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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 852      Session of  
1997

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INTRODUCED BY GREENLEAF AND RHOADES, APRIL 1, 1997

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REFERRED TO JUDICIARY, APRIL 1, 1997

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AN ACT

1 Establishing the Commission on Dispute Resolution and Conflict  
2 Management and providing for its powers and duties;  
3 establishing the Dispute Resolution and Conflict Management  
4 Commission Fund; and making an appropriation.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Dispute  
9 Resolution and Conflict Management Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Commission." The Commission on Dispute Resolution and  
15 Conflict Management established in section 3.

16 "Dispute resolution and conflict management." Any process  
17 that assists persons in a dispute or a conflict to resolve their  
18 differences without unnecessary litigation, prosecution, civil

1   unrest, economic disruption or violence.

2       "Dispute resolution and conflict management program." A  
3   program that provides or encourages dispute resolution and  
4   conflict management, including, but not limited to, mediation,  
5   arbitration, conciliation and facilitation. The program may  
6   serve the legal community, business community, public sector,  
7   private sector or private individuals or any combination  
8   thereof. The term shall also include a program that provides  
9   education or training in the primary and secondary schools and  
10  in the colleges and universities of this Commonwealth, as well  
11  as in other appropriate educational forums, about the  
12  elimination, prevention, resolution and management of disputes  
13  and conflicts.

14       "Fund." The Dispute Resolution and Conflict Management  
15  Commission Fund established in section 6.  
16  Section 3. Commission.

17       (a) Establishment.--The Commission on Dispute Resolution and  
18  Conflict Management is hereby established as an independent  
19  administrative agency.

20       (b) Purposes.--The commission shall have the following  
21  purposes:

22           (1) Developing, coordinating and supporting dispute  
23       resolution and conflict management education, training and  
24       research programs in this Commonwealth.

25           (2) Consulting with, educating, training, providing  
26       resources for and otherwise assisting persons and public or  
27       private agencies, organizations or entities that are  
28       interested in dispute resolution and conflict management as  
29       potential parties or engaged in the field as practitioners.

30       (c) Members.--The commission shall consist of 16 members.

1 Four members shall be appointed by the Governor; two members  
2 each shall be appointed by the President pro tempore of the  
3 Senate, the Speaker of the House or Representatives, the  
4 Minority Leader of the Senate and the Minority Leader of the  
5 House of Representatives; and four members shall be appointed by  
6 the Supreme Court of Pennsylvania. Of the four members appointed  
7 by the Governor, one shall be a member of the Pennsylvania  
8 Council of Mediators, one shall be a member of the bar of the  
9 Supreme Court of Pennsylvania, and two shall be nonlawyer  
10 citizens. At least one of the two members appointed by the  
11 President pro tempore of the Senate, the Speaker of the House of  
12 Representatives, the Minority Leader of the Senate and the  
13 Minority Leader of the House of Representatives shall be a  
14 nonlawyer citizen. Of the four members appointed by the Supreme  
15 Court, one shall be a judge of an appellate court of  
16 Pennsylvania, one shall be a judge of a trial court of  
17 Pennsylvania, one shall be a judge of the minor judiciary, and  
18 one shall be a member of the Pennsylvania Bar Association. The  
19 commission shall include men and women and should reflect the  
20 geographic, ethnic and racial diversity of this Commonwealth.  
21 The commission shall elect a chairman and other necessary  
22 officers during its first meeting each calendar year.

23 (d) Terms.--Members first appointed by the Governor shall  
24 serve a term of four years, members first appointed by the  
25 General Assembly shall serve a term of three years and members  
26 first appointed by the Supreme Court shall serve a term of two  
27 years. Thereafter, all members shall serve a term of four years.  
28 Members may be reappointed and shall remain in office until a  
29 successor is qualified.

30 (e) Expenses.--The members of the commission shall serve

1 without compensation but shall be reimbursed for actual and  
2 necessary expenses incurred in the performance of official  
3 duties.

4 Section 4. Powers and duties.

5 The commission shall have the power and duty to:

6 (1) Serve as an information and referral clearinghouse  
7 for dispute resolution and conflict management programs  
8 services, including, but not limited to, mediation,  
9 arbitration, conciliation and facilitation.

10 (2) Establish a dispute resolution service available to  
11 the General Assembly, Commonwealth and local agencies to  
12 address public policy controversies and other disputes  
13 involving the public. This service shall be provided through  
14 referrals to providers of dispute resolution services or  
15 through commission staff.

16 (3) Establish and collect fees for dispute resolution  
17 services provided by commission staff. Any fees collected  
18 shall be deposited into the fund.

19 (4) Administer a funding program for the establishment  
20 and operation of community dispute settlement centers.

21 (5) Encourage and support the establishment of peer  
22 mediation programs in school districts.

23 (6) Support the development of court programs, in  
24 cooperation with the court and the bar, for referral of  
25 appropriate cases to dispute resolution processes.

26 (7) Monitor and evaluate the program effectiveness of  
27 the programs funded in whole or in part by the Commonwealth  
28 through the commission.

29 (8) Advise and assist, upon request, the executive and  
30 legislative branches of the Commonwealth and local

governments in developing policies, plans and programs related to dispute resolution and conflict management.

(9) Employ an executive director and such other staff as necessary.

(10) Issue regulations necessary for the proper administration of this act.

#### Section 5. Report.

The commission shall submit an annual report to the Governor and to the General Assembly concerning the work of the commission during the preceding fiscal year.

#### Section 6. Fund.

There is hereby established in the State Treasury a separate fund to be known as the Dispute Resolution and Conflict Management Commission Fund. All fees for dispute resolution and conflict management programs or services provided under this act shall be deposited into the fund. The moneys from this fund shall be appropriated as necessary to fulfill the purposes of this act and to provide for any grants made by the commission.

#### Section 7. Appropriation.

The sum of \$1,000,000, or as much thereof as may be necessary, is hereby appropriated to the Commission on Dispute Resolution and Conflict Management for the fiscal year July 1, 1997, to June 30, 1998, to carry out the provisions of this act.

#### Section 8. Effective date.

This act shall take effect July 1, 1997, or immediately, whichever is later.