

STATE OF WISCONSIN

To Al

Date _____ Time 1:07

WHILE YOU WERE OUT

M S. Krug

of _____

Phone 6-5813

Telephoned	<input checked="" type="checkbox"/>	Please Call	<input checked="" type="checkbox"/>
Called to See You	<input type="checkbox"/>	Rush	<input type="checkbox"/>
Returned Your Call	<input type="checkbox"/>	Will Call Again	<input type="checkbox"/>

Message A
392



Party Receiving Call

Rep. Krug

- confidentiality for everything other than child abuse.
- what about domestic abuse or if they see drugs

1997 - 1998 LEGISLATURE

1997 ASSEMBLY BILL 392

May 27, 1997 - Introduced by Representatives Ott, Otte, Brandemuehl, Sykora, Ward, Hahn, Ainsworth, Powers and Owens, cosponsored by Senator Roessler. Referred to Committee on Agriculture.

Pg1Ln1 **An Act** to repeal 15.135 (5) and 93.50 (1) (b); to renumber and amend 93.51;
 Pg1Ln2 to amend 20.115 (9) (a), 93.50 (1) (d), 93.50 (2) (title), 93.50 (2) (a), 93.50 (2)
 Pg1Ln3 (am), 93.50 (2) (b), 93.50 (2) (d), 93.50 (2) (e), 93.50 (2) (f), 93.50 (3) (am) 6., 93.50
 Pg1Ln4 (3) (b), 93.50 (3) (e), 93.50 (3) (f), 93.50 (4) (b) and 93.50 (4) (e); to repeal and
 Pg1Ln5 recreate 93.51 (1), (2) (title) and (c) and (3); and to create 93.52 and 904.15 of
 Pg1Ln6 the statutes; relating to: the farm mediation and arbitration program,
 Pg1Ln7 eliminating the farm mediation and arbitration board, the farmer assistance
 Pg1Ln8 program, exit from and entry into the dairy industry, granting rule-making
 Pg1Ln9 authority and making an appropriation.

Analysis by the Legislative Reference Bureau
Farmer assistance program

AB392

Current law authorizes the department of agriculture, trade and consumer protection (DATCP) to administer a farmer assistance program to provide consultation and assistance to distressed farmers. The program may use volunteers to advise farmers about financial matters and other concerns. Current law does not establish eligibility requirements for participation in the farmer assistance program.

AB392

Under this bill, to receive assistance under the farmer assistance program, a farmer's gross sales of farm products for the preceding year must equal or exceed 2,088 times the federal minimum hourly wage. The bill requires DATCP to provide any necessary training to persons who DATCP accepts as volunteer advisors under the farmer assistance program and to compensate those persons for travel and other necessary expenses. The bill requires DATCP and volunteer advisors to keep confidential all information obtained in providing advice and counseling, except that the confidentiality requirement does not apply to reports of child abuse. ?

Farm mediation and arbitration program

AB392

Under current law, DATCP and the farm mediation and arbitration board

Business Information.

*Farm + Saw Plants
See POT*

Business

(board) administer the farm mediation and arbitration program. The board has rule-making authority and selects mediators and arbitrators. To be eligible to participate in the farm mediation and arbitration program a farmer must own or lease at least 60 acres of agricultural property and have gross sales of farm products of at least \$20,000 for the preceding year.

AB392

This bill eliminates the 60 acre requirement for eligibility to participate in the farm mediation and arbitration program and changes the minimum required value of gross sales of farm products to 2,088 times the federal minimum hourly wage. This bill eliminates the board and transfers the board's current responsibilities concerning the farm mediation and arbitration program, including rule-making, to DATCP.

Dairy farmer exit and entry

AB392

This bill requires DATCP to administer a program to assist in the transfer of farm operations from persons exiting the dairy industry to persons wishing to enter the industry. The bill requires DATCP to keep confidential information obtained under the program.

Admissibility of evidence

AB392

This bill provides that communication made in the course of providing assistance under the farmer assistance program, the dairy farmer exit and entry program or the stray voltage program is generally not admissible in evidence or subject to discovery or subpoena in any judicial or administrative proceeding.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

Pg2Ln1 AB392, s. 1
Section 1. 15.135 (5) of the statutes is repealed.

Pg2Ln2 AB392, s. 2
Section 2. 20.115 (9) (a) of the statutes is amended to read:

Pg2Ln3 AB392, s. 2 - continued
Pg2Ln4 20.115 (9) (a) General program operations. The amounts in the schedule for general program operations under ss. 93.50 ~~and~~, 93.51 and 93.52.

Pg3Ln1 AB392, s. 3
Section 3. 93.50 (1) (b) of the statutes is repealed.

AB392, s. 4

Pg3Ln2 **Section 4.** 93.50 (1) (d) of the statutes is amended to read:

AB392, s. 4 - continued

Pg3Ln3 93.50 (1) (d) "Farmer" means a farmer, as defined in s. 102.04 (3), who owns
Pg3Ln4 or leases ~~a total of 60 acres or more of~~ land that is agricultural property and whose
Pg3Ln5 gross sales of farm products for the preceding year equaled ~~\$20,000 or more or~~
Pg3Ln6 exceeded the product of 2,088 multiplied by the federal minimum hourly wage under
Pg3Ln7 29 USC 206 (a) 1.

AB392, s. 5

Pg3Ln8 **Section 5.** 93.50 (2) (title) of the statutes is amended to read:

AB392, s. 5 - continued

Pg3Ln9 93.50 (2) (title) ~~Board, mediators~~ Mediators And arbitrators.

