

NEBRASKA ADMINISTRATIVE CODE

TITLE 19 NEBRASKA ADMINISTRATIVE CODE CHAPTER 2  
NEBRASKA DEPARTMENT OF AGRICULTURE  
FARM MEDIATION REGULATIONS

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TITLE 19 - DEPARTMENT OF AGRICULTURE

CHAPTER 2 - FARM MEDIATION REGULATIONS

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## NEBRASKA ADMINISTRATIVE CODE

### TITLE 19 - DEPARTMENT OF AGRICULTURE

#### CHAPTER 2 - FARM MEDIATION REGULATIONS

001 Statement of Purpose. The purpose of these regulations is to aid in administering the Farm Mediation Act, Neb. Rev. Stat. §§2-4801 to 2-4815.

002 Administration. The Farm Mediation Act and these regulations shall be administered by the Department of Agriculture, located in the State Office Building, Fourth Floor, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is: P.O. Box 94947, Lincoln, Nebraska 68509-4947. The telephone number is: (402) 471-3348.

003 Definitions. In addition to the terms listed below, the definition of terms found in the Farm Mediation Act shall apply to such terms when found in these regulations.

003.01 ACT shall mean the Farm Mediation Act.

003.02 ADMINISTRATOR shall mean the Department of Agriculture.

003.03 PARTY or PARTIES shall mean all eligible mediation participants as set forth in §2-4808 of the Act.

#### 004 Mediation

004.01 A request for mediation shall be submitted in writing on a form provided by the administrator. The request form shall be signed by the party requesting mediation and shall include the names, addresses, and telephone numbers of the parties who are being requested to mediate. The request may be made by any party.

004.02 Notice of the request for mediation shall be sent to all parties listed on the request and shall include a consent to mediate. The party requesting mediation shall be notified of the other parties' intention to participate in mediation.

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004.03 No written agreement set forth in §2-4811 of the Act shall become final until all parties have had the opportunity to have the agreement reviewed unless all of the parties waive, in writing, the review period.

004.04 Each party participating in mediation shall be charged the hourly rate set by the contract established between the administrator and the farm mediation service per hour for the actual time spent in mediation meetings. In cases of extreme financial hardship, such fee may be waived in whole or in part. The fee shall be collected by the farm mediation service as set forth in §2-4806 of the Act.

004.05 Any party to mediation may request a substitution of the mediator. The request shall be made, in writing, to the administrator and shall specify the reason for the request. The administrator may order a substitution if it determines that a conflict of interest exists or that there are reasonable grounds to believe that a mediator cannot act fairly and impartially in the matter. The substitution shall be issued in writing and delivered to all parties participating in mediation.

004.06 All mediation meetings shall be confidential with only the mediator, the parties consenting to mediate, and their representatives or advisors present. Other persons may be present at such a meeting only upon the express consent of all participating parties. All persons present at the mediation meeting shall sign a statement agreeing to abide by the confidentiality requirements.

005 Mediators.

005.01 The administrator shall require at least 30 hours of training on the mediation process and mediation skills. Upon approval by the administrator, past experience or training may be substituted for all or part of this requirement. Additional update training shall be required.

005.02 The administrator shall retain the authority to review the qualifications and performance of any mediator.

005.03 No mediator acting under this act shall:

005.03A Provide legal or financial advice to the parties in mediation; except that a mediator may refer a party to alternative sources of professional consultation or assistance. A mediator may not solicit or accept any payment or thing of value, either directly or indirectly, in return for making a referral; or

005.03B Disclose any information or records obtained in connection with the mediation except upon written agreement with the parties.

005.04 At the mediation meeting the mediator shall explain to the parties the process and goals of mediation, the rules of conduct for all persons at the mediation meeting, and that the mediator is neutral in the proceeding. The mediator shall inform the parties of any perceived or potential conflict of interest or bias he or she may have.

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006 Status of Contractors. Persons under contract to provide services set forth in §2-4804 of the Act are not state agencies for any purpose by virtue of such contract, and their employees or subcontractors shall not be considered employees of the state for any such purpose.

007 Annotation. Neb. Rev. Stat. §§2-4801 to 2-4815.