

agreeably. In other words, if, in fact, one party did not agree, well, obviously it is not going to work, but mediation and arbitration require both parties essentially agree that they want to do it this way, yes, that's the intent. We were attempting to provide...the original language was not very clear, informal methods of conference, conciliation, and persuasion is what it said, and I am not sure what that meant. We wanted to put in the two methods that we've talked about even previously in this session, mediation and arbitration. It would be the understanding and intent that arbitration would be utilized when the two parties agree to try to do it that way.

SENATOR BEUTLER: Okay, so the commission could not impose arbitration upon this?

SENATOR HOHENSTEIN: That's right.

SENATOR BEUTLER: And the result could be binding, but only if the two parties clearly agreed that it would be binding?

SENATOR HOHENSTEIN: That's right.

PRESIDENT MOUL: One minute.

SENATOR BEUTLER: Okay, and do you have any concerns about the constitutionality of arbitration?

SENATOR HOHENSTEIN: Well, I think we have a...yeah, I do, obviously, if you don't have that. I think we've got a...I think that may be something in anticipation of a constitutional amendment that we have to consider. If, in fact, that is not in effect, then maybe we don't have permissible arbitration. We wanted to put it in the statute now to permit that in case we do have the constitutional amendment that is forwarded this session and voted on and approved, so that we had it and they had the ability to allow for binding arbitration if agreed to by the parties.

SENATOR BEUTLER: Senator Abboud, maybe I'd ask you to respond to the two-year date, did you hear the question? I am not sure.

SENATOR ABOUD: No, I was trying to...

SENATOR BEUTLER: Yeah, on page 1652, I understand the paragraph in lines...the new language in lines 2, 3, and 4 came from you