AB392, s. 6

Pg3Ln10 **Section 6.** 93.50 (2) (a) of the statutes is amended to read:

AB392, s. 6 - continued

Pg3Ln11 93.50 (2) (a) Selection of mediators. The ~~board~~ department shall select as
Pg3Ln12 mediators ~~who are residents of this state, persons~~ who have the character and ability
Pg3Ln13 to serve as mediators and who have knowledge of financial or agricultural matters
Pg3Ln14 or of mediation processes. The ~~board~~ department shall ensure that each mediator
Pg3Ln15 receives sufficient training in mediation processes, resolving conflicts, farm ~~finance~~
Pg3Ln16 ~~and management and the farm credit system and practices to enable the mediator~~
Pg3Ln17 credit and other subjects to develop or maintain the skills necessary to perform his
Pg3Ln18 or her functions under this section.

AB392, s. 7

Pg3Ln19 **Section 7.** 93.50 (2) (am) of the statutes is amended to read:

AB392, s. 7 - continued

Pg3Ln20 93.50 (2) (am) Selection of arbitrators. The ~~board~~ department shall select as
Pg3Ln21 arbitrators ~~who are residents of this state, persons~~ who have the character and
Pg3Ln22 ability to serve as arbitrators and who have knowledge ~~of financial or agricultural~~
Pg3Ln23 ~~matters or of arbitration or other conflict resolution~~ processes. The ~~board~~ department shall
Pg3Ln24 ~~ensure that each arbitrator receives sufficient~~ department may provide training in
Pg3Ln25 arbitration processes, resolving conflicts, farm ~~finance and management and the~~
Pg4Ln1 ~~farm credit system and practices to enable the arbitrator~~ or agricultural issues as
Pg4Ln2 part of the process of selecting arbitrators or to arbitrators selected by the
Pg4Ln3 department to enable arbitrators to maintain the skills necessary to perform his or
Pg4Ln4 her their functions under this section.

AB392, s. 8

Pg4Ln5 **Section 8.** 93.50 (2) (b) of the statutes is amended to read:

Pg6Ln13 department to provide the names, mailing addresses and qualifications of up to 3
Pg6Ln14 arbitrators located in the geographical area in which the agricultural property or
Pg6Ln15 farmer is located. The parties shall select an arbitrator or, upon request of the
Pg6Ln16 parties, the ~~board~~ department shall designate an arbitrator for the parties.

AB392, s. 18

Pg6Ln17 **Section 18.** 93.51 of the statutes is renumbered 93.51 (2) (a) and amended to
Pg6Ln18 read:

AB392, s. 18 - continued

Pg6Ln19 93.51 (2) (a) The department may provide consultation and assistance to
Pg6Ln20 distressed farmers, which may include but is not limited to providing employment
Pg6Ln21 and retraining counseling for farmers needing employment other than farming,
Pg6Ln22 operating a program in which volunteers advise or counsel farmers about financial
Pg6Ln23 matters and other concerns and operating a crisis hotline for farmers. ~~In addition,~~
Pg6Ln24 ~~the~~

AB392, s. 18 - continued

Pg7Ln1 (b) The department may make grants to low-income farmers for the purpose
Pg7Ln2 of paying all or part of the tuition for a farmer who enrolls in a course on farm and
Pg7Ln3 business management techniques offered by a technical college.

AB392, s. 19

Pg7Ln4 **Section 19.** 93.51 (1), (2) (title) and (c) and (3) of the statutes are created:

AB392, s. 19 - continued

Pg7Ln5 93.51 (1) **Definitions.** In this section:

AB392, s. 19 - continued

Pg7Ln6 (a) "Farmer" has the meaning given in s. 93.50 (1) (d).

AB392, s. 19 - continued

Pg7Ln7 (b) "Farming" has the meaning given in s. 102.04 (3).

AB392, s. 19 - continued

Pg7Ln8 (2) (title) **Assistance program.** (c) The department may promulgate rules
Pg7Ln9 necessary to implement this section.

AB392, s. 19 - continued

Pg7Ln10 (3) **Advisors.** (a) The department may select volunteers to provide advice and
Pg7Ln11 counseling services to distressed farmers. Advisors shall have expertise and
Pg7Ln12 experience in relevant areas of knowledge.

AB392, s. 19 - continued

Pg7Ln13 (b) The department shall provide any necessary training to advisors, including
Pg7Ln14 training concerning the making of voluntary child abuse reports under s. 48.981 (2).

AB392, s. 13 - continued

Pg5Ln8 93.50 (3) (b) Request for mediation; agreement to mediate. To participate in
Pg5Ln9 mediation, the farmer or other party to a dispute described in par. (am) shall submit
Pg5Ln10 a request for mediation to the ~~board~~ department on forms prepared by the ~~board~~
Pg5Ln11 department. The ~~board~~ department may not proceed under this section until the
Pg5Ln12 farmer and the other party have submitted an agreement to mediate.

AB392, s. 14

Pg5Ln13 **Section 14.** 93.50 (3) (e) of the statutes is amended to read:

AB392, s. 14 - continued

Pg5Ln14 93.50 (3) (e) Selection of mediator. If the ~~board~~ department has obtained the
Pg5Ln15 agreement under par. (b), the farmer and the other party may request the ~~board~~
Pg5Ln16 department to provide the names, mailing addresses and qualifications of up to 3
Pg5Ln17 mediators located in the geographical area in which the agricultural property or
Pg5Ln18 farmer is located. The parties shall select a mediator or, upon request of the parties,
Pg5Ln19 the ~~board~~ department shall designate a mediator for the parties.

AB392, s. 15

Pg5Ln20 **Section 15.** 93.50 (3) (f) of the statutes is amended to read:

AB392, s. 15 - continued

Pg5Ln21 93.50 (3) (f) Mediation. The function of the mediator is to encourage a
Pg5Ln22 voluntary settlement among the parties. The mediator may not compel a settlement.
Pg5Ln23 The mediator shall schedule meetings of the parties, direct the parties to prepare for
Pg5Ln24 the meetings, attempt to achieve a mediated resolution to the issues among the
Pg5Ln25 parties and, if the parties request, assist the parties in preparing a written
Pg6Ln1 agreement. All mediation meetings shall be held in this state and be conducted
Pg6Ln2 under the laws of this state.

