

SENATE BILL No. 517

September 6, 2017, Introduced by Senator SCHMIDT and referred to the Committee on
Banking and Financial Institutions.

A bill to provide for the mediation of the enforcement of indebtedness against agricultural property; to provide for the powers and duties of state governmental officials and entities; to provide remedies; and to require the promulgation of rules.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "farm
2 loan mediation act".

3 Sec. 2. As used in this act:

4 (a) "Agricultural property" means real property that is
5 principally used for farming and personal property that is used as
6 security to finance or as part of a farming operation, including
7 equipment, crops, livestock, proceeds of the security, and
8 removable agricultural structures under lease with option to

1 purchase. Agricultural property does not include property that is
2 leased to the debtor other than removable agricultural structures
3 under lease with option to purchase or farm machinery that is
4 primarily used for custom field work.

5 (b) "Creditor" means a person that is the holder of a mortgage
6 on agricultural property, a vendor of a land contract for the sale
7 of agricultural property, a person with a lien against or security
8 interest in agricultural property, or a judgment creditor with a
9 judgment against a debtor with agricultural property.

10 (c) "Director" means the director of the department of
11 agriculture and rural development.

12 (d) "Farming" means that term as defined in section 2 of the
13 Michigan family farm development act, 1982 PA 220, MCL 285.252.

14 (e) "File", with respect to a mediation request, claim form,
15 objection, affidavit, proof of service, or other document required
16 to be filed in relation to mediation under this act, means to
17 deliver by the required date by certified mail or by a method that
18 requires acknowledgment of receipt. This subdivision does not apply
19 to the filing of court documents.

20 (f) "Financial analyst" means an individual who is all of the
21 following:

22 (i) Knowledgeable in agricultural and financial matters and
23 able to provide financial analysis.

24 (ii) Able to aid the debtor in preparing financial information
25 as required under section 8.

26 (iii) Approved by the department.

27 (g) "Mediator" means a farm mediator appointed by the director

1 under section 8.

2 (h) "Necessary farm operating expenses" means an amount
3 adequate to continue, during the mediation period, farm operations
4 begun before the notice of default. Necessary farm operating
5 expenses do not include expenses for increasing the scale of an
6 ongoing farming operation or planting additional crops.

7 (i) "Person" means an individual, partnership, corporation,
8 association, governmental entity, or other legal entity.

9 (j) "Serve" means to provide a document to a person by any of
10 the following methods:

11 (i) Personally delivering the document.

12 (ii) Sending the document by certified mail using a return
13 receipt signed by the addressee only.

14 (iii) Providing the document and obtaining a receipt signed by
15 the person acknowledging receipt of the document.

16 (iv) If an unsuccessful attempt has been made to serve under
17 subparagraph (i) or (ii), sending the document by mail with a
18 certificate of mailing to the last known address of the person. For
19 purposes of service under this subparagraph, the addressee is
20 considered to have been served the documents 5 days after the date
21 on the certificate of mailing.

22 (k) "Start a proceeding" means to do any of the following:

23 (i) File an action to foreclose a mortgage or land contract
24 under chapter 31 of the revised judicature act of 1961, 1961 PA
25 236, MCL 600.3101 to 600.3185.

26 (ii) Publish a notice to foreclose a mortgage by advertisement
27 under chapter 32 of the revised judicature act of 1961, 1961 PA

1 236, MCL 600.3201 to 600.3285.

2 (iii) Commence a proceeding to recover possession of property
3 after forfeiture of a land contract under chapter 57 of the revised
4 judicature act of 1961, 1961 PA 236, MCL 600.5701 to 600.5759.

5 (iv) Apply for a writ of attachment or garnishment under
6 chapter 40 of the revised judicature act of 1961, 1961 PA 236, MCL
7 600.4001 to 600.4065, or a writ of execution under chapter 60 of
8 the revised judicature act of 1961, 1961 PA 236, MCL 600.6001 to
9 600.6098.

10 (v) Enforce a security interest under subpart 1 of part 6 of
11 article 9 of the uniform commercial code, 1962 PA 174, MCL 440.9601
12 to 440.9624.

13 Sec. 3. (1) Except as provided in subsection (2), this act
14 applies to a debt if the amount of the debt exceeds \$5,000.00 and
15 if the subject of the debt is agricultural property, the debt is
16 secured by agricultural property, the debt is sought to be enforced
17 against agricultural property, or the debt in any other way relates
18 to agricultural property.

