

EHB 2068

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THE STATE SENATE
Monday, April 8, 2002

ENGROSSED
House Bill No. 2068
As Amended

ENGROSSED HOUSE BILL NO. 2068 - By: COVEY of the House and MUEGGE of the Senate.

[schools - Institute for Issue Management and Alternative Dispute Resolution - Seretean Wellness Center - codification - effective date - emergency]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3430 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The Board of Regents for the Oklahoma Agricultural and Mechanical Colleges is authorized to establish and promote an Institute for Issue Management and Alternative Dispute Resolution. It is the intent of the Legislature that the Institute be a part of the Seretean Wellness Center at Oklahoma State University.

B. The scope of services and activities provided by the Institute shall be limited to issue management and alternative dispute resolution services and activities for agriculture, rural living, agribusiness, environmental, natural resources, and rural business or industry issues. The Institute is authorized to deliver

1 issue management and alternative dispute resolution services and
2 related activities to individuals, organizations, local, state, and
3 federal government agencies, Native American Tribes, and others that
4 have an interest in or need for such services and activities. Issue
5 management and alternative dispute resolution services and related
6 activities may encompass, but are not limited to, collaborative
7 discussion, deliberation, issue management, conflict prevention,
8 dispute resolution, communication, training, and decision making.

9 C. The operation and activities of the Oklahoma Agriculture
10 Mediation Program (OAMP) shall be incorporated into the operation
11 and activities of the Institute. The Institute shall continue the
12 OAMP and the services and activities currently provided by the OAMP
13 and is authorized to further develop and enhance such services and
14 activities. All assets, authorities, certifications, and funding of
15 the OAMP shall be transferred to and incorporated into the
16 Institute.

17 D. It is the intent of the Legislature that the Institute be
18 authorized to:

19 1. Develop and secure appropriate service authority and funding
20 sources in order to design, develop, and conduct public training
21 activities and programs related to issue management, alternative
22 dispute resolution, and related activities. The Institute is
23 further authorized to conduct research, develop and deliver

1 communications services, and serve as a public clearinghouse for
2 alternative dispute resolution activities and services;

3 2. Provide a site located in the state where persons may come
4 to engage in and have access to issue management and alternative
5 dispute resolution services and activities. It is further the
6 intent of the Legislature that the Institute offer such access to
7 persons through educational research training, and teaching on
8 topics such as partnering, collaboration, early neutral assessment
9 and evaluation, facilitation, consensus building, consulting,
10 conciliation, mediation, and binding arbitration, which may be
11 provided by means of formal classroom education, seminars, or
12 workshops;

13 3. Provide and promote specialized training, classroom
14 education, and general public awareness in issue management and
15 alternative dispute resolution issues which may be offered for
16 continuing education credit, certification, degree program, or
17 university study purposes. It is further the intent of the
18 Legislature that the Institute be authorized to design, coordinate
19 and provide appropriate issue management and alternative dispute
20 resolution educational research and mentoring opportunities for
21 individuals, organizations, or agencies, either independently or in
22 collaboration with other educational entities;

1 4. Develop formal, written definitions, policies and procedures
2 for operation of the Institute, and documents and forms to be used
3 for all issue management and alternative dispute resolution services
4 and activities provided by the Institute and shall collaborate with
5 appropriate local, state, and federal entities and professional
6 organization in the development and implementation;

7 5. Have an advisory council comprised of a balanced cross
8 section and number of stakeholders and representatives which utilize
9 the issue management and alternative dispute resolution services and
10 activities of the Institute. The advisory council shall provide
11 advisory oversight for the operation and administration of the
12 Institute and shall assist and advise the Institute on the
13 establishment of policy and procedures, the creation and
14 implementation of defined terms, forms, and documents, establishment
15 and provision of fees, fee waivers, and other costs for services
16 provided by the Institute, management of complaints against the
17 Institute or its service providers, and compliance with appropriate
18 state and federal laws and regulations;