AB392, s. 16

Pg6Ln3 **Section 16.** 93.50 (4) (b) of the statutes is amended to read:

AB392, s. 16 - continued

Pg6Ln4 93.50 (4) (b) Request for arbitration; agreement to arbitrate. To participate in
Pg6Ln5 arbitration, the farmer and other party under par. (a) shall submit a request for
Pg6Ln6 arbitration to the ~~board~~ department on a form prepared by the ~~board~~ department.
Pg6Ln7 After receipt of the request, if the parties wish to proceed to arbitration under this
Pg6Ln8 subsection, the ~~board~~ department shall require the parties to enter into an
Pg6Ln9 agreement to binding arbitration on a form prepared by the ~~board~~ department.

AB392, s. 17

Pg6Ln10 **Section 17.** 93.50 (4) (e) of the statutes is amended to read:

AB392, s. 17 - continued

Pg6Ln11 93.50 (4) (e) Selection of arbitrator. After the ~~board~~ department has obtained
Pg6Ln12 the agreement under par. (b), the farmer and the other party may request the ~~board~~

Pg6Ln13 department to provide the names, mailing addresses and qualifications of up to 3
Pg6Ln14 arbitrators located in the geographical area in which the agricultural property or
Pg6Ln15 farmer is located. The parties shall select an arbitrator or, upon request of the
Pg6Ln16 parties, the ~~board~~ department shall designate an arbitrator for the parties.

AB392, s. 18

Pg6Ln17 **Section 18.** 93.51 of the statutes is renumbered 93.51 (2) (a) and amended to
Pg6Ln18 read:

AB392, s. 18 - continued

Pg6Ln19 93.51 (2) (a) The department may provide consultation and assistance to
Pg6Ln20 distressed farmers, which may include but is not limited to providing employment
Pg6Ln21 and retraining counseling for farmers needing employment other than farming,
Pg6Ln22 operating a program in which volunteers advise or counsel farmers about financial
Pg6Ln23 matters and other concerns and operating a crisis hotline for farmers. ~~In addition,~~
Pg6Ln24 ~~the~~

AB392, s. 18 - continued

Pg7Ln1 (b) The department may make grants to low-income farmers for the purpose
Pg7Ln2 of paying all or part of the tuition for a farmer who enrolls in a course on farm and
Pg7Ln3 business management techniques offered by a technical college.

AB392, s. 19

Pg7Ln4 **Section 19.** 93.51 (1), (2) (title) and (c) and (3) of the statutes are created:

AB392, s. 19 - continued

Pg7Ln5 93.51 (1) **Definitions.** In this section:

AB392, s. 19 - continued

Pg7Ln6 (a) "Farmer" has the meaning given in s. 93.50 (1) (d).

AB392, s. 19 - continued

Pg7Ln7 (b) "Farming" has the meaning given in s. 102.04 (3).

AB392, s. 19 - continued

Pg7Ln8 (2) (title) **Assistance program.** (c) The department may promulgate rules
Pg7Ln9 necessary to implement this section.

AB392, s. 19 - continued

Pg7Ln10 (3) **Advisors.** (a) The department may select volunteers to provide advice and
Pg7Ln11 counseling services to distressed farmers. Advisors shall have expertise and
Pg7Ln12 experience in relevant areas of knowledge.

AB392, s. 19 - continued

Pg7Ln13 (b) The department shall provide any necessary training to advisors, including
Pg7Ln14 training concerning the making of voluntary child abuse reports under s. 48.981 (2).

AB392, s. 19 - continued

Pg7Ln15 (c) Advisors shall be compensated for travel and other necessary expenses in
Pg7Ln16 amounts approved by the department.

AB392, s. 19 - continued

Pg7Ln17 (d) Advisors and the department shall keep confidential all information
Pg7Ln18 obtained in the process of providing advice or counseling. Any such information
Pg7Ln19 contained in a record is not subject to the right of public inspection and copying under
Pg7Ln20 s. 19.35 (1). This paragraph does not apply to reports of child abuse under s. 48.981
Pg7Ln21 (2).

AB392, s. 20

Pg7Ln22 **Section 20.** 93.52 of the statutes is created to read:

AB392, s. 20 - continued

Pg7Ln23 93.52 Dairy farmer exit-entry program. The department shall administer
Pg7Ln24 a program to assist in the transfer of farm operations from persons exiting the dairy
Pg7Ln25 industry to persons wishing to enter the industry, including assistance in negotiating
Pg8Ln1 the financial and legal aspects of farm transfers. The department shall keep
Pg8Ln2 confidential information obtained under the program. Any such information
Pg8Ln3 contained in a record is not subject to the right of public inspection and copying under
Pg8Ln4 s. 19.35 (1).

AB392, s. 21

Pg8Ln5 **Section 21.** 904.15 of the statutes is created to read:

AB392, s. 21 - continued

Pg8Ln6 904.15 Communication in farmer assistance programs. (1) Except as
Pg8Ln7 provided under sub. (2), no oral or written communication made in the course of
Pg8Ln8 providing or receiving advice or counseling under s. 93.51 or in providing or receiving
Pg8Ln9 assistance under s. 93.41 or 93.52 is admissible in evidence or subject to discovery
Pg8Ln10 or compulsory process in any judicial or administrative proceeding.

AB392, s. 21 - continued

Pg8Ln11 (2) (a) Subsection (1) does not apply to reports of child abuse made under s.
Pg8Ln12 48.981 (2).

AB392, s. 21 - continued

Pg8Ln13 (b) Subsection (1) does not apply if the person receiving advice or counseling
Pg8Ln14 under s. 93.51 or assistance under s. 93.41 or 93.52 consents to admission or
Pg8Ln15 discovery of the communication.

AB392, s. 21 - continued

Pg8Ln16 (c) A court may admit evidence otherwise barred by this section if necessary
Pg8Ln17 to prevent a manifest injustice.

