
State Government Committee

HB 1649

Brief Description: Requiring public agencies to submit to mediation and arbitration in interagency disputes.

Sponsors: Representatives McMahan and Mielke.

Brief Summary of Bill

- Requires state agencies to resolve disputes through mandatory mediation or binding arbitration, rather than litigation.

Hearing Date: 3/3/03

Staff: Katie Blinn (786-7114).

Background:

Agencies are required to make every effort to resolve inter-agency disputes without resorting to litigation, including the use of alternative dispute resolution (ADR). ADR refers to any means of settling disputes outside of the courtroom and typically includes arbitration, mediation, early neutral evaluation, and conciliation. The two most common forms of ADR are arbitration and mediation.

Arbitration is a simplified version of a trial involving no discovery and simplified rules of evidence. Either both sides agree on one arbitrator, or each side selects one arbitrator and the two arbitrators select a third to comprise a panel. Arbitration hearings usually last only a few hours. Mediation is an even less formal alternative to litigation. Mediators are individuals trained in negotiations who bring opposing parties together and attempt to work out a settlement or agreement that both parties accept or reject. Both arbitration and mediation are used to resolve a wide variety of civil disputes.

If a dispute cannot be resolved by the agencies, either one may request assistance from the governor in resolving the dispute through ADR. The Governor may request assistance from the Attorney General. ADR is not preferred if an agency, to preserve a legal right or remedy, files a notice of appeal, petition for review, or any other motion that triggers a time limit.

Summary of Bill:

Agencies are required to resolve inter-agency disputes through the use of ADR, including binding arbitration and mandatory mediation. Agencies may agree to waive mediation and fact-finding and proceed directly to binding arbitration. If a dispute cannot be resolved by the agencies, the issue shall be submitted to binding arbitration, which becomes final and conclusive.

The bill does not repeal the statute that relieves agencies from using ADR if either agency files a notice of appeal, petition for review, or any other motion that triggers a time limit.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.