

HOUSE BILL No. 4823

June 16, 1987, Introduced by Reps. Bandstra, Perry Bullard, Gubow, Stabenow, Bender, Fitzgerald, DeBeaussaert, Miller, Trim, Law, Willis Bullard, Honigman, Van Regenmorter, Kosteva, DeLange, Sikkema, Krause, Randall, Giese, Hoekman, Martin, Emmons, Munsell, Bankes, Middaugh and Stacey and referred to the Committee on Judiciary.

A bill to create the community dispute resolution center program; to create the community dispute resolution fund; to establish criteria for funding and participation in the program; to provide for the administration of the program; and to require the reporting of certain statistical data.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "community dispute resolution act".

3 Sec. 2. As used in this act:

4 (a) "Center" means a community dispute resolution center.

5 (b) "Fund" means the community dispute resolution fund.

6 (c) "Grant recipient" means a nonprofit organization that
7 receives funds to operate a center pursuant to this act.

8 (d) "Mediator" means an impartial, neutral person
9 responsible for reaching a resolution in each case.

1 (e) "Program" means the community dispute resolution program
2 created by this act.

3 Sec. 3. The community dispute resolution center program is
4 created to provide conciliation, mediation, arbitration, and
5 other forms and techniques of dispute resolution to persons as an
6 alternative to the judicial process.

7 Sec. 4. The program shall be funded by the community dis-
8 pute resolution fund which is created in the state treasury and
9 shall be administered by the state court administrator.

10 Sec. 5. (1) The department of treasury shall credit to the
11 fund the revenues received pursuant to sections 2528, 2529, 5756,
12 8371, and 8420 of the revised judicature act of 1961, Act No. 236
13 of the Public Acts of 1961, being sections 600.2528, 600.2529,
14 600.5756, 600.8371, and 600.8420 of the Michigan Compiled Laws.

15 (2) The department of treasury shall credit to the fund any
16 funds appropriated by the legislature and any federal or private
17 funds received by the state for the purpose of implementing the
18 provisions of this act.

19 Sec. 6. Participation in the dispute resolution process
20 shall be voluntary and the form or technique utilized shall be by
21 mutual agreement of the parties.

22 Sec. 7. The work product and case files of a mediator or
23 center are confidential and not subject to disclosure in a judi-
24 cial or administrative proceeding. Communications relating to
25 the subject matter of the resolution made during the resolution
26 process by a party, mediator, or other person shall be a
27 confidential communication.

1 Sec. 8. This program shall be administered through
2 community dispute resolution centers operated by grant recipients
3 pursuant to a grant contract awarded by the state court
4 administrator.

5 Sec. 9. To be eligible for funding, a grant recipient shall
6 do all of the following:

7 (a) Comply with the provisions of this act, and the require-
8 ments and regulations established by the state court administra-
9 tor to effectuate the purposes of this act.

10 (b) Provide a neutral mediator who has received not less
11 than 25 hours of training in conflict resolution techniques.

12 (c) Provide dispute resolution services without cost to
13 indigents and at nominal or no cost to other participants.

14 (d) Reject for dispute resolution any person who is a
15 defendant in a pending violent or drug related felony criminal
16 case.

17 Sec. 10. (1) Grant recipients shall be selected from appli-
18 cations submitted to the state court administrator. The grant
19 applications submitted for funding shall include all of the
20 following:

21 (a) The budget for the proposed center including the pro-
22 posed compensation and qualifications of the employees.

23 (b) A description of the proposed geographical area of serv-
24 ice and an estimate of the number of participants to be served.

25 (c) A description of current dispute resolution services, if
26 any, available within the proposed geographical area.

1 (d) A narrative of the applicant's proposed program which
2 includes the support of civic groups, social services agencies,
3 and criminal justice agencies to accept and make referrals; the
4 present availability of resources; and the applicant's adminis-
5 trative capacity.

6 (e) Such additional information as is determined to be
7 needed by the state court administrator.

8 (2) The amount awarded to a grant recipient shall not exceed
9 50% of the proposed center's approved budget.

10 Sec. 11. The state court administrator or other authorized
11 state official shall have the power to inspect, examine, and
12 audit the fiscal affairs of any grant recipient.

13 Sec. 12. Each grant recipient shall annually provide to the
14 state court administrator statistical data on its operating
15 budget, the number of referrals, categories or types of cases
16 referred, number of parties serviced, number of disputes
17 resolved, nature of resolution, amount and type of awards, rate
18 of compliance, returnees to the center, duration and estimated
19 costs of hearing, and such other information the state court
20 administrator may require. The state court administrator shall
21 report annually to the governor and legislature regarding the
22 operation and success of the centers funded pursuant to this
23 act.

24 Sec. 13. This act shall not take effect unless Senate Bill
25 No. _____ or House Bill No. ⁴⁸²⁴ (request no. 01799'87 a *) of
26 the 84th Legislature is enacted into law.