  
18 dence submitted to the tribunal be accompanied by a translation  
19 into the language or languages agreed upon by the parties or  
20 determined by the arbitral tribunal.

21       Sec. 23. (1) Within the period of time agreed by the par-  
22 ties or determined by the arbitral tribunal, the claimant shall  
23 state the facts supporting his or her claim, the points at issue,  
24 and the relief or remedy sought. The respondent shall state his  
25 or her defense to the claim. The parties may submit with their  
26 statements all documents and other evidence that they consider to  
27 be relevant or may add to those documents and that evidence.

1 (2) Unless otherwise agreed by the parties, either party may  
2 amend or supplement his or her claim or defense during the course  
3 of the arbitration proceedings, unless the arbitral tribunal  
4 determines that the amendment or supplement would be inappropri-  
5 ate or cause undue delay.

6 Sec. 24. (1) Subject to any contrary agreement of the par-  
7 ties, at the request of a party the arbitral tribunal shall con-  
8 duct oral hearings during an arbitration.

9 (2) An arbitral tribunal shall provide the parties to an  
10 arbitration notice of any hearing before the tribunal and any  
11 meeting of the tribunal. The notice shall be provided suffi-  
12 ciently in advance of a hearing or meeting to enable the parties  
13 to prepare for that hearing or meeting.

14 (3) A party that provides a statement, document, or other  
15 information to an arbitral tribunal shall provide all other par-  
16 ties with a copy of that statement, document, or other  
17 information. An arbitral tribunal shall ensure that any expert  
18 report or evidentiary document on which the arbitral tribunal may  
19 rely in making its decision is communicated to the parties.

20 Sec. 25. Unless the parties otherwise agree, all of the  
21 following apply to an arbitration under this act:

22 (a) If without sufficient cause the claimant fails to commu-  
23 nicate his or her statement of facts supporting the claim in  
24 accordance with section 23(1), the arbitral tribunal shall termi-  
25 nate the proceedings.

26 (b) If without sufficient cause the respondent fails to  
27 communicate his or her statement of defense in accordance with

1 section 23(1), the arbitral tribunal shall continue the  
2 proceedings without treating that failure in itself as an admis-  
3 sion of the claimant's allegations.

4 (c) If without sufficient cause a party fails to appear at a  
5 hearing or to produce documentary evidence, the arbitral tribunal  
6 may continue the proceedings and make the determination on the  
7 evidence before it.

8 Sec. 26. (1) Unless otherwise agreed by the parties, the  
9 arbitral tribunal may do either of the following:

10 (a) Appoint 1 or more experts to report to it on specific  
11 issues to be determined by the arbitral tribunal.

12 (b) Require a party to give the expert any relevant informa-  
13 tion or to produce, or to provide access to, any relevant docu-  
14 ments, goods, or other property for his or her inspection.

15 (2) Unless otherwise agreed by the parties, if a party  
16 requests or if the arbitral tribunal considers it necessary, an  
17 expert shall, after delivery of his or her written or oral  
18 report, participate in a hearing at which the parties have the  
19 opportunity to both question him or her and present expert wit-  
20 nesses to testify on the points at issue.

21 Sec. 27. The arbitral tribunal or a party with the approval  
22 of the arbitral tribunal may request from the circuit court  
23 assistance in taking evidence. The court may execute the  
24 request.

25 CHAPTER VI. MAKING OF AWARD AND TERMINATION OF PROCEEDINGS

26 Sec. 28. (1) An arbitral tribunal shall decide a dispute in  
27 accordance with rules of law chosen by the parties pursuant to

1 the arbitration agreement. An arbitration agreement designation  
2 of law shall be construed as referring to the substantive law of  
3 that state or nation, unless the arbitration agreement expressly  
4 provides otherwise.

5 (2) If the parties to an arbitration agreement have not des-  
6 igned the laws of a state or nation that will govern an arbi-  
7 trative dispute, the arbitral tribunal shall determine the body  
8 of law that will govern the dispute.