19 (2) This act does not apply if either of the following applies
20 to the debtor:

21 (a) The debtor owns and leases less than 60 acres of land and
22 had less than \$20,000.00 in gross sales of agricultural products in
23 the year preceding the year in which the creditor wishes to start a
24 proceeding against the debtor.

25 (b) The debtor filed a petition in bankruptcy after July 1,
26 1987, under chapter 7, 11, 12, or 13 of the bankruptcy code, 11 USC
27 701 to 784, 1101 to 1174, 1201 to 1231, and 1301 to 1330.

1 (3) This act does not apply to a debt that is any of the
2 following:

3 (a) A debt that was listed as a scheduled debt in a bankruptcy
4 proceeding or as to which a creditor filed a proof of claim form in
5 a bankruptcy proceeding.

6 (b) A debt that was previously the subject of mediation under
7 this act to which either of the following applies:

8 (i) The mediation was unresolved.

9 (ii) A mediation agreement with respect to the debt was
10 signed.

11 (c) A debt as to which the creditor served a mediation notice
12 under this act, the debtor failed to make a timely request for
13 mediation, and within 60 days after the debtor's failure, the
14 creditor started a proceeding to enforce the debt against the
15 agricultural property of the debtor.

16 (d) A debt as to which the creditor has received a mediation
17 notice under this act and the creditor and debtor have restructured
18 the debt and signed a separate mediation agreement.

19 Sec. 4. A debtor that owns agricultural property or a creditor
20 may request voluntary mediation of the indebtedness by a mediator
21 by applying to the director. The director shall make application
22 forms for voluntary mediation under this section available through
23 MSU Extension county offices. The director shall evaluate each
24 request under this section and may direct a mediator to meet with
25 the debtor and creditor to assist in mediation.

26 Sec. 5. (1) A creditor that wishes to start a proceeding to
27 enforce a debt to which this act applies shall serve on the debtor

1 and the director a mediation notice under section 3104, 3204, 4010,
2 or 5726 of the revised judicature act of 1961, 1961 PA 236, MCL
3 600.3104, 600.3204, 600.4010, and 600.5726, or section 9601 of the
4 uniform commercial code, 1962 PA 174, MCL 440.9601, as applicable.
5 The creditor shall also file with the director a proof of service
6 that includes the date the mediation notice was served on the
7 debtor. The creditor shall not start the proceeding until allowed
8 to do so under subsection (2) or (3) or another section of this
9 act.

10 (2) Except as provided in subsection (3), if a creditor
11 receives a mediation proceeding notice under section 8, the
12 creditor shall not start or continue a proceeding to enforce a debt
13 against agricultural property of the debtor if the debt is subject
14 to this act until 90 days after the date the debtor files a
15 mediation request under this act with the director.

16 (3) Notwithstanding subsection (2), a creditor may start or
17 continue proceedings to enforce a debt against agricultural
18 property of the debtor as follows:

19 (a) After the creditor receives a mediator's affidavit of the
20 debtor's lack of good faith under section 12.

21 (b) Five business days after the date the debtor and creditor
22 sign an agreement allowing the creditor to proceed to enforce the
23 debt if the debtor has not rescinded the agreement within the 5
24 days.

25 Sec. 6. (1) A debtor that receives a mediation notice under
26 section 5 and that wishes to have the debt mediated under this act
27 shall file a mediation request form with the director within 14

1 days after receiving the mediation notice.

2 (2) In a mediation request under this section, the debtor
3 shall state all of the following:

4 (a) All known creditors of the debtor that have debts secured
5 by agricultural property of the debtor.

6 (b) At the discretion of the debtor, any unsecured creditors
7 to whom payment is necessary for continuing the farming operation
8 of the debtor.

9 (c) The date that the notice was served on the debtor.

10 (3) A debtor that fails to file a timely mediation request
11 waives the right to mediation under this act for that debt. If a
12 debtor fails to file a timely mediation request, the director shall
13 notify the creditor that served the mediation notice that the
14 creditor may start a proceeding to enforce the debt.

15 (4) If a proceeding to enforce a debt against agricultural
16 property has been started against a debtor and the debtor has not
17 received a mediation notice under section 5, the debtor may file a
18 mediation request with the director. The debtor shall state in the
19 mediation request that the debtor has not received a mediation
20 notice.

21 Sec. 7. (1) A debtor that, in violation of a security
22 agreement, fraudulently conceals, removes, or transfers
23 agricultural property in which the debtor knows there is a security
24 interest without remitting the proceeds to the secured party is
25 ineligible for mediation under this act.

