

# Senate OKs bills for court mediators

By Tim Richard  
staff writer

The Michigan Senate thinks there are faster, cheaper ways to settle disputes than going to court.

The Senate last week gave 33-3 approval to two bills to set up and pay for a system of trained mediators. Oakland County's Bar Association will be one of the first in line for a grant if the bill makes it through the House.

The only vocal dissent came from Sen. William Faust, D-Westland.

"There are only two dispute centers now in the state — in Washtenaw and Oakland counties. Yet this bill will assess \$2 for every circuit court action from everyone," said Faust.

"And the decisions (of dispute resolution centers) are non-binding. This is poor legislation, and it's poor public policy."

Supporters, with their votes lined up, didn't bother to reply to Faust.

## THE MEASURES are:

• House Bill 4623, which would set up a program of state grants to community groups who would train volunteers to resolve such disputes. Speakers said such problems as illegally parked cars and neighborhood eyesores could be resolved faster

and more amicably with out-of-court procedures.

• Senate Bill 816, which would provide \$700,000 for the program by tacking a \$2 surcharge on all court filings. The law would "sunset" at the end of 1992 unless renewed by the Legislature.

The bills are tie-barred, meaning both must be passed before either one is enacted.

THE BILLS were reported out of the Senate Judiciary Committee, which is headed by two Oakland lawmakers — chairman Rudy Nichols, R-Waterford, and Richard Fessler, R-Commerce.

Oakland Bar leaders had visited other states' alternative courts and came back with glowing reports. Attorney Marilyn J. Kelly of Birmingham; Joan E. Young, circuit court administrator, and Don Tucker, a Southfield attorney, chaired subcommittees that recommended the programs.

Rep. Richard Bandstra, R-Grand Rapids, sponsor of the House bill, said agencies in Grand Rapids, Ann Arbor, Detroit and Flint are seeking to set up such centers.

Taking a problem to an alternative dispute resolution center would be voluntary, under the bill's provisions. A person could opt instead for the more expensive court procedure.

A \$2 increase would go on top of these current filing fees: \$40 to file a circuit court civil action, \$20 for a district court complaint for recovery of premises, \$30 for district court claims over \$3,000, \$20 for amounts of \$601 to \$3,000 and \$10 for amounts up to \$600.

IF ADOPTED, the bills would set up a fund in the state Treasury administered by the state court administrator.

An agency seeking a grant would have to provide neutral mediators with at least 25 hours of training in "conflict resolution techniques" and an internship approved by the court administrator.

Services would be free to indigents, but others could be asked to pay fees.

The agency would have to reject disputes involving violent felonies and drug-related prosecutions.

According to a Senate staff analysis:

"If an applicant met the eligibility requirements and guidelines and there were no other eligible applicants from the same court, the state court administrator would be required to make a grant."

Unlike court cases, which are public, dispute resolution materials would be confidential during the process.

# School smoke ban tighter

By Tim Richard  
staff writer

Many Michigan teachers have until New Year's Day of 1990 to give up smoking under a bill which cleared the Michigan Senate last week.

"While some people may object, I believe the health and welfare of our children outweigh any inconvenience to the adults," said Sen. R. Robert Geake, R-Northville, sponsor of SB 698.

"Children spend a large part of their day in schools and day care centers, so they are exposed in a captive environment if smoking is allowed," said Geake.

In K-12 schools, the board of education may allow adult smoking in lounges that are physically separated from non-smoking lounges.

IN DAY CARE, nursery and juvenile detention centers, smoking would be totally banned.

If it becomes law, the bill would cover both children and adults, both in the building and on school grounds within 100 feet of the building.

Private schools are unaffected. "They were in the original bill. But the private school people are purists about allowing in any state inspectors," he said.

The bill passed on a 24-12 Senate vote and goes to the House of Representatives. All Observer & Eccentric area senators supported it except George Z. Hart, D-Dearborn, who was temporarily out of the room. Hart supported Geake on an earlier amendment.

THE BILL was defeated May 12 but won a week later on reconsideration. The bill tightens the Clean Indoor Air Act.

Sen. Art Miller, D-Warren, minority leader, objected that "employees should have a say in working conditions." Miller said smoking lounges should be a negotiable working condition between school boards and employees' unions.

"The state is dictating beyond its authority," added Sen. Ed Fredricks, R-Holland.

But Geake replied, "No union representing food handlers can negotiate to exempt itself from the health laws."

"The unions are out of the picture because they've never been in the picture," agreed Sen. Jack Faxon, D-Farmington Hills.

Faxon, sponsor of the original Clean Indoor Air Act, called Geake's bill "a small step further in bringing cleaner air for non-smoking employees."

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