

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Harriman**

A Bill

ACT 673 OF 1995
SENATE BILL 349

For An Act To Be Entitled

8 "AN ACT TO ESTABLISH POLICIES FOR THE ADVANCEMENT OF
9 VOLUNTARY ALTERNATIVE DISPUTE RESOLUTION PROCEDURES AND TO
10 CREATE THE ARKANSAS ALTERNATIVE DISPUTE RESOLUTION
11 COMMISSION; AND FOR OTHER PURPOSES."

Subtitle

14 "TO ESTABLISH POLICIES FOR THE
15 ADVANCEMENT OF VOLUNTARY ALTERNATIVE
16 DISPUTE RESOLUTION PROCEDURES AND TO
17 CREATE THE ARKANSAS ALTERNATIVE DISPUTE
18 RESOLUTION COMMISSION."

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22 SECTION 1. The purpose of this act is to encourage, promote, and
23 develop voluntary alternative processes throughout the state to resolve
24 disputes, cases, and controversies of all kinds.

26 SECTION 2. Arkansas Alternative Dispute Resolution Commission
27 Established. There is hereby created the Arkansas Alternative Dispute
28 Resolution Commission which shall consist of seven (7) members. Three (3)
29 members shall be attorneys appointed by the Chief Justice of the Arkansas
30 Supreme Court, one (1) of whom shall have been recommended to the court by the
31 Arkansas Bar Association, one (1) member shall be appointed by the Speaker of
32 the House of Representatives, one (1) member shall be appointed by the
33 President Pro Tempore of the Senate, and two (2) members shall be appointed by
34 the Governor. All members shall have demonstrated prior interest or
35 involvement in alternative dispute resolution. *At least one commission member*
36 *shall be an Arkansas resident considered to be a representative of voluntary*

1 or non-profit ADR programs in the state of Arkansas.

2

3 SECTION 3. Terms of Members. The first members of the commission shall
4 draw for terms of two (2), four (4), or six (6) years and shall serve until
5 their successors are appointed. Thereafter, each member shall serve for six
6 (6) years. If any member dies, resigns, or is otherwise unable to serve prior
7 to the expiration of the term, the appointing entity shall appoint a successor
8 to serve the unexpired portion of the term. The members of the commission
9 shall elect a chairman.

10

11 SECTION 4. The commission may, by vote of the total membership of the
12 commission at the first regularly scheduled meeting of each calendar year,
13 authorize expense reimbursement for the commission members, other than
14 legislators, for performing official commission duties and such expense
15 reimbursement shall not exceed the rate established for state employees by
16 state travel regulations. Legislator members shall receive per diem, mileage
17 and expense reimbursement at the same rate as that prescribed for legislators
18 for attending meetings of joint interim committees of the General Assembly.

19

20 SECTION 5. Meetings-Rules-Quorum. The commission shall hold regular
21 quarterly meetings each year on dates fixed by the commission and such special
22 meetings as the commission determines necessary. The commission may issue
23 rules and regulations and shall publish rules for the regulation of its
24 proceedings. A majority of the commission shall constitute a quorum.

25

26 SECTION 6. Staffing. General staff support, facilities, and operating
27 assistance for the commission shall be provided by the Administrative Office
28 of the Courts from funds appropriated for that purpose by the General
29 Assembly. The commission shall select a Coordinator of ADR Programs, who
30 shall be an employee of the Administrative Office of the Courts. Other
31 employees may be added by the commission as are needed to carry out the
32 purposes of this act.

33

34 SECTION 7. Powers and Duties of Commission. The commission shall have
35 the authority and responsibility to:

- 1 (a) Promote in a systematic manner the appropriate use of ADR;
- 2 (b) Provide education to the courts, other government agencies, and the
3 public on the methods, advantages, and applications of ADR;
- 4 (c) Establish standards and regulations for the certification,
5 professional conduct, discipline, and training of persons who shall be
6 eligible and qualified to serve as *compensated* mediators, negotiators,
7 conciliators, arbitrators, or other ADR neutrals in and for state and local
8 courts; *however, nothing in this act or in the standards and regulations*
9 *promulgated by the commission shall in any way prevent the parties to the*
10 *litigation from utilizing any recognized voluntary or non-profit program of*
11 *dispute resolution;*
- 12 (d) Develop recommended guidelines, including the types of disputes
13 which may be subject to ADR and standard procedures for mediation and other
14 forms of ADR;
- 15 (e) Assist state and local courts, governmental and other agencies with
16 the development and implementation of ADR programs;
- 17 (f) Develop standardized forms for use in state and local courts,
18 governmental and other agencies for the reference of cases to ADR and for the
19 purpose of monitoring the use of ADR in the state;
- 20 (g) Establish fees to be levied by the courts, governmental and other
21 agencies and paid by parties utilizing ADR processes;
- 22 (h) Apply for and accept gifts or grants from any public or private
23 source for use in maintaining and improving ADR programs in the state.

24

25 SECTION 8. All provisions of this act of a general and permanent nature
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
27 Revision Commission shall incorporate the same in the Code.

28

29 SECTION 9. If any provision of this act or the application thereof to
30 any person or circumstance is held invalid, such invalidity shall not affect
31 other provisions or applications of the act which can be given effect without
32 the invalid provision or application, and to this end the provisions of this
33 act are declared to be severable.

34

35 SECTION 10. All laws and parts of laws in conflict with this act are

1 hereby repealed.

2

3

/s/Harriman

4

5

6

APPROVED: 3-20-95

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

As Engrossed: 2/21/95 2/22/95

SB 349

1

2

0125951623.mih620