AB392, s. 22

Pg8Ln18

Section 22. Nonstatutory provisions.

AB392, s. 22 - continued

Pg8Ln19

(1) **Farm mediation and arbitration board.**

AB392, s. 22 - continued

Pg8Ln20

Pg8Ln21

Pg8Ln22

Pg8Ln23

(a) Rules. All rules promulgated by the farm mediation and arbitration board that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the department of agriculture, trade and consumer protection.

AB392, s. 22 - continued

Pg8Ln24

Pg8Ln25

Pg9Ln1

Pg9Ln2

Pg9Ln3

Pg9Ln4

Pg9Ln5

(b) Pending matters. Any matter pending with the farm mediation and arbitration board on the effective date of this paragraph is transferred to the department of agriculture, trade and consumer protection and all materials submitted to or actions taken by the farm mediation and arbitration board with respect to the pending matter are considered as having been submitted to or taken by the department of agriculture, trade and consumer protection.

(End)

confidentiality

- Why was child abuse included

= maybe say possible criminal conduct

• other confidentiality statutes

included this child abuse

exclusion

farmland
preservation ~~notes~~
qualifications

How do the new
eligibility requirements
affect farmer in bankruptcy
less land

2,088 x hourly wage

Chairman:
Agriculture Committee



Member:
Environment & Utilities
Government Operations
Natural Resources
Rural Affairs

Al Ott

State Representative • 3rd Assembly District

Reps

Otte

Brandemuhl

Sykora

Ward

Senators

~~Boehner~~

Roessler

To: All Legislators

From: Representative Al Ott

Date: April 22, 1997

Re: LRB-2767/2

I am introducing LRB 2767/2 relating to several programs administered by the Department of Agriculture, Trade and Consumer Protection (DATCP).

LRB 2767/2 addresses the eligibility requirements for participation in the Farmer Assistance Program and the Farm Mediation and Arbitration Program, the administration of a dairy farmer entry and exit program by DATCP, admissibility into evidence communications made in the course of providing assistance under these and other programs and confidentiality requirements regarding information obtained in the course of providing assistance under these programs.

The draft also eliminates the Farm Mediation and Arbitration Board. This action was recommended by DATCP during the course of Lieutenant Governor McCallum's review of state boards.

For further information on the bill, please refer to the attached LRB analysis. If you would like to cosponsor LRB 2767/2, please call my office at 266-5831 by May 9, 1997.

Support Services

You can get help to purchase items that are necessary for your work performance. You may also get assistance to pay for gasoline, child care, clothing or other essentials necessary for your employment.

Changing directions can be both exciting and unsettling. Whether you are adding off-farm income to your farm operation, starting a new small business or looking for off-farm employment, you can make the transition successfully, and the outreach specialists with **FUTURE FIELDS** can help. We can work with you to:

- figure out what career you want,
- get the training you need,
- land a job, and
- learn tips for adjusting to the changes you and your family may be experiencing.

FUTURE FIELDS

Opportunities, Options & Careers for Farmers is a collaborative effort of the Southwestern WI Private Industry Council, the Western and West Central WI Private Industry Councils, and the Wisconsin Farm Center of the WI Department of Agriculture, Trade and Consumer Protection.

The Department of Workforce Development does not discriminate on the basis of disability in the provision of services or in employment. If you need this printed material interpreted, or in a different form, or if you need assistance in using this service please contact us. Deaf, hearing, or speech impaired callers may reach us through WIRTS.

*Funds for this brochure were provided through
the Job Training Partnership Act*

For information about eligibility guidelines and the **FUTURE FIELDS** outreach specialist nearest you, contact:

1-800-942-2474

Kathy Schmitt

Wisconsin Farm Center

WDATCP

2811 Agriculture Drive

PO Box 8911

Madison, Wisconsin 53708-8911

Outreach Specialists include:

Deb Reinhart

N3287 Mill Rd S

New Holstein, WI 53061

414-366-8929

Richard "Dick" Braun

E3323 Hwy 58

LaValle, WI 53941

608-985-7571

Bev Loy

662 Hwy 151 East

Lower Level

Platteville, WI 53818

608-348-5627

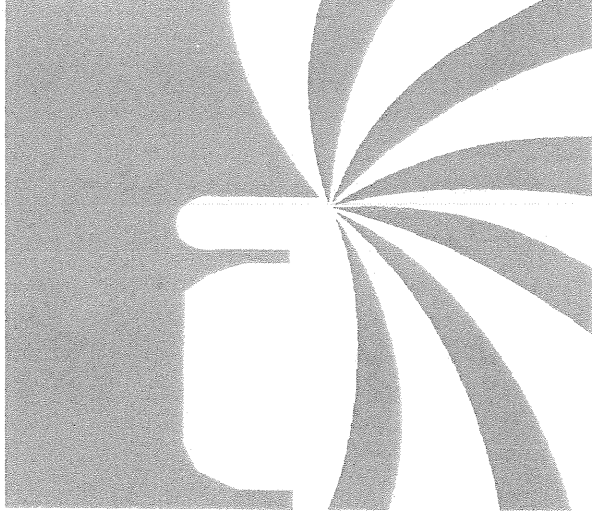
Dave Hansen

402 N. 8th St

La Crosse, WI 54602

800-742-5627

FUTURE FIELDS: *Opportunities, Options & Careers for Farmers*



For farmers seeking off farm employment to:

- supplement farm income
- replace farm income

ARE YOU LOOKING FOR:

- ✓ Off the farm employment to supplement farm income?
- ✓ Off the farm employment to replace farm income?
- ✓ Help with job seeking or job keeping skills?
- ✓ Help with training to update work skills?
- ✓ On-the-job training to gain or update skills?
- ✓ Help with career choices and changes?

FUTURE FIELDS can help!