9 (3) An arbitral tribunal has only those powers to grant  
10 equitable relief that are expressly authorized under an arbitra-  
11 tion agreement.

12 (4) An arbitral tribunal shall render an arbitration deter-  
13 mination in accordance with the terms of the arbitration agree-  
14 ment and shall take into account those trade usages applicable to  
15 the transaction in dispute.

16 Sec. 29. Unless otherwise agreed upon by the parties to an  
17 arbitration agreement, if an arbitral tribunal consists of more  
18 than 1 arbitrator, a decision of that tribunal shall be made by a  
19 majority of its members. However, a question of procedure may be  
20 decided by a presiding arbitrator if the parties or all members  
21 of the arbitral tribunal agree.

22 Sec. 30. (1) If the parties to an arbitration settle a dis-  
23 pute before an arbitral tribunal resolution and request that the  
24 arbitral tribunal record the settlement, the arbitral tribunal  
25 may record the settlement in a form of an arbitration  
26 determination.

1       (2) A determination based upon a settlement under this  
2 section shall be made in accordance with section 31 and shall  
3 additionally specify that it is a determination. A determination  
4 under this section has the same status and effect as any other  
5 determination on the merits of the case.

6       Sec. 31. (1) An arbitral tribunal shall render a determina-  
7 tion under this act in a writing signed by the arbitrator or  
8 arbitrators. In arbitral proceedings with more than 1 arbitra-  
9 tor, the signatures of the majority of all members of the arbi-  
10 tral tribunal is sufficient to comply with this section, if the  
11 reason for any omitted signature is stated.

12       (2) An arbitration determination shall state the reasons  
13 upon which it is based, unless the parties have agreed that no  
14 reasons are to be stated or have agreed to determination terms  
15 under section 30.

16       (3) An arbitration determination shall state the date of its  
17 issuance and the place of arbitration, and is presumed to have  
18 been made at that stated time and place.

19       (4) After making an arbitration determination, the arbitral  
20 tribunal shall provide each party to the arbitration with a copy  
21 of the determination signed by the arbitrators in accordance with  
22 subsection (1).

23       Sec. 32. (1) An arbitration is terminated upon the issuance  
24 of a final determination or by the issuance of a final order  
25 under subsection (2).

1 (2) An arbitral tribunal shall issue an order for the  
2 termination of the arbitral proceedings upon the occurrence of  
3 any of the following:

4 (a) The claimant withdraws his or her claim, unless the  
5 respondent objects to that withdrawal and the arbitral tribunal  
6 recognizes a legitimate interest possessed by the respondent in  
7 obtaining a final settlement of the dispute.

8 (b) The parties agree on the termination of the  
9 proceedings.

10 (c) The arbitral tribunal determines that the continuation  
11 of the proceedings has for any other reason become unnecessary or  
12 impossible.

13 (3) Subject to sections 33 and 34, the duties of an arbitral  
14 tribunal expire upon the termination of the arbitral  
15 proceedings.

16 Sec. 33. (1) All of the following may occur within 30 days  
17 after the issuance of an arbitration determination, unless  
18 another period of time has been agreed upon by the parties:

19 (a) A party, with notice to the other party, may request  
20 that the arbitral tribunal correct any errors in computation, any  
21 clerical or typographical errors, or any errors of similar nature  
22 contained in the determination.

23 (b) If agreed upon by the parties, a party, with notice to  
24 the other party, may request that the arbitral tribunal interpret  
25 or correct a specific point or part of the determination.

26 (2) If the arbitral tribunal determines that a request under  
27 subsection (1) should be granted, the arbitral tribunal shall



1 make the correction or provide the interpretation within 30 days  
2 after receipt of the request. An interpretation shall be incor-  
3 porated into the determination.

4 (3) The arbitral tribunal may correct any error of the type  
5 referred to in subsection (1)(a) on its own initiative within 30  
6 days after the date of the determination.