26 (2) If a debtor described in subsection (1) has filed a
27 mediation request under section 6, the secured party may petition

1 the circuit court for the county where the debtor resides for an
2 order permitting the secured party to start proceedings to enforce
3 the security interest. A petition under this subsection must be
4 brought within 1 year after the concealing, removing, or
5 transferring occurred.

6 (3) Within 7 days after a petition is filed under this
7 section, the court shall issue a summons commanding the debtor to
8 appear for a hearing before the court on the petition on a day that
9 is not less than 7 and not more than 14 days after the summons is
10 issued. The court shall deliver findings within 10 days after the
11 close of the hearing.

12 (4) A secured party shall not file a petition under this
13 section if the secured party has served a mediation notice on the
14 debtor under section 5.

15 Sec. 8. (1) After receiving a mediation notice under section
16 5, the director shall provide the debtor with a list of farm
17 advocates that may be available without charge to assist the debtor
18 and a financial analyst provided under subsection (2).

19 (2) Within 3 business days after receiving a mediation request
20 under section 6, the director shall provide a financial analyst to
21 meet with the debtor and assure that information relative to the
22 finances of the debtor is prepared for the initial mediation
23 meeting. The financial analyst must review and, if necessary,
24 prepare the debtor's financial records before the initial mediation
25 meeting.

26 (3) Within 10 days after receiving a mediation request under
27 section 6, the director shall send both of the following:

1 (a) A mediation proceeding notice to the debtor and to all
2 creditors listed by the debtor in the mediation request. The
3 mediation proceeding notice must state all of the following:

4 (i) The name and address of the debtor.

5 (ii) That the debtor has requested mediation under this act.

6 (iii) The time and place for the orientation session under
7 subsection (5).

8 (iv) The time and place for the initial mediation meeting
9 under subsection (6).

10 (v) A list of the names of 3 mediators who may be assigned to
11 the proceeding, with background information on each mediator,
12 including biographical information, a summary of previous mediation
13 experience, and the number of agreements signed by parties to
14 previous mediations conducted by the mediator.

15 (vi) That the debtor and the initiating creditor may each
16 request the director to exclude 1 mediator as provided under
17 subsection (7).

18 (vii) That instead of having the director assign a mediator,
19 the debtor and any 1 or more of the creditors may agree to select
20 and pay for a mediator as provided in subsection (8).

21 (viii) That, with certain exceptions, this act prohibits the
22 creditor from starting or continuing a proceeding to enforce the
23 debt against agricultural property for 90 days after the debtor
24 files a mediation request with the director.

25 (ix) That by the initial mediation meeting the creditor must
26 provide the debtor with documents as required under section 9.

27 (b) A claim form to all creditors stated by the debtor in the

1 mediation request and who have filed mediation notices sent to the
2 debtor under section 5.

3 (4) If, before sending a notice under subsection (3), the
4 director receives mediation notices to the debtor under section 5
5 from more than 1 creditor, the director shall combine all the debts
6 in the notices for purposes of sending the notice under subsection
7 (3). The creditor whose notice the director received first is the
8 initiating creditor for purposes of this act.

9 (5) The director shall schedule an orientation session to be
10 held 5 or more days before the initial mediation meeting. The
11 debtor, the financial analyst provided under subsection (2), and a
12 mediator shall participate in the orientation session. The mediator
13 that participates in the orientation session need not be the
14 mediator assigned to the mediation. Creditors participating in the
15 mediation may participate in the orientation session. At the
16 orientation session, the financial analyst shall review the
17 debtor's financial and inventory records to determine if they are
18 adequate for the mediation and inform the debtor of any
19 inadequacies, and the mediator shall inform the debtor of the
20 requirements of the mediation process.

21 (6) The director shall schedule an initial mediation meeting
22 to be held within 20 days after the director sends the notice under
23 subsection (3).

24 (7) Within 3 days after receiving a notice under subsection
25 (3), the initiating creditor and the debtor may each file with the
26 director a written request to exclude 1 mediator named in the list
27 contained in the notice. After the expiration of sufficient time to

1 allow for the receipt of requests under this subsection, the
2 director shall appoint a mediator from the list, excluding any
3 individuals requested to be excluded under this subsection.