Help With Career Choices And Changes

Sometimes it's hard to know where to start. You've been farming so long...how do you begin to figure out what to do next?

We can help you explore your skills and career options. The transition to off-farm employment for one or more family

members can be difficult. We can talk to you and your family about the changes that might be ahead and help you look at your long and short term goals. Together, we can help you find strategies to achieve your goals.

Help With Training To Update Skills

Updating skills or learning new skills can improve your prospects for a good paying job. If you enroll in **FUTURE FIELDS** and decide that you want or need some classroom training to strengthen your skills or learn new skills, you may be able to get financial assistance toward the cost of the classes. Training can take place at a technical college, private trade school, or other career institution.

Information On Self-employment

You may be considering a small business to supplement or replace farm income. We can help you explore this option, get information about financial planning and business start-up hints.

On-The-Job-Training

Perhaps school isn't for you and there is an opportunity for you to learn new skills on-the-job. You may be able to work with an employer who would agree to train you. The employer can enter into a contractual agreement between you and the Private Industry Council in which the employer agrees to train you for a position in the company and pay you the wages and benefits that any other starting employee may receive. The employer would be reimbursed for up to 50% of the training costs during the agreed upon training period.

Help With Job Seeking Or Job Keeping Skills

It may have been years since you worked off the farm, or maybe this will be your first time. We can help you learn how to find job leads, fill out applications, talk to employers about your skills, and other techniques of job hunting.

We can talk to you about what employers expect from employees, what basic skills you need, and other tips to help you keep your new job.

Vote Record

Assembly Committee on Agriculture

Date: 10/16/97
 Moved by: Ward Seconded by: Plouff
 AB: 392 Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ SR: _____
 A: _____ Other: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. Alvin Ott, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Sykora	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John Ainsworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Clifford Otte	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Zukowski	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Rick Skindrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Barbara Gronemus	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Marty Reynolds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Springer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Dueholm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John Steinbrink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Joe Plouff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	12	0	2	_____

Motion Carried Motion Failed

Chairman:
Agriculture Committee



Member:
Environment & Utilities
Government Operations
Natural Resources
Rural Affairs

Al Ott

State Representative • 3rd Assembly District

Rep. Hahn

~~Rep. Hahn~~

To: All Legislators

Rep. Linsworth

From: Representative Al Ott

Rep Powers

Date: April 22, 1997

Repowers

Re: LRB-2767/2

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MEMORANDUM

STATE OF WISCONSIN

Department of Agriculture, Trade and Consumer Protection

Date: April 10, 1997

To: Jeanne Meier
Ruth Heike

From: Jo Prust

Re: Proposed legislation - memo to Al Ott's office

In reviewing the 1997 Bill draft sent to Jeanne Meier on April 4th, the following comments are being forwarded to your office:

1) Regarding the use of the term volunteers in the first paragraph on page two, it may be wise to add language to clarify that training and compensation for travel and other necessary expenses is provided only to those individuals who have been accepted by the program as volunteers.

2) Section 6. 93.50 (2) (a) of the statutes:

The wording of the last sentence should be changed to cover issues other than credit. The language could be changed as follows:

The department shall ensure that each mediator receives sufficient training in mediation processes, conflict resolution, farm credit, and other topics to develop or maintain the skills necessary to perform their functions under this section."

3) Section 7. 93.50 (2) (am) of the statutes:

I believe the following type of language would be more beneficial to the department:

The department shall select as arbitrators persons who have the character and ability to serve as arbitrators and who have knowledge and experience in arbitration or conflict resolution processes. The department may provide training in arbitration and conflict resolution processes or agricultural issues as part of the arbitrator selection process or to arbitrators to maintain the skills necessary to perform their functions under this section.

Proposed language



State of Wisconsin
Tommy G. Thompson, Governor

Department of Agriculture, Trade and Consumer Protection

Alan T. Tracy, Secretary

2811 Agriculture Drive
Madison, Wisconsin 53704-6777

PO Box 8911
Madison, WI 53708-8911

Telefax Cover Sheet

Date: 4-11-97
To: Kim @ Al Ott's Off
From: Jeanne Meier
Wisconsin Farm Center
1-800-942-2474 or 608-224-5051 FAX 608-224-5111
SUBJECT: Bill changes



1 Pages to Follow

Message:

Chairman:
Agriculture Committee



Member:
Environment & Utilities
Government Operations
Natural Resources
Rural Affairs

Al Ott

State Representative • 3rd Assembly District

FAX COVER SHEET

TO: Jeanne Meier FAX NUMBER: 224-5034

FROM: *State Representative Al Ott*

DATE: April 4th, 1997

Number of pages attached including cover sheet 11

****If all pages are not received or are illegible, please call (608) 266-5831**

Message: Here is the draft Jeanne - I'll look forward
to talking to you again soon re: this draft, utilization
of farm programs, etc. Also, please send me the fact
sheets re: the Aggie Bond program.

Thanks!

Kim Markham

Sent 3-4-97

To: Jeanne Meier
Ruth Helke

From: Jo Prust

Re: Proposed legislation (Copy of Draft, Drafters note from March, 1996 and Representative Ott's letter of March 28, 1996 are attached)

Date: February 7, 1997

Kim -
The hand
notes are
mine
Jeanne Meier
3-3-97

I have the following concerns about the legislation as drafted last year:

1) I know that the provisions with regard to the selection of arbitrators is not a new one, however, given the language "...shall ensure that each arbitrator receives sufficient training in arbitration processes, resolving conflicts, farm finance and management and the farm credit system and practices to enable the arbitrator to perform his or her functions under this section..." are we under any kind of obligation to provide training in arbitration as well as mediation even though we don't use the arbitration provisions with any regularity? Do we want to modify that language either with regard to the "shall" or to the types of training we need to ensure that each arbitrator receives? *Suggest modifying to "may"*

They have never arbitrated a case - can "shall" be changed to "may" (pg 3, section 6, line 17)