7 (4) Unless otherwise agreed upon by the parties, within 30  
8 days after the issuance of an arbitration determination, a party  
9 may request that the arbitral tribunal issue an additional deter-  
10 mination relating to a claim presented in the arbitral proceed-  
11 ings but omitted from the determination. The party shall provide  
12 remaining parties with notice of the request at the time of the  
13 request. If the arbitral tribunal determines that an additional  
14 determination is appropriate, it shall grant that additional  
15 determination within 60 days after receipt of the request.

16 (5) An arbitral tribunal may extend, if necessary, the  
17 period of time within which a correction, interpretation, or an  
18 additional determination under this section may be made.

19 (6) Section 31 applies to a correction or interpretation of  
20 the determination or to an additional determination.

## 21 CHAPTER VII. RECOURSE AGAINST AWARD

22 Sec. 34. (1) The circuit court may refuse to recognize or  
23 enforce an arbitration determination, or set aside an arbitration  
24 determination, only if either of the following conditions is  
25 met:

1 (a) The party challenging the arbitration determination  
2 provides proof satisfactory to the court of 1 or more of the  
3 following:

4 (i) A party to the arbitration agreement was under some  
5 incapacity.

6 (ii) The agreement is not valid under the law to which the  
7 parties have subjected it or, if the parties failed to indicate  
8 the laws that would govern a dispute, the laws of this state.

9 (iii) The party making the application was not given proper  
10 notice of the appointment of an arbitrator or of the arbitral  
11 proceedings or was otherwise unable to present his or her case.

12 (iv) The determination addresses a dispute not contemplated  
13 by or not falling within the terms of an arbitration agreement,  
14 or contains decisions on matters beyond the scope of the arbitra-  
15 tion agreement. However, if a portion of an arbitration determi-  
16 nation is beyond the scope of an arbitration agreement and may be  
17 severed from the balance of the determination, only that portion  
18 that is beyond the scope of the arbitration agreement may be set  
19 aside.

20 (v) The composition of the arbitral tribunal or the arbitra-  
21 tion procedure was not in accordance with an arbitration agree-  
22 ment, and that agreement was in accordance with those provisions  
23 of this act from which a party cannot derogate.

24 (vi) The composition of the arbitral tribunal or the arbi-  
25 tration procedure was not in accordance with this act.

26 (b) The court determines either of the following:

1 (i) That the subject matter of the dispute is not capable of  
2 settlement by arbitration under the law of this state.

3 (ii) That the determination is in conflict with the public  
4 policy of this state.

5 (2) An application for setting aside an arbitration determi-  
6 nation may not be made more than 3 months after the date on which  
7 the party making that application received notice of the determi-  
8 nation or, if a request had been made under section 33, from the  
9 date on which that request had been disposed of by the arbitral  
10 tribunal.

11 (3) The court may do any of the following:

12 (a) Order a party to provide appropriate security for the  
13 protection of another party's interests affected by an action  
14 under this act.

15 (b) Upon the request of a party, suspend proceedings relat-  
16 ing to a petition to set aside an arbitration determination to  
17 enable the arbitral tribunal to take remedial action.

18 (c) Adjourn a determination.

#### 19 CHAPTER VIII. RECOGNITION AND ENFORCEMENT OF AWARDS

20 Sec. 35. (1) Regardless of the nation in which an arbitra-  
21 tion determination occurs under this act, the determination is  
22 binding and enforceable under the laws of this state.

23 (2) A party relying on an arbitration determination or  
24 applying for its enforcement in the circuit court of this state  
25 shall provide the court with an authenticated original determina-  
26 tion or a certified copy of that determination, and the original  
27 arbitration agreement or a duly certified copy of that

1 agreement. If the determination or agreement is not made in an  
2 official language of this state, the party shall supply a certi-  
3 fied translation of that determination or agreement into an offi-  
4 cial language of this state.