

State of Wisconsin



1997 Assembly Bill 392

Date of enactment: **June 9, 1998**
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1997 WISCONSIN ACT 264

AN ACT to *renumber and amend* 93.51; to *amend* 20.115 (4) (d), 93.50 (1) (d), 93.50 (2) (a), 93.50 (2) (am) and 93.50 (3) (f); to *repeal and recreate* 93.51 (1), (2) (title) and (c) and (3); and to *create* 93.52 and 904.15 of the statutes; relating to: the farm mediation and arbitration program, the farmer assistance program, exit from and entry into the dairy industry and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.115 (4) (d) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

20.115 (4) (d) *Farmer tuition assistance grants.* Biennially, the amounts in the schedule for farmer tuition assistance grants under s. 93.51 (2) (b).

SECTION 2. 93.50 (1) (d) of the statutes is amended to read:

93.50 (1) (d) "Farmer" means a farmer, as defined in s. 102.04 (3), who owns or leases a total of 60 acres or more of land that is agricultural property and whose gross sales of farm products for the preceding year equaled \$20,000 or more or exceeded the product of 2.088 multiplied by the federal minimum hourly wage under 29 USC 206 (a) 1., except that the department may waive the gross sales requirement if the department determines that extraordinary personal circumstances warrant waiver.

SECTION 3. 93.50 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

93.50 (2) (a) *Selection of mediators.* The department shall select as mediators who are residents of this state, persons who have the character and ability to serve as mediators and who have knowledge of financial or agricultural matters or of mediation processes. The department

shall ensure that each mediator receives sufficient training in mediation processes, resolving conflicts, farm finance and management and the farm credit system and practices to enable the mediator credit and other subjects to develop or maintain the skills necessary to perform his or her functions under this section.

SECTION 4. 93.50 (2) (am) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

93.50 (2) (am) *Selection of arbitrators.* The department shall select as arbitrators who are residents of this state, persons who have the character and ability to serve as arbitrators and who have knowledge of financial or agricultural matters or of arbitration or other conflict resolution processes. The department shall ensure that each arbitrator receives sufficient may provide training in arbitration processes, resolving conflicts, farm finance and management and the farm credit system and practices to enable the arbitrator or agricultural issues as part of process of selecting arbitrators or to arbitrators selected by the department to enable arbitrators to maintain the skills necessary to perform his or her their functions under this section.

SECTION 5. 93.50 (3) (f) of the statutes is amended to read:

93.50 (3) (f) *Mediation.* The function of the mediator is to encourage a voluntary settlement among the parties.

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

The mediator may not compel a settlement. The mediator shall schedule meetings of the parties, direct the parties to prepare for the meetings, attempt to achieve a mediated resolution to the issues among the parties and, if the parties request, assist the parties in preparing a written agreement. All mediation meetings shall be held in this state and be conducted under the laws of this state.

SECTION 6. 93.51 of the statutes is renumbered 93.51 (2) (a) and amended to read:

93.51 (2) (a) The department may provide consultation and assistance to distressed farmers, which may include but is not limited to providing employment and retraining counseling for farmers needing employment other than farming, operating a program in which volunteers advise or counsel farmers about financial matters and other concerns and operating a crisis hotline for farmers. ~~In addition, the~~

(b) ~~The~~ department may make grants to low-income farmers for the purpose of paying all or part of the tuition for a farmer who enrolls in a course on farm and business management techniques offered by a technical college.

SECTION 7. 93.51 (1), (2) (title) and (c) and (3) of the statutes are created:

93.51 (1) DEFINITIONS. In this section:

(a) “Farmer” has the meaning given in s. 93.50 (1) (d).

(b) “Farming” has the meaning given in s. 102.04 (3).

(2) (title) ASSISTANCE PROGRAM. (c) The department may promulgate rules necessary to implement this section.

(3) ADVISORS. (a) The department may select volunteers to provide advice and counseling services to distressed farmers. Advisors shall have expertise and experience in relevant areas of knowledge.

(b) The department shall provide any necessary training to advisors.

(c) Advisors shall be compensated for travel and other necessary expenses in amounts approved by the department.

(d) Advisors and the department shall keep confidential all information obtained in the process of providing advice or counseling. Any such information contained in a record is not subject to the right of public inspection and copying under s. 19.35 (1). This paragraph does not apply to information relating to possible criminal misconduct.

SECTION 8. 93.52 of the statutes is created to read:

93.52 Dairy farmer exit–entry program. The department shall administer a program to assist in the transfer of farm operations from persons exiting the dairy industry to persons wishing to enter the industry, including assistance in negotiating the financial and legal aspects of farm transfers. The department shall keep confidential information obtained under the program. Any such information contained in a record is not subject to the right of public inspection and copying under s. 19.35 (1).

SECTION 9. 904.15 of the statutes is created to read:

904.15 Communication in farmer assistance programs. (1) Except as provided under sub. (2), no oral or written communication made in the course of providing or receiving advice or counseling under s. 93.51 or in providing or receiving assistance under s. 93.41 or 93.52 is admissible in evidence or subject to discovery or compulsory process in any judicial or administrative proceeding.

(2) (a) Subsection (1) does not apply to information relating to possible criminal conduct.

(b) Subsection (1) does not apply if the person receiving advice or counseling under s. 93.51 or assistance under s. 93.41 or 93.52 consents to admission or discovery of the communication.

(c) A court may admit evidence otherwise barred by this section if necessary to prevent a manifest injustice.