2) Section 13, section 93.50(3)(b) states that the farmer or other party "...shall submit a request for mediation...". Does this prevent the department from accepting telephone requests? I don't think it does but I just want to verify that this is the case. *We accept telephone requests now.*

Nothing needed for this question

~~but~~
we
have
never
arbitrated
a case)

3) Under Section 19, the language states: "Advisors shall have expertise and experience in relevant areas of knowledge." Since one of the areas listed is "...counseling services..." does this place any burden on the volunteer or department with regard to the level of expertise and experience appropriate for volunteers providing such services? *Volunteers are trained in counseling techniques - but receive no "official" certification re counseling.*

4) Section 21 may be overbroad with respect to other types of privileged information. The only exception here is in the case of child abuse. Under this language I believe that the department would be prohibited from revealing any information related to criminal or fraudulent activity, including actual or intended harm to another person (other than a child, including situations where there may be spousal abuse). It would appear that this information would be privileged even with respect to a judicial order. I have included other evidence relevancy (904.085 - mediation) and privilege statutes (905.03 - lawyer-client; 905.04 - Physician-patient, et al; 905.05 - Husband-wife and 905.06 - clergy)) for your review and would suggest that perhaps something such as the language in the privilege for communications in mediation or for physician-patient, et al, privilege might be appropriate.

Call Jeanne w/ any ?'s about #4

5) Section 21 should be changed to specifically incorporate all of the programs in the Wisconsin Farm Center which are confidential, other than possibly mediation which is already covered in section 904.085. *Farmers Assistance, Stray Voltage, Farm Link*

6) Also unanswered is what the status of the Farm Mediation and Arbitration Board will be under with the changes made to the statutes in this draft (per Rebecca C. Tradewell's comment).

Board has been recommended for elimination by Lt. Gov - DATUP is okay w/ this, so I'm not sure how it effects the draft

recommended for sunset by Lt. Gov. - No objection from DATCP.

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 3/27/96

To: Representative Ott

Relating to LRB drafting number: LRB-5447

** Joanne
Prust
- DATED
Farmer
Center*

Topic

Farm mediation and arbitration, farmer assistance program, dairy farmer exit-entry

Subject(s)

Agriculture - miscellaneous

1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be jacketed. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Rebecca C. Tradewell, Assistant Chief Counsel
Telephone: (608) 266-7290



State of Wisconsin
Tommy G. Thompson, Governor

Department of Agriculture, Trade and Consumer Protection

Alan T. Tracy, Secretary

PO Box 8911
Madison, Wisconsin 53708-8911

TELEFAX COVER SHEET

DATE: 3-3-97

TO: Rep Al Ott - Attn: Kim

FROM: Jeanne Meier

SUBJECT: Confidentiality - WIS Farm Center

PHONE: (608)224-5046 WI DEPT. OF AGRICULTURE, TRADE &
CONSUMER PROTECTION - MARKETING DIVISION

FAX NUMBER: (608) 244-5110 OR (608) 244-5111

One PAGES TO FOLLOW

IF ANY PAGES NEED TO BE RESENT, PLEASE CALL THE SENDER AT THE ABOVE NUMBER. OTHERWISE, WE WILL ASSUME THIS TRANSMITTAL HAS BEEN COMPLETELY RECEIVED.

THANK YOU.

MESSAGE: FYI. Thanks. Jeanne



The State of Wisconsin
LEGISLATIVE COUNCIL STAFF

One East Main Street, Suite 401
P.O. Box 2536
Madison, WI 53701-2536
(608) 266-1304/FAX (608) 266-3830

2/12 - Becky
* still in drafting
- hasn't started yet
Haddwell

2/13

Kim -

Here's more recent.
Sent a copy to Leanne
& sent one to CRB
for draft.

Jan



State of Wisconsin
Tommy G. Thompson, Governor

Department of Agriculture, Trade and Consumer Protection

Alan T. Tracy, Secretary

September 11, 1995

PO Box 8911
Madison, Wisconsin 53708-8911

Representative Al Ott
Chair, Assembly Committee on Agriculture
State Capitol, Room 318 North
P.O. Box 8953
Madison, WI 53708-8953

Dear Representative Ott:

The Department requests that priority attention be given to its proposed legislative changes in Secs. 93.50 and 93.51, Wis. Stats. covering the Farm Mediation and Arbitration Program and the Farmers Assistance Program. The recommended changes are contained in the attached memorandum from legal staff. As you know, the Lieutenant Governor has asked all agencies to justify continuation of boards and advisory councils. Since no decision has been made regarding the continuation of the Farm Mediation and Arbitration Board, I have deleted number 3 in the attachment. No action is needed on that issue at the current time.

Our reason for the priority request is that we have serious concerns that confidential information given by farmers to the program be protected. A number of recent attempts by third parties to obtain access to program information has raised our level of concern on this issue.

Further, these statutes have not been revised since the creation of the programs, hence we are suggesting technical changes. For instance, due to dramatic changes occurring in agriculture, we are suggesting that the definition of a farmer be revised. Current law defines a farmer as owning or operating 60 or more acres and having a gross farm income of at least \$20,000; however, there are many cases where dairy farmers are operating a facility only and purchasing all their feed. Those farmers more than meet the dollar requirement, but can't meet the acreage requirement. A better measure of someone who farms for a living might be to use the minimum wage times 2088 hours.

Should you have any questions regarding the proposed legislative changes, please contact Jeanne M. Meier at 224-5046.

Thanks for your help on this.

Sincerely,

Alan T. Tracy
Secretary

MEMORANDUM

DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION
OFFICE OF LEGAL COUNSEL

=====

DATE: September 6, 1995

TO: Jeanne Meier

FROM: Ruth Heike

SUBJECT: Identification of changes desired in ss. 93.50 and 93.51, Stats.

=====

At our meeting on September 5, 1995, we identified several changes which are desired in ss. 93.50 and 93.51, Stats.

