

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE BILL HB1507

By: Covey

AS INTRODUCED

An Act relating to agriculture mediation; amending 2 O.S. 2001, Section 2-30, as amended by Section 2, Chapter 60, O.S.L. 2002 (2 O.S. Supp. 2002, Section 2-30), which relates to mediation services; amending Section 1, Chapter 60, O.S.L. 2002 (70 O.S. Supp. 2002, Section 3430), which relates to Institute for Issue Management and Alternative Dispute Resolution; providing for public and private mediation services; and declaring an emergency.

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

SECTION 1. AMENDATORY 2 O.S. 2001, Section 2-30, as amended by Section 2, Chapter 60, O.S.L. 2002 (2 O.S. Supp. 2002, Section 2-30), is amended to read as follows:

Section 2-30. A. The Oklahoma Agriculture Mediation Program under the direction of the Institute for Issue Management and Alternative Dispute Resolution established as provided for in Section ~~4~~ 3430 of ~~this act~~ Title 70 of the Oklahoma Statutes, is authorized to provide mediation services pursuant to the Dispute Resolution Act for all types of agricultural and rural living issues ~~for which other state-authorized mediation services are not available.~~

B. The State Department of Agriculture in cooperation with the Institute for Issue Management and Alternative Dispute Resolution and the Oklahoma Cooperative Extension Service is authorized and directed to develop and implement a plan to increase public awareness of the Oklahoma Agriculture Mediation Program. The plan shall be designed to provide information about the program to producers of agricultural products which might benefit from the

program as well as to agricultural lenders. The plan shall include but not be limited to the following:

1. Providing informational literature to every county extension office in the state;
2. Providing information about the program to agricultural lenders in this state by any feasible means, including but not limited to electronic media;
3. Securing such public service announcements from broadcast media as is feasible;
4. Cooperating with and providing information to court officials; and
5. Such other measures as may be calculated to develop a greater awareness of the existence and benefits of the Oklahoma Agriculture Mediation Program.

SECTION 2. AMENDATORY Section 1, Chapter 60, O.S.L. 2002 (70 O.S. Supp. 2002, Section 3430), is amended to read as follows:

Section 3430. 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 issue management and alternative dispute resolution services and related activities to individuals, organizations, local, state, and federal government agencies, Native American tribes, and others that have an interest in or need for such services and activities. Issue management and alternative dispute resolution services and related

activities may encompass, but are not limited to, collaborative discussion, deliberation, issue management, conflict prevention, dispute resolution, communication, training, and decision making.

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

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

1. Develop and secure appropriate service authority and funding sources in order to design, develop, and conduct public training activities and programs related to issue management, alternative dispute resolution, and related activities. The Institute is further authorized to conduct research, develop and deliver communications services, and serve as a public clearinghouse for alternative dispute resolution activities and services;

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

3. Provide and promote specialized training, classroom education, and general public awareness in issue management and

alternative dispute resolution issues which may be offered for continuing education credit, certification, degree program, or university study purposes. It is further the intent of the Legislature that the Institute be authorized to design, coordinate and provide appropriate issue management and alternative dispute resolution educational research and mentoring opportunities for individuals, organizations, or agencies, either independently or in collaboration with other educational entities;

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

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

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

and alternative dispute resolution issues, conflict prevention, and peace studies;

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

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

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

F. As used in this section:

1. "Alternative dispute resolution" means any out-of-court process or procedure that is used to prevent or resolve issues in controversy by linking stakeholder interests and involvement in

processes of communication and decision making using a neutral intercessor or team or neutrals. Alternative dispute resolution processes shall include, but not be limited to, deliberation, early neutral assessment, early neutral evaluation, conciliation, policy dialogue, facilitation, mediation, fact-finding, minitrials, arbitration, the use of ombuds, or any combination thereof; and

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

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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