

1987 Assembly Bill 362

Date of enactment: November 18, 1987

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## 1987 Wisconsin Act 80

AN ACT to repeal 93.50 (3) (d); to amend 93.50 (2) (e) and (3) (a) and (b) and 93.50 (3) (e) and (g) and (4) (e); and to repeal and recreate 93.50 (1) (c) of the statutes, relating to making various changes in the farm mediation and arbitration program.

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

SECTION 1. 93.50 (1) (c) of the statutes is repealed and recreated to read:

93.50 (1) (c) "Creditor" means any person who has a claim against agricultural property or against a farmer affecting the farmer's agricultural property, whether the claim is matured or unmatured, liquidated or unliquidated, secured or unsecured, fixed or contingent.

SECTION 2. 93.50 (2) (e) and (3) (a) and (b) of the statutes are amended to read:

93.50 (2) (e) *Exclusion from open records law.* All mediators and arbitrators shall keep confidential all information and records obtained in conducting mediation and arbitration. The board shall keep confidential all information and records that may serve to identify any party to mediation and arbitration under this section. Any information required to be kept confidential under this paragraph may be disclosed if the board and the parties agree to disclosure.

(3) (a) *Disputes for mediation.* 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 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 in mediation under this section in accordance with this subsection.

(b) *Request for mediation; agreement to mediate.* To participate in mediation, the farmer ~~and or~~ creditor ~~under par. (a)~~ shall submit a request for mediation, ~~together with an agreement to mediate,~~ to the board on forms prepared by the board. The board

may not proceed under this section until the farmer and creditor have submitted an agreement to mediate.

SECTION 3. 93.50 (3) (d) of the statutes is repealed.

SECTION 4. 93.50 (3) (e) and (g) and (4) (e) of the statutes are amended to read:

93.50 (3) (e) *Selection of mediator.* ~~After~~ If the board has obtained the agreement under par. (b) ~~or, if no action has been initiated, under pars. (b) and (d),~~ the farmer and creditor may request the board ~~shall~~ to provide the ~~farmer and creditor with~~ the names, mailing addresses and qualifications of 7 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.

(g) *Effect of mediation.* The parties may at any time withdraw from mediation. The parties have full responsibility for reaching and enforcing any agreement among them. After the expiration of the ~~60-day period under par. (d) or the time period specified in the suspension order under sub. (2m),~~ the parties may no longer participate in the mediation process regarding the same subject matter under this section unless the parties and the mediator agree to continue the mediation.

(4) (e) *Selection of arbitrator.* After the board has obtained the agreement under par. (b), the farmer and the creditor may request the board shall provide the ~~farmer and creditor with~~ the names, mailing addresses and qualifications of 7 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.