1. In s. 93.50(1)(d), Stats., definition of "farmer", we need to remove the reference to 60 acres. The definition should not be contingent on the size of the farm. In addition, the annual income should be 2088 times the current minimum wage. The wage income would then be comparable to the wage earned by a full time worker who earns minimum wage. If this were written as the multiple of the minimum wage, no amendment would be necessary in the future if minimum wage is changed.
2. In ss. 93.50(2)(a) and (am), Stats., we would like to remove the requirement that the mediator be a resident of Wisconsin, and we would like to insert a requirement that the mediation sessions be held in Wisconsin and that they be subject to Wisconsin law and regulations. This is particularly important in Northwestern Wisconsin, where some of our mediators have moved to the Twin Cities and are more than willing to continue to serve as mediators in Wisconsin cases. These mediators have been trained in Wisconsin. There is a shortage of persons available in Wisconsin to fill the role. It would be beneficial to Wisconsin farmers to permit these Wisconsin trained individuals to continue to serve despite their having moved their residence out of state.
3. Throughout s. 93.50, Stats., there are references to the farm mediation and arbitration board and their responsibilities. In actual practice, the board does not perform the various functions assigned to them. If they were to do so, they would have to meet at least monthly. The statute would be strengthened if the farm mediation and arbitration board were to have a role much as the land and water conservation board has under chapter 92, Stats. In that case, the board is given the duty to "advise the secretary and department on matters relating to exercise of the department's authority under the chapter" (s. 92.04(2), Stats.). The other aspect of ch. 92 which is important is s. 92.04(3), Stats., which sets out the role of the board in rule-making. The kind of structure used in that provision would be an appropriate structure to permit the farm mediation and arbitration board to have adequate input in

the department's operation of the farm mediation program. The department should have the responsibility for day to day management of the program.

4. Both ss. 93.50(2)(c) and (e) would be stronger if they included reference to s. 904.085(3), Stats., which provides significant protections related to protection from discovery and subpoenas etc. for farm mediation communications, mediators and in some instances parties.

5. The farmers assistance program could be strengthened if s. 93.51, Stats., were expanded and strengthened. For instance, the definitions of farmer and farming included in s. 93.50, Stats., should also apply to s. 93.51, Stats.. In addition, advocates should be defined as having a counselor role. We anticipate that this would require the advocate to report any cases of child abuse of which the advocate becomes aware, but it also would more adequately define the role the advocate will play.

6. Advocates should be compensated for travel and other necessary expenses, just as mediators and arbitrators are under s. 93.50(2)(b), Stats.

7. Advocates should be required to complete training as required by DATCP.

8. All records related to advocacy, except purely statistical records, need confidentiality protection and a specific exemption from the open records law. In addition, protections as in s. 904.085 need to be extended to advocates as well as mediators.

9. DATCP should be granted authority to promulgate rules to carry out the purposes of the program.

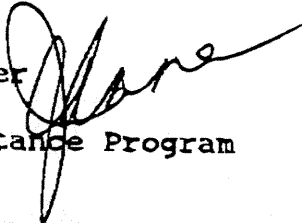
10. Provisions should be made relating to entry - exit.

MEMORANDUM**STATE OF WISCONSIN***Department of Agriculture, Trade and Consumer Protection*

Date: February 13, 1996

To: Dave Stute

From: Jeanne M. Meier
Director
Farmers Assistance Program
608-224-2474



Subject: WLCS:0489/1, Relating to the Farm Mediation and Arbitration Program, the Farmer Assistance Program and Dairy Farmer Exit-Entry

Dave, below find our comments on the proposed draft:

1) Sec. 93.50(2)(f)2. would be better if it provided that the proposed rules must be submitted to the board on or before the date on which the proposed rule is submitted to the legislative council staff under s. 227.15. The board should submit its comments to the department within 40 days after the proposed rule is submitted to them, and the board's comments should be made part of the public hearing record for the department.

2) Under s. 93.51(2)(d) there is a requirement that advisors shall keep confidential all information and records obtained in the process of providing advice or counseling. (Dave, let's just use the term "advisors" since that is the term we've always used). There doesn't seem to be a requirement that the department keep information obtained in the process confidential nor is there an exemption for department records under open records requests. This seems too important to leave as is.

3) Shouldn't there be confidentiality for Exit/entry program records also?

Please call with any questions. Sorry for the delay.

STATE OF WISCONSIN

David J. Stute
Director

January 29, 1996

*left message for
Jeanne or Ruth
to call me -
answer Stute's questions
soon - drafted soon*

224-5046

LEGISLATIVE COUNCIL STAFF

Suite 401
One East Main Street
P.O. Box 2536
Madison, WI 53701-2536
(608) 266-1304
FAX (608) 266-3830

**TO: JEANNE MEIER AND RUTH HEIKE, DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION**

FROM: David J. Stute, Director

**SUBJECT: WLCS: 0489/1, Relating to the Farm Mediation and Arbitration Program, the
Farmer Assistance Program and Dairy Farmer Exit-Entry**

At long last, a draft proposing to make various changes in the farm mediation and arbitration and the farmer assistance programs and to create a dairy farmer exit-entry program, as identified in a September 6, 1995 memorandum from Ruth Heike to Jeanne Meier, has been completed. A copy of the draft, WLCS: 0489/1, is appended.

The draft incorporates virtually all of the changes in the various programs which were proposed in the September 6, 1995 memorandum. The purpose of this memorandum is to bring several items to your attention as you review the draft:

1. I did not amend s. 93.50 (2) (c) and (e), Stats., to include a reference to s. 904.085 (3), Stats. Since farm mediation is already incorporated in that statute--see s. 904.085 (2) (a)--an additional reference in s. 93.50, Stats., initially appears to be duplicative.