19 6. Collaborate with and make their issue management and
20 alternative dispute resolution services and activities accessible to
21 educational entities, including entities in other states or foreign
22 countries, appropriate nonprofit groups and organizations,
23 charitable foundations, and any other entity having an interest in

1 public education, engagement, and communication in issue management
2 and alternative dispute resolution issues, conflict prevention, and
3 peace studies;

4 7. Operate as a public sector provider of issue management and
5 alternative dispute resolution services and activities and to assess
6 and collect appropriate fees for the services and activities
7 provided. The advisory council authorized in this subsection shall
8 advise the Institute on the assessment and waiver of fees. The
9 Institute shall not refuse to provide issue management or
10 alternative dispute resolution services or activities to an
11 individual or entity due to the inability to pay for such services
12 or activities. The services and activities provided by the
13 Institute shall be provided either for a fee on a sliding scale
14 basis or for free or pro bono; and

15 8. Seek additional funding from other appropriate sources in
16 order to expand the issue management and alternative dispute
17 resolution services and activities of the Institute and to market
18 such services and activities. The Institute may seek funding from
19 local, state, and federal government entities, educational and
20 nonprofit foundations, Native American tribes, and other appropriate
21 sources. The Institute shall coordinate efforts to secure
22 additional funding with recommendations from the advisory council
23 for the Institute.

1 E. The Institute shall not displace or duplicate the
2 educational operations of the Oklahoma Cooperative Extension
3 Services or the community-based early settlement programs provided
4 through the Oklahoma Alternative Dispute Resolution System within
5 the services areas set forth in Rule 7 of the Rules and Procedures
6 for the Oklahoma Dispute Resolution Act.

7 F. As used in this section:

8 1. "Alternative dispute resolution" means any out-of-court
9 process or procedure that is used to prevent or resolve issues in
10 controversy by linking stakeholder interests and involvement in
11 processes of communication and decision making using a neutral
12 intercessor or team or neutrals. Alternative dispute resolution
13 processes shall include, but not be limited to, deliberation, early
14 neutral assessment, early neutral evaluation, conciliation, policy
15 dialogue, facilitation, mediation, fact-finding, minitrials,
16 arbitration, the use of ombuds, or any combination thereof; and

17 2. "Issue management" means selected approaches and strategies
18 in addressing issues of interest, engaging in the communication of
19 information, selecting alternative dispute resolution processes or
20 other decision-making methods, and otherwise communicating
21 information and engaging in pathways for the purpose of preventing
22 conflict, improving dynamics, understanding interests, and resolving
23 conflicts or misunderstanding on an issue.

1 SECTION 2. AMENDATORY 2 O.S. 2001, Section 2-30, is
2 amended to read as follows:

3 Section 2-30. A. The Oklahoma Agriculture Mediation Program
4 under the direction of the Institute for Issue Management and
5 Alternative Dispute Resolution established as provided for in
6 Section 1 of this act, is authorized to provide mediation services
7 pursuant to the Dispute Resolution Act for all types of agricultural
8 and rural living issues for which other state-authorized mediation
9 services are not available.

10 B. The State Department of Agriculture in cooperation with the
11 Institute for Issue Management and Alternative Dispute Resolution
12 and the Oklahoma Cooperative Extension Service is authorized and
13 directed to develop and implement a plan to increase public
14 awareness of the Oklahoma Agriculture Mediation Program. The plan
15 shall be designed to provide information about the program to
16 producers of agricultural products which might benefit from the
17 program as well as to agricultural lenders. The plan shall include
18 but not be limited to the following:

19 1. Providing informational literature to every county extension
20 office in the state;

21 2. Providing information about the program to agricultural
22 lenders in this state by any feasible means, including but not
23 limited to electronic media;

1 3. Securing such public service announcements from broadcast
2 media as is feasible;

3 4. Cooperating with and providing information to court
4 officials; and

5 5. Such other measures as may be calculated to develop a
6 greater awareness of the existence and benefits of the Oklahoma
7 Agriculture Mediation Program.

8 SECTION 3. This act shall become effective July 1, 2002.

9 SECTION 4. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-3-02 - DO
14 PASS, As Amended.