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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 765

02/21/2013 Authored by Laine; Ward, J.E.; Loeffler; Bernardy; Gunther and others

The bill was read for the first time and referred to the Committee on Government Operations

03/06/2013 Adoption of Report: Pass and re-referred to the Committee on Jobs and Economic Development Finance and Policy

1.1 A bill for an act
1.2 relating to state government; creating an Office of Collaboration and Dispute
1.3 Resolution in the Bureau of Mediation Services; appropriating money; proposing
1.4 coding for new law in Minnesota Statutes, chapter 179.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [179.90] OFFICE OF COLLABORATION AND DISPUTE
1.7 RESOLUTION.

1.8 Subdivision 1. Policy. In a complex society, a compelling need exists for peaceful,
1.9 efficient, and lasting resolution to conflicts. Mediation expands access to justice,
1.10 strengthens communities, and saves taxpayer dollars. When two or more persons cannot
1.11 settle a dispute directly between themselves, the disputants should be encouraged and
1.12 assisted to resolve their dispute with the assistance of a trusted and competent third-party
1.13 mediator, whenever possible, rather than the dispute resulting in litigation or being
1.14 referred to law enforcement or another government entity. Therefore, public agencies
1.15 are encouraged to:

- 1.16 (1) deploy mediation for intergovernmental disputes;
- 1.17 (2) utilize community mediation in support of statewide and community objectives;
- 1.18 and
- 1.19 (3) foster the development or expansion of integrated, flexible, and diverse
- 1.20 community, judicial, and state agency dispute resolution programs.

1.21 This chapter is enacted in furtherance of this policy.

1.22 Subd. 2. Establishment of office. The commissioner of mediation services shall
1.23 establish an Office of Collaboration and Dispute Resolution within the bureau. The office
1.24 must:

2.1 (1) promote the broad use of mediation in the state, ensuring that all areas of the
2.2 state have access to services by providing grants to private nonprofits or entities that
2.3 assist in resolution of disputes;

2.4 (2) assist state agencies, offices of the executive, legislative, and judicial branches,
2.5 and units of local government in improving collaboration and dispute resolution;

2.6 (3) support collaboration and dispute resolution in the public and private sector by
2.7 providing technical assistance and information on best practices, by ensuring mediation
2.8 quality through oversight and evaluation through performance-based standards, and by
2.9 reporting on statewide collaboration and dispute resolution outcomes;

2.10 (4) educate the public and governmental entities on mediation options: and

2.11 (5) promote and utilize collaborative dispute resolution models and processes based
2.12 on documented best practices including, but not limited to, the Minnesota Solutions model:

2.13 (i) establishing criteria and procedures for identification and assessment of dispute
2.14 resolution projects;

2.15 (ii) designating projects and appointing impartial convenors by the commissioner
2.16 or the commissioner's designee;

2.17 (iii) forming multidisciplinary conflict resolution teams; and

2.18 (iv) utilizing collaborative techniques, processes, and standards through facilitated
2.19 meetings until consensus among parties is reached in resolving a dispute.

2.20 **Sec. 2. [179.91] GRANTS.**

2.21 Subdivision 1. **Authority.** The commissioner of mediation services, through the
2.22 office, must make grants to private nonprofit entities that assist in resolution of disputes.
2.23 The commissioner shall establish a grant review committee to assist the commissioner in
2.24 review of grant applications under this section.

2.25 Subd. 2. **Eligibility.** To be eligible for a grant under this section, a nonprofit
2.26 organization must meet the requirements of section 494.05, subdivision 1, clauses (1),
2.27 (2), (4), and (5). The commissioner may make a grant to a nonprofit organization only if
2.28 the organization demonstrates that at least one-half of its annual budget will be derived
2.29 from sources other than the state, unless the commissioner determines that a larger grant is
2.30 appropriate for a nonprofit organization that has been in existence less than three years.

2.31 Subd. 3. **Contents of agreements.** A grant agreement may include
2.32 performance-based standards that apply to a specified percentage of the potential grant
2.33 amount. A grant may include a requirement for a matching contribution from a nonstate
2.34 source.

3.1 Subd. 4. **Conditions and exclusions.** A nonprofit entity receiving a grant must,
3.2 as a condition of the grant, agree to comply with guidelines adopted by the state court
3.3 administrator under section 494.015, subdivision 1, and with other conditions the
3.4 commissioner may impose. Sections 16B.97 and 16B.98 and policies adopted under those
3.5 sections apply to grants under this section. The exclusions in section 494.03 apply to
3.6 grants under this section.

3.7 Subd. 5. **Reporting.** Grantees must report data required under chapter 494 and
3.8 additional information required by the commissioner to evaluate quality and outcomes.

3.9 Sec. 3. **[179.92] OTHER APPLICABLE LAWS.**

3.10 Section 494.02 applies to confidentiality of communications for dispute resolution
3.11 under this chapter. Sections 572.31 to 572.41 apply to dispute resolution under this chapter.

3.12 Sec. 4. **APPROPRIATION.**

3.13 \$750,000 is appropriated in fiscal year 2014 from the general fund to the
3.14 commissioner of mediation services for the biennium ending June 30, 2015, for the Office
3.15 of Collaboration and Dispute Resolution. Of this amount, at least 70 percent is for grants
3.16 under section 179.91.