

ARTICLE 18.6-01

GENERAL ADMINISTRATION

Chapter

18.6-01-01	Organization of Board
18.6-01-02	Fees
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CHAPTER 18.6-01-01 ORGANIZATION OF BOARD

Section

18.6-01-01-01	Definitions
18.6-01-01-02	Organization of Credit Review Board

18.6-01-01-01. Definitions. For purposes of this article:

1. "Actual cost of the mediator" means fees associated with preparing and conducting mediation.
2. "Administrator" means the administrator of the North Dakota mediation service.
3. "Board" means the credit review board, or its authorized agent when applicable.
4. "Commissioner" means the North Dakota agriculture commissioner or the North Dakota agriculture commissioner's designee or representative.
5. "Mediation" means a process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute.
6. "Party" is a person who participates in mediation and whose agreement is necessary to resolve a dispute and who is:
 - a. A farmer, creditor of a farmer, or a person dealing with a farmer.
 - b. Eligible for mediation with an agency of the United States department of agriculture.
 - c. A landowner.
 - d. An owner, lessee, or lessor of mineral interests.
 - e. A person involved in a dispute related to easements for oil and gas-related pipelines and associated facilities.
7. "Mediator" means an individual who conducts mediation.
8. "Nonparty participant" means a person, other than a party or mediator that participates in mediation.

9. "Service" means the North Dakota mediation service.
10. "Staff" means a person or those persons hired by the commissioner to assist in administering the service or to assist the credit review board in its responsibilities and duties.

History: Effective XXXXXXX, 2016

General Authority: NDCC 6-09.10-09, 28-32-02.1

Law Implemented: NDCC 6-09.10-02.1, 6-09.10-03, 6-09.10-04

18.6-01-01-02. Organization of credit review board.

1. Board responsibilities and duties. The board has these responsibilities and duties:
 - a. Adopting policies governing mediators, and staff of the service, and the nature and scope of mediation.
 - b. Establishing fees for mediation.
 - c. Recommending policies and procedures to the industrial commission regarding Bank of North Dakota farm loan programs.
2. Commissioner responsibilities and duties. The commissioner has these responsibilities and duties:
 - a. Establishing and administering the service.
 - b. Hiring the administrator of the service.
 - c. Hiring staff or contracting with mediators.
3. Inquiries. Inquiries regarding the board or service may be addressed to the administrator:

Administrator
Credit Review Board
North Dakota Department of Agriculture
600 East Boulevard Avenue
Department 602
Bismarck, North Dakota 58505-0020
Telephone: 701-328-2231

History: Effective XXXXXXX, 2016

General Authority: NDCC 6-09.10-09, 28-32-02.1, 28-32-02.2

Law Implemented: NDCC 6-09.10-02.1, 6-09.10-03

CHAPTER 18.6-01-02

FEES

Section

18.6-01-02-01 Fees

18.6-01-02-01. Fees. The board shall establish fees to be paid by the parties using the service pursuant to North Dakota Century Code chapter 6-09.10. Parties to oil and gas production damage mediation conducted under North Dakota Century Code chapter 38-11.1 will be charged the actual cost of the mediator to the service.

History: Effective XXXXXXX, 2016

General Authority: NDCC 6-09.10-03, 6-09.10-09, 28-32-02.1

Law Implemented: NDCC 6-09.10-02.1, 6-09.10-03, 38-11.1-09.1

**CHAPTER 18.6-01-03
MEDIATION**

Section

- 18.6-01-03-01 Eligibility for Mediation
- 18.6-01-03-02 Mediation Process
- 18.6-01-03-03 Mediation Confidentiality

18.6-01-03-01. Eligibility for mediation. Any party who is eligible for assistance pursuant to North Dakota Century Code chapters 6-09.10 and 38-11.1 is eligible to request mediation.

History: Effective XXXXXXX, 2016

General Authority: NDCC 6-09.10-04, 6-09.10-09, 38-11.1-09.2, 28-32-02.1

Law Implemented: NDCC 6-09.10-02.1, 6-09.10-03, 6-09.10-04, 38-11.1-09.2

18.6-01-03-02 Mediation process.

1. A party may initiate mediation by submitting a request to the administrator.
2. The administrator shall notify the responding party of the request and attempt to obtain the responding party's signed consent for mediation to commence.
3. If a responding party refuses to consent, the administrator shall not commence mediation and give notice to the initiating party.
4. If a responding party consents to mediation, then each party shall provide the administrator a list of potential parties and nonparty participants.
5. After receiving consent from the responding party, the administrator may assign a mediator to conduct mediation. If a party requests assistance in preparing for mediation, the administrator may provide financial advisory and counseling services as reasonable and necessary to prepare parties for mediation.
6. The administrator shall send a notice to all parties and nonparty participants including the date, time and place for mediation.

History: Effective XXXXXXX, 2016

General Authority: NDCC 6-09.10-09, 28-32-02.1

Law Implemented: NDCC 6-09.10-02.1, 6-09.10-03, 6-09.10-04

18.6-01-03-03. Mediation confidentiality. All parties and nonparty participants shall agree to keep confidential the substance of all mediation discussions. The administrator, parties, or nonparty participants may disclose confidential information only as permitted by North Dakota Century Code section 6-09.10-10.

History: Effective XXXXXXX, 2016

General Authority: NDCC 6-09.10-09, 28-32-02.1

Law Implemented: NDCC 6-09.10-02.1, 6-09.10-03, 6-09.10-04, 6-09.10-10