

HOUSE BILL NO. 76

INTRODUCED BY K. DUDIK

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT OF AGRICULTURE TO PROVIDE ALTERNATE DISPUTE RESOLUTION SERVICES; GRANTING THE DEPARTMENT RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 3], the following definitions apply:

(1) "Alternate dispute resolution" means a dispute resolution process in which impartial and neutral third persons assist disputing parties in resolving their differences. Alternate dispute resolution may include but is not limited to arbitration, facilitation, structured negotiation, or classic mediation.

(2) "Department" means the department of agriculture provided for in 2-15-3001.

NEW SECTION. **Section 2. Alternate dispute resolution services.** (1) (a) The department may provide alternate dispute resolution services that meet the requirements of subsection (2).

(b) Services must be provided based on a written agreement between the department and the entities requesting services.

(2) (a) Except as provided in Title 80, chapter 5, part 6, the department may provide alternate dispute resolution services if agriculture forms a nexus of the dispute.

(b) On a case-by-case basis, the department may provide alternate dispute services if agriculture does not form the nexus of the dispute.

(3) The department may provide alternate dispute resolution training.

NEW SECTION. **Section 3. Rulemaking.** The department shall adopt rules for the purposes of implementing [sections 1 and 2]. The rules must include but are not limited to:

(1) the procedures to be used by an entity requesting the department provide alternate dispute resolution



1 services;

2 (2) fees, if any, to be charged for the department's services;

3 (3) notification procedures related to alternate dispute resolution services; and

4 (4) protocols and standards used by the department for training individuals who provide alternate dispute
5 resolution services.

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7 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 through 3] are intended to be codified
8 as an integral part of Title 80, and the provisions of Title 80 apply to [sections 1 through 3].

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10 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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