4 (8) Instead of the director assigning a mediator under
5 subsection (7), the debtor and any 1 or more of the creditors may
6 agree to select and pay for a professional mediator for the
7 mediation. The director must approve the professional mediator
8 before assigning the mediator to the mediation. The director shall
9 not approve a professional mediator unless the professional
10 mediator prepares and signs an affidavit that does all of the
11 following:

12 (a) Discloses any biases of the mediator and any relationship
13 or previous association that the mediator has with the debtor or
14 creditors.

15 (b) States the mediator's certifications, training, or
16 qualifications as a professional mediator.

17 (c) Discloses fees that the mediator will charge, or a rate
18 schedule of the mediator's fees, for the mediation.

19 (d) Affirms that the mediator will uphold this act.

20 Sec. 9. By the initial mediation meeting, a creditor that
21 receives a notice under section 8 shall provide the debtor with
22 copies of notes and contracts for debts that are subject to this
23 act and a statement of interest rates on the debts, delinquent
24 payments, unpaid principal balances, all collateral securing the
25 debts, the creditor's estimate of the value of the collateral, and
26 debt restructuring programs available from the creditor.

27 Sec. 10. After a debtor requests mediation under section 6, a

1 creditor that is participating in the mediation and that has a
2 security agreement relating to agricultural property under the
3 debtor's control may inspect the property on 24 hours' notice to
4 the debtor. An inspection under this section must be conducted
5 between 8 a.m. and 6 p.m. on a day other than Sunday or a holiday
6 of this state or the United States.

7 Sec. 11. (1) An individual who has a conflict of interest that
8 does not allow the individual to be impartial shall not serve as a
9 mediator under this act. A conflict of interest includes, but is
10 not limited to, being a director or officer of a creditor.

11 (2) During the 60 days after the initial mediation meeting,
12 the mediator may call subsequent mediation meetings.

13 (3) At an initial mediation meeting and subsequent mediation
14 meetings, the mediator shall do all of the following:

15 (a) Listen to the debtor and the creditors that desire to be
16 heard.

17 (b) Attempt to mediate between the debtor and the creditors.

18 (c) Advise the debtor and creditors of assistance programs
19 that are available.

20 (d) Attempt to arrive at an agreement to fairly adjust,
21 refinance, or pay the debts.

22 (e) Advise, counsel, and assist the debtor and creditors in
23 attempting to arrive at an agreement for the future conduct of
24 financial relations among them.

25 (4) A mediator is immune from civil liability for conduct
26 within the scope of the duty of the mediator. A mediator does not
27 have a duty to advise a creditor or debtor about the law or to

1 encourage or assist a debtor or creditor in reserving or
2 establishing legal rights. This subsection is in addition to and
3 not a limitation of immunity otherwise accorded to the mediator
4 under law.

5 (5) A mediator cannot be examined about a communication or
6 document, including work notes, made or used in the course of or
7 because of mediation under this act. This subsection does not apply
8 to examination by the debtor or a creditor in an action to set
9 aside or reform a mediated settlement agreement. A communication or
10 document otherwise not privileged does not become privileged
11 because it is used in the course of mediation. This subsection does
12 not limit any privilege accorded to communication during mediation
13 by common law.

14 Sec. 12. (1) The parties to mediation under this act shall
15 participate in mediation in good faith. Not participating in good
16 faith includes any of the following:

17 (a) Failure on a regular or continuing basis to attend and
18 participate in mediation sessions without cause. This subdivision
19 does not apply to a creditor that elects to proceed as provided in
20 section 19.

21 (b) Failure to provide full information regarding the
22 financial obligations of the parties and other creditors, including
23 the obligation of a creditor to provide information under section
24 9.

25 (c) Lack of a written statement of debt restructuring
26 alternatives and a statement of any reasons why alternatives are
27 unacceptable.

1 (d) For a creditor, failure to designate a representative to
2 participate in the mediation with the authority to make within 1
3 business day binding commitments to fully settle, compromise, or
4 otherwise mediate the matter. This subdivision does not apply to a
5 creditor that elects to proceed as provided in section 19.

6 (e) For a creditor, failure to release money from the sale of
7 farm products to the debtor for necessary living expenses and
8 necessary farm operating expenses as described in section 13.

9 (f) For a debtor, during the mediation period and in violation
10 of a security agreement, fraudulently concealing, removing, or
11 transferring agricultural property in which the debtor knows there
12 is a security interest without remitting the proceeds to the
13 secured party.

14 (g) For a debtor, failure to permit an inspection under
15 section 10 or destruction or waste of agricultural property that is
16 mortgaged, the subject of a land contract, or subject to a security
17 interest.