2. Section 93.50 (3), Stats., was amended to make clear that all mediation sessions must be held in this state and are subject to the laws of Wisconsin. Consideration was given to inserting a parallel provision in s. 93.50 (4), Stats., requiring that all arbitrations under that section be subject to ch. 788, Stats. However, I was not sure that was necessary. Do you see any need for such a provision?

3. The dairy industry exit-entry program was created as a separate section--s. 93.52. This new provision is brief and largely follows the description of the program provided in the Legislative Fiscal Bureau's summary document on 1995 Wisconsin Act 27.

4. As requested, operational responsibility for the mediation-arbitration program was switched from the Farm Mediation and Arbitration Board to the Department of Agriculture, Trade and Consumer Protection. Is the minimal role for the Board OK?

5. I'm dubious about my use of "advisor-counselor" in s. 93.51. Do you have a better description?

There, you have it. Once you have had an opportunity to review the draft, we can proceed to the appropriate next step.

Thank you.

DJS:rjl:kja;kja

Attachment

cc: Representative Alvin Ott

Return to: protection of Info.

That Program would receive

from judicial or Administrative

Proceedings → Does this include Specific Info
about specific cases, and any
other non-specific issues?

2) Otte's ques. re: Child Abuse,

How does this bill affect?

Child labor laws?

Pg. 8

Exclusion from Evidence

Agricultural Development and Diversification (ADD)

The ADD program provides consultants, a library, and competitive grants to diversify Wisconsin's farm economy. We can help you:

- Diversify into alternative crops and livestock, including aquaculture
- Develop new value-added products
- Develop new technologies
- Develop new uses for agricultural products
- Use farmland and resources efficiently
- Research and develop new markets

Farm Link

We link farmers looking to retire or change careers with beginning farmers or farmers wanting to relocate. We can work with you to:

- Identify your options
- Find a match that fits
- Develop a linkage plan
- Support you through the transfer process

Legal information

With staff attorneys and an extensive library, we can answer questions about:

- Farm business organization
- Landlord/tenant issues
- Restructuring options
- Legal procedures
- Creditor/debtor law
- Taxes, reorganization, estate planning

Farm credit advisors

Our trained volunteers can help you in:

- Analyzing your farm business
- Identifying farm business options
- Financial counseling
- Finding local resources
- Locating credit sources

Financial counseling and analysis

Our staff financial specialists and volunteers are experienced in:

- Business plans
- Enterprise analysis
- Feasibility analysis
- Cash flow projections
- Debt analysis and restructuring

Rural Electric Power Services (REPS)

REPS offers farmers and rural electric power distributor's assistance relating to electric power issues by providing:

- Information about stray voltage and power quality
- On-farm investigation by a technical team consisting of an electrical engineer, an electrician, and a veterinarian
- A format for dispute resolution
- Research data on relevant electrical issues

Mediation

You can call on the conflict resolution skills of our volunteer mediators for disputes involving:

- Creditor/debtor problems
- USDA program benefits
- Contracts with food processors
- Landlord/tenant issues
- Environmental problems
- Family conflicts

Employment and training

If you are seeking off-farm income to supplement or replace your farm earnings, we can help you with:

- Career change counseling
- Small business development
- Information about training programs
- Tuition assistance
- Job hunting strategies

Information clearinghouse

Sometimes it's not that there's no help available — it's just finding the help. We keep track and can keep you informed about:

- Links to resources
- Financing options
- Government programs, including disaster response
- Marketing options
- Entrepreneurial possibilities
- Safety and health issues

Wisconsin Farm Center 1-800-942-2474

The Wisconsin Farm Center offers a one-stop, one-call resource for farmers and their families. With just one phone call, or just by stopping in our office at the Wisconsin Department of Agriculture, Trade and Consumer Protection, you'll have access to this assistance:



Wisconsin
FARM CENTER

Wisconsin Department of Agriculture,
Trade and Consumer Protection

- Agricultural Development and Diversification (ADD)
- Farm Link for senior and beginning farmers
- Legal information
- Farm credit advisors
- Financial counseling and analysis
- Rural Electric Power Services (REPS)
- Mediation
- Employment and training services
- Information clearinghouse

You may already be familiar with some of these services. In fact, we've offered some of them for years. But now we've re-organized, bringing all these services under one umbrella. Farming is a complex business, and our customers often use more than one of these services, working with our staff as a team. We're ready to answer your questions without delay and put together a package of services that fits your needs.

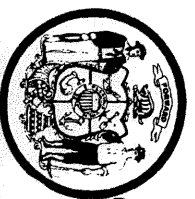
Our staff of professionals come from farm backgrounds. Along with our trained volunteers, they've built a reputation among farmers, businesses, and government agencies for their skills. We invite you to take advantage of our services.

For more information, call or write:

Wisconsin Farm Center
2811 Agriculture Drive
P.O. Box 8911
Madison, WI 53708-8911
1-800-942-2474
e-mail: center@wheel.datcp.state.wi.us

Wisconsin Farm Center
Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
P.O. Box 8911
Madison, WI 53708-8911

MK 0403
(2/97)



Wisconsin
FARM CENTER

Wisconsin Department of Agriculture,
Trade and Consumer Protection

Serving Wisconsin's farm families with a human touch:

- Business analysis
- Technical assistance
- Information and referrals
- Personal consultation

Assembly Hearing Slip

(Please print plainly)

Date: 8/21/97

Bill No. AB-392

Or
Subject: _____

Paul Zimmerman
(Name)

1212 Denning Way
(Street Address or Route Number)

Nashua VT 53705
(City & Zip Code)

Western Farm Bureau
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only:
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, VT 53702

Assembly Hearing Slip

(Please print plainly)

Date: 8-21-97

Bill No. AB 392

Or
Subject: _____

Jeanne Meier
(Name)

318 - 10th Ave
(Street Address or Route Number)

Nashua, VT 53574
(City & Zip Code)

NAACP
(Representing)

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for information only:
Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms
Room 411 West
State Capitol
Madison, VT 53702