

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

A Bill

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
31 the Arkansas Bar Association, one (1) member shall be appointed by the
32 Speaker of the House of Representatives, one (1) member shall be appointed by
33 the President Pro Tempore of the Senate, and two (2) members shall be
34 appointed by the Governor. All members shall have demonstrated prior
35 interest or involvement in alternative dispute resolution. *At least one*

1 *commission member shall be an Arkansas resident considered to be a*
2 *representative of voluntary or non-profit ADR programs in the state of*
3 *Arkansas.*

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

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

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

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

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

3 (a) Promote in a systematic manner the appropriate use of ADR;

4 (b) Provide education to the courts, other government agencies, and
5 the public on the methods, advantages, and applications of ADR;

6 (c) Establish standards and regulations for the certification,
7 professional conduct, discipline, and training of persons who shall be
8 eligible and qualified to serve as *compensated* mediators, negotiators,
9 conciliators, arbitrators, or other ADR neutrals in and for state and local
10 courts; *however, nothing in this act or in the standards and regulations*
11 *promulgated by the commission shall in any way prevent the parties to the*
12 *litigation from utilizing any recognized voluntary or non-profit program of*
13 *dispute resolution;*

14 (d) Develop recommended guidelines, including the types of disputes
15 which may be subject to ADR and standard procedures for mediation and other
16 forms of ADR;

17 (e) Assist state and local courts, governmental and other agencies
18 with the development and implementation of ADR programs;

19 (f) Develop standardized forms for use in state and local courts,
20 governmental and other agencies for the reference of cases to ADR and for the
21 purpose of monitoring the use of ADR in the state;

22 (g) Establish fees to be levied by the courts, governmental and other
23 agencies and paid by parties utilizing ADR processes;

24 (h) Apply for and accept gifts or grants from any public or private
25 source for use in maintaining and improving ADR programs in the state.

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

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

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

/s/Harriman

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