18 (h) Other similar behavior that evidences lack of good faith.
19 A failure to agree to reduce, restructure, refinance, or forgive a
20 debt does not, in itself, evidence lack of good faith by a
21 creditor.

22 (2) If the mediator determines that either party to a
23 mediation under this act is not participating in good faith as
24 defined in subsection (1), the mediator shall file an affidavit
25 indicating the reasons for the finding with the director and with
26 parties of the mediation.

27 Sec. 13. (1) The amount that a creditor is required to release

1 for necessary living expenses to be participating in mediation
2 under this act in good faith under section 12 is limited to
3 \$1,600.00 per month less the debtor's nonfarm income.

4 (2) If a debtor and creditor do not agree on the amount of
5 necessary living expenses to be released under this section, the
6 debtor or creditor may file a complaint requesting the circuit
7 court in the county where the debtor resides to make a
8 determination of the amount to be released. The court must make the
9 determination within 10 days after the complaint is filed.

10 (3) If a debtor and creditor do not agree on the amount of
11 necessary living expenses or necessary farm operating expenses to
12 be released under this section, the debtor or a creditor that has
13 requested the release of necessary living expenses or necessary
14 farm operating expenses may file a complaint requesting the circuit
15 court for the county where the debtor resides to make a
16 determination of the amount to be released. After a hearing, the
17 court shall make a determination of the amount of living and
18 operating expenses to be released within 10 days after the
19 complaint is filed. The court shall also add or subtract up to 10
20 days to or from the time when the creditor can begin to enforce a
21 proceeding to collect the debt against agricultural property of the
22 debtor and assess costs, including any attorney fees, among the
23 parties to the court action. The court shall equitably adjust the
24 time to begin a creditor's proceeding and the assessment of costs
25 based on the parties' good-faith claim to the amount of living and
26 operating expenses to be released.

27 Sec. 14. (1) If a mediator determines that a creditor has not

1 participated in mediation in good faith and files an affidavit
2 under section 12, the debtor may request court-supervised mandatory
3 mediation by doing all of the following:

4 (a) Filing with the circuit court for the county where the
5 debtor resides the affidavit and a complaint for court supervision
6 of mediation.

7 (b) Serving a copy of the complaint on the creditor.

8 (2) On request under subsection (1), the court shall order
9 both parties to mediate under the supervision of the court in good
10 faith for not more than 60 days and order all creditor remedies to
11 be suspended during the mediation period. The court may issue
12 orders necessary to effect good-faith mediation.

13 (3) Following the mediation period under subsection (2), if
14 the court finds that the creditor has not participated in mediation
15 in good faith, the court shall order the creditor's remedies
16 suspended for an additional 180 days.

17 (4) A creditor that a mediator determines under section 12 to
18 not have participated in good faith shall pay costs and attorney
19 fees of the debtor requesting court supervision of mediation under
20 this section.

21 Sec. 15. If a mediator determines that a debtor has not
22 participated in mediation in good faith and files an affidavit
23 under section 12, a creditor may immediately start proceedings
24 against the debtor's agricultural property.

25 Sec. 16. (1) On petition by a debtor or creditor, a court may
26 review a mediator's filing of or failure to file an affidavit under
27 section 12. A review under this subsection is limited to whether

1 the mediator committed an abuse of discretion in filing or failing
2 to file the affidavit. The court shall review a petition filed
3 under this subsection within 10 days after the petition is filed.

4 (2) After reviewing a petition under subsection (1), if the
5 court finds that the mediator committed an abuse of discretion in
6 filing or failing to file an affidavit, the court may do any of the
7 following:

8 (a) Reinstate mediation and the stay of creditor's enforcement
9 actions.

10 (b) Order court-supervised mediation.

11 (c) Allow creditors to proceed immediately with creditor's
12 remedies.

13 (3) The mediator may, but is not required to, offer testimony
14 as part of the court's review under subsection (1).

15 Sec. 17. (1) If there is a dispute between the debtor and a
16 creditor concerning the market value of real property involved in a
17 mediation under this act, the true and acceptable market value must
18 be determined by an appraisal performed by an accredited appraiser
19 and made within 45 days after the date of the dispute. The
20 accredited appraiser shall be selected by the following procedure:

21 (a) The mediator shall submit the names of 3 accredited
22 appraisers to the principal creditor and the debtor.

23 (b) The principal creditor and the debtor may each, within a
24 time determined by the mediator, strike the name of 1 of the
25 appraisers.

