

SUBJECT: Alternative dispute resolution by all governmental bodies

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 12 ayes — Wolens, Bailey, Brimer, Counts, Craddick, Danburg, Hilbert, Hunter, D. Jones, Longoria, Marchant, McCall

0 nays

3 absent — S. Turner, Alvarado, Merritt

WITNESSES: None

BACKGROUND: SB 694 by Brown, enacted by the 75th Legislature in 1997, created the Governmental Dispute Resolution Act (Government Code, sec. 2008) to allow state agencies to use alternative dispute-resolution procedures to resolve disputes.

DIGEST: CSHB 826 would expand the Governmental Dispute Resolution Act to all governmental bodies.

The bill would specify that final agreements signed by governmental bodies as a result of alternative dispute-resolution procedures would be subject to disclosure or excepted from disclosure in accordance with Government Code, chapter 552, the Public Information (Open Records) Act.

The bill also would require impartial third parties to have the qualifications required under Civil Practice and Remedies Code, sec. 154.052, which requires certain amounts of classroom hours to qualify as an impartial third party.

CSHB 826 would take effect September 1, 1999.

SUPPORTERS SAY: State agencies have benefitted from the use of alternative dispute resolution to resolve disputes. CSHB 826 would extend this option to all governmental bodies. Alternative dispute resolution can save litigation costs by resolving disputes without going to court. Local governments want to use this tool, and CSHB 826 would grant them explicit authority to do so.

The bill also would make arbitrators used by governmental bodies subject to the same education and training requirements as arbitrators used in civil proceedings.

The provision pertaining to disclosure of final agreements simply would ensure that the Governmental Dispute Resolution Act neither would restrict nor expand the disclosure of such orders beyond what is required in the Public Information Act.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The committee substitute added the provision relating to disclosure of final written agreements and made additional conforming changes.

The companion bill, SB 1048 by Wentworth, has been referred to the Senate State Affairs Committee.