

1993 Assembly Bill 970

Date of enactment: April 8, 1994
Date of publication*: April 22, 1994

1993 WISCONSIN ACT 249

AN ACT to amend 93.50 (1) (a), 93.50 (2) (f), 93.50 (2m) (a) and (b), 93.50 (3) (a), 93.50 (3) (b) and (e) and 93.50 (4); and to create 93.50 (1) (f) and (g) and 93.50 (3) (am) of the statutes, relating to: subjects of farm mediation and arbitration and granting rule-making authority.

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

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

93.50 (1) (a) "Action" means a court action involving a dispute described in sub. (3) (am) 2 to 6 in which at least one party is a farmer or a court action by a creditor against a farmer for payment of a debt; to enforce or foreclose a security interest, lien or mortgage; or to repossess or declare a creditor's interest in real property. "Action" includes garnishment, replevin, execution of judgment, involuntary receivership and supplementary creditor's proceedings.

SECTION 2. 93.50 (1) (f) and (g) of the statutes are created to read:

93.50 (1) (f) "Livestock feeding contract" means an agreement between a farmer and another person under which one party cares for and feeds livestock owned by the other party.

(g) "Procurement contract" has the meaning given in s. 100.03 (1) (vm).

SECTION 3. 93.50 (2) (f) of the statutes is amended to read:

93.50 (2) (f) *Rule making.* The board may promulgate rules necessary to implement this section. The board may promulgate rules defining owners and creditors of agriculturally related businesses and permitting owners and creditors of such businesses to participate in mediation and arbitration subject to the same terms and conditions applicable to farmers and creditors under this sec-

tion. The board may promulgate a rule under sub. (3) (am) 6 specifying a kind of dispute as eligible for mediation only with the approval of the department.

SECTION 4. 93.50 (2m) (a) and (b) of the statutes are amended to read:

93.50 (2m) (a) During the pendency of any action brought by a creditor against a farmer, the court may, upon the written stipulation of all parties to the action that they wish to engage in mediation or arbitration under this section, enter an order suspending the action.

(b) A suspension order under par. (a) suspends all orders and proceedings ~~in the action~~ for the time period specified in the suspension order. In specifying the time period, the court shall exercise its discretion for the purpose of permitting the parties to engage in mediation or arbitration without prejudice to the rights of any person. The suspension order may include such other terms and conditions as the court may deem appropriate. The suspension order may be revoked upon motion of any person or upon motion of the court.

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

93.50 (3) (a) (title) *Participation in mediation.* A farmer or ~~creditor wishing a person having a dispute with a farmer who wishes~~ to resolve a dispute between them ~~involving the farmer's agricultural property and the creditor's claim affecting the agricultural property~~, either before an action has been initiated to which they are parties or after entry of a suspension order in an action to which they are parties under sub. (2m), may participate

1993 Assembly Bill 970

in mediation under this section in accordance with this subsection if the dispute is of a kind specified in par. (am).

SECTION 6. 93.50 (3) (am) of the statutes is created to read:

93.50 (3) (am) *Disputes that may be mediated.* The following kinds of disputes may be mediated under this section:

1. A dispute between a farmer and a creditor involving the farmer's agricultural property and the creditor's claim affecting the agricultural property.
2. A dispute over a procurement contract.
3. A dispute over a livestock feeding contract.
4. A dispute in which one party alleges that an action by, or condition of the property of, the other party is a nuisance.
5. A dispute involving air, water or soil contamination or other environmental issues.
6. A kind of dispute specified as eligible for mediation by the board by rule.
7. A dispute that is not specified under subs. 1 to 6 if all of the parties to the dispute request mediation of the dispute.

SECTION 7. 93.50 (3) (b) and (e) of the statutes are amended to read:

93.50 (3) (b) *Request for mediation; agreement to mediate.* To participate in mediation, the farmer ~~or creditor~~ or other party to a dispute described in par. (am) shall submit a request for mediation to the board on forms prepared by the board. The board may not proceed under this section until the farmer ~~and creditor~~ and the other party have submitted an agreement to mediate.

(e) *Selection of mediator.* If the board has obtained the agreement under par. (b), the farmer and ~~creditor~~ the other party may request the board to provide the names, mailing addresses and qualifications of up to 3 mediators

located in the geographical area in which the agricultural property or farmer is located. The parties shall select a mediator or, upon request of the parties, the board shall designate a mediator for the parties.

SECTION 8. 93.50 (4) of the statutes is amended to read:

93.50 (4) ARBITRATION PROCESS. (a) *Disputes for arbitration.* A party to a procurement contract that contains an agreement to submit contract disputes to arbitration wishing to resolve a dispute over the procurement contract or a farmer or creditor wishing to resolve a dispute between them involving the farmer's agricultural property and the creditor's interest in a mortgage, land contract, lien, security interest or judgment affecting the agricultural property, either before an action has been initiated to which they are parties or after entry of a suspension order in an action to which they are parties under sub. (2m), may participate in arbitration under this section in accordance with this subsection and subject to ch. 788.

(b) *Request for arbitration; agreement to arbitrate.* To participate in arbitration, the farmer and ~~creditor~~ other party under par. (a) shall submit a request for arbitration to the board on a form prepared by the board. After receipt of the request, if the parties wish to proceed to arbitration under this subsection, the board shall require the parties to enter into an agreement to binding arbitration on a form prepared by the board.

(e) *Selection of arbitrator.* After the board has obtained the agreement under par. (b), the farmer and the ~~creditor~~ other party may request the board to provide the names, mailing addresses and qualifications of up to 3 arbitrators located in the geographical area in which the agricultural property or farmer is located. The parties shall select an arbitrator or, upon request of the parties, the board shall designate an arbitrator for the parties.