26 (c) The accredited appraiser whose name is not stricken by
27 either the principal creditor or the debtor shall perform an

1 appraisal, which all parties to the dispute shall accept as the
2 true market value.

3 (2) The principal creditor and the debtor shall each pay 1/2
4 of the cost of an appraisal under this section.

5 Sec. 18. (1) If the debtor and 1 or more creditors in a
6 mediation under this act reach an agreement, the mediator shall
7 sign a written document that reflects the agreement, have the
8 debtor and creditors that have agreed sign the document, and
9 witness the signatures.

10 (2) The mediator shall provide a copy of a mediation agreement
11 signed under subsection (1) to the creditors who attended the
12 mediation meetings and who did not attend but who filed claim forms
13 provided under section 8.

14 (3) All of the following apply to the debtor and creditors
15 that are parties to a mediation agreement signed under subsection
16 (1) and to any creditors that have filed claim forms provided under
17 section 8 and have not objected to the mediation agreement as
18 provided in section 19:

19 (a) The debtor and creditors are bound by the terms of the
20 agreement.

21 (b) The debtor and creditors may enforce the mediation
22 agreement as a legal contract.

23 (c) The debtor and creditors may use the mediation agreement
24 as a defense against an action that is contrary to the mediation
25 agreement.

26 Sec. 19. (1) A creditor that is notified of an initial
27 mediation meeting under this act and that does not file a claim

1 form provided under section 8 or attend mediation meetings is
2 subject to and bound by a mediation agreement under section 18.

3 (2) If a creditor files a claim form provided under section 8
4 with the mediator before the initial meeting but does not attend
5 mediation meetings, the creditor is bound by a mediation agreement
6 reached at the mediation meeting unless the creditor files an
7 objection under subsection (3).

8 (3) Within 10 days after receiving a mediation agreement under
9 section 18, a creditor described in subsection (2) may serve a
10 written objection to the agreement on the mediator and the debtor.

11 (4) Notwithstanding the expiration of the 60-day mediation
12 period under section 11, if a creditor serves an objection under
13 subsection (3), the mediator shall meet again with the debtor and
14 creditors within 10 days after receiving the objection, in 1 or
15 more meetings as necessary, to mediate a new agreement.

16 Sec. 20. At the expiration of the 90-day period under section
17 5, the mediator shall sign and serve on the parties and the
18 director a termination statement. A termination statement under
19 this section must state that mediation has ended and describe or
20 reference any agreements reached between a creditor and the debtor
21 or among creditors. A mediation agreement under section 18 may be
22 included as part of the termination statement.

23 Sec. 21. If a creditor has a purchase money security interest
24 as described in section 9103 of the uniform commercial code, 1962
25 PA 174, MCL 440.9103, and renegotiates the secured debt under this
26 act to reduce the principal balance or the interest rate or to
27 extend the repayment period, the creditor retains the purchase

1 money security interest for the renegotiated debt.

2 Sec. 22. A court shall enforce a mediation agreement reached
3 under this act.

4 Sec. 23. A public body shall exempt records about finances of
5 a debtor or creditor that are created, collected, or maintained
6 under this act by a mediator or the director from disclosure under
7 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

8 Sec. 24. (1) The director shall promulgate standard forms as
9 required under this act and make the forms available on the website
10 of the department of agriculture and rural development, at MSU
11 Extension county offices, and otherwise as the director determines
12 advisable.

13 (2) The director shall provide training and support for
14 individuals to act as mediators under this act.

15 (3) The director shall provide mediators under this act by
16 contracting with qualified individuals who are experienced in farm
17 finance, agricultural law, and negotiation.

18 (4) The director shall set the compensation of individuals who
19 act as mediators and financial analysts under this act.

20 (5) The director may appoint a farm mediation administrator.
21 The farm mediation administrator and the director shall provide
22 training for farm mediators and financial analysts and coordinate
23 community legal education programs for farmers.

24 (6) The director shall promulgate rules to implement this act
25 under the administrative procedures act of 1969, 1969 PA 306, MCL
26 24.201 to 24.328.

27 Sec. 25. A waiver of mediation rights under this act is void

1 except as expressly allowed under this act.

2 Enacting section 1. This act takes effect 90 days after the
3 date it is enacted into law.

4 Enacting section 2. This act does not take effect unless all
5 of the following bills of the 99th Legislature are enacted into
6 law:

7 (a) Senate Bill No. 518.

8

9 (b) Senate Bill No. 516.

10