

**1400.2450 MEDIATION.**

Subpart 1. **Request.** An agency may ask the chief judge to assign a judge to be a neutral party assisting in mediating or negotiating a resolution to disputes relating to proposed rules. The chief judge must assign a judge and notify the agency of the assignment within ten days after receiving the agency's written request.

Subp. 2. **Scheduling and notice.** The assigned judge must contact the agency to establish a date, time, and place for the first mediation session and to assist the agency in giving notice of the mediation. The agency must give notice of the mediation by publishing a notice in the State Register at least 15 days before the session and by mailing the notice to all persons registered with the agency to receive rulemaking notices.

Subp. 3. **Conduct of judge.** The judge assigned must not communicate, either directly or indirectly, about any facts or issues in the mediation with any person not participating in the mediation unless authorized to do so by all persons involved in the mediation.

Subp. 4. **Procedures and guidelines.** Procedures and guidelines for the mediation sessions must be established at the first session by agreement of all participants.

Subp. 5. **Subsequent sessions.** If additional mediation sessions are needed, the date, time, and place must be determined by agreement of the participants or by the judge if the participants do not agree. The judge must give notice of future sessions orally to the participants present and by mail to any persons who have indicated a desire to participate but who are not present.

Subp. 6. **Termination.** The mediation terminates either when the agency decides to terminate it or when the agency and the participants sign an agreement resolving the disputed issues.

Subp. 7. **Involvement of mediation judge in subsequent proceedings.** The mediation judge shall not be assigned to any subsequent rule hearing or review that involves the rule that was the subject of the mediation.

Subp. 8. **Compliance with other requirements.** The agency must comply with all requirements of law or rule in subsequently adopting a rule on which agreement was reached through mediation under this part.

**Statutory Authority:** *MS s 14.386; 14.388; 14.51; 15.474*

**History:** *20 SR 2058; 26 SR 391*

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