

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 141 Session of
1995

INTRODUCED BY LESCOVITZ, TRELLO, MARKOSEK, CALTAGIRONE,
COLAFELLA, MUNDY, ROBERTS AND STEELMAN, JANUARY 20, 1995

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 20, 1995

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," providing for the
21 establishment of the Commission on Dispute Resolution and
22 Conflict Management and prescribing its powers and duties.

23 The General Assembly of the Commonwealth of Pennsylvania

24 hereby enacts as follows:

25 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
26 as The Administrative Code of 1929, is amended by adding a

27 section to read:

1 Section 480. Definitions.--(a) The following words or
2 phrases shall have the meanings given to them in this section
3 unless the context clearly indicates otherwise:

4 "Chief administrative officer" means the Office of General
5 Counsel as established under the act of October 15, 1980
6 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

7 "Commission" means the Commission on Dispute Resolution and
8 Conflict Management.

9 "Dispute resolution and conflict management" means any
10 process that assists persons in a dispute or conflict to resolve
11 their differences without unnecessary litigation, prosecution,
12 civil unrest, economic disruption or violence.

13 "Dispute resolution and conflict management program" means a
14 program that provides or encourages dispute resolution and
15 conflict management, including, but not limited to, a program
16 that provides or encourages mediation or conciliation, a mini-
17 trial program, a summary jury trial or nonbinding arbitration
18 and which may serve the legal community, the business community,
19 the public or private sector or private individuals in either
20 the domestic or international context; or a program that
21 provides education or training, in the primary or secondary
22 schools and colleges and universities of the Commonwealth, as
23 well as other appropriate educational forums, about the
24 elimination, prevention, resolution and management of disputes
25 and conflicts in the domestic and international context.

26 "Fund" means the Dispute Resolution and Conflict Management
27 Commission Fund established under subsection (g).

28 (b) There is hereby created a departmental administrative
29 board for the administration of this act, which shall be known
30 as the Dispute Resolution and Conflict Management Act for the

purpose of developing, coordinating or supporting dispute resolution and conflict management education, training and research programs within this Commonwealth. Such commission shall consist of seven members; three shall be appointed by the Governor, one member shall be appointed by the President pro tempore of the Senate, one member shall be appointed by the minority leader of the Senate, one member shall be appointed by the Speaker of the House of Representatives and one member shall be appointed by the minority leader of the House of Representatives.

(c) The term of office of each member shall be three years except that members first appointed by the Governor shall serve a term of three years and members first appointed by the General Assembly shall serve a term of two years. Members may be reappointed and shall remain in office until a successor is qualified.

(d) The commission shall organize by selecting a chairman, a vice-chairman and such other officers as are necessary from its members. All officers shall be elected annually by vote of the commission. Each member of the commission shall have one vote. Five members shall constitute a quorum, and the votes of a majority of the members present are required to validate an action of the commission.

(e) The members of the commission shall serve without compensation, but each member shall be reimbursed for actual and necessary expenses incurred in the performance of official duties and actual mileage for each mile necessarily traveled in the performance of official duties.

(f) The commission shall have the power and duty to:

(1) Serve as an information and referral clearinghouse for

1 dispute resolution and conflict management services, including,
2 but not limited to, mediation, arbitration, facilitation and
3 conciliation.

4 (2) Establish a dispute resolution service available to the
5 General Assembly, State and local agencies to address public
6 policy controversies and other disputes involving the public
7 through referrals to providers of dispute resolution and/or
8 commission staff.

9 (3) Establish and collect fees for dispute resolution
10 services provided by commission staff.

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

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

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

18 (7) Monitor and evaluate the program effectiveness of the
19 programs funded in whole or in part by the Commonwealth.

20 (8) Advise and assist, upon request, State, local or
21 legislative entities in developing policies, plans and programs
22 related to dispute resolution and conflict management.

23 (9) Promulgate such rules and regulations as deemed
24 necessary and proper for the implementation of this act.

25 (10) Submit an annual report to the General Assembly
26 concerning the commission's work.

27 (g) There is hereby established in the Department of
28 Treasury the Dispute Resolution and Conflict Management
29 Commission Fund. The moneys from this fund shall be appropriated
30 as necessary to fulfill the purposes of this act and to provide

1 funding for any grants made by the commission.

2 (h) The chief administrative officer shall have the power to
3 do the following:

4 (1) Make all necessary arrangements to coordinate the
5 services of the commission with Federal, State, county or local
6 governments or private entities or programs established to
7 provide dispute resolution and conflict management services and
8 to obtain and provide all funds allowable from any such entities
9 or under any such programs.

10 (2) Consult and cooperate with professional groups concerned
11 with the study, development, implementation and evaluation of
12 dispute resolution and conflict management programs and services
13 and the operation of the commission.

14 Section 2. This act shall take effect July 1, 1995.