



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 259

Senate Amendments 2 and 3

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Under current law, specified property of a debtor is protected from the collection attempts made by a creditor. For example, a homestead is exempt from execution, from the lien of every judgment, and from liability for the debts of the owner up to the amount of \$40,000, except for debts evidenced by mortgages and other liens and taxes.

Among other items, Senate Bill 249 provides that the \$40,000 figure cited above will be adjusted by the Department of Administration (DOA) every three years, beginning in January 2011 or on the effective date of the enactment, whichever is later, to reflect the change in a Consumer Price Index for the previous three-year period. By March 1, 2011, and every third year thereafter, the department must notify the Director of State Courts of the adjusted amount of the homestead exemption, which will apply to all executions issued on or after that date.

Senate Amendment 2 removes the authority of DOA to adjust the homestead exemption according to changes in the Consumer Price Index.

Senate Amendment 3 amends the bill to provide that the homestead exemption may not exceed \$75,000.

Legislative History

On October 6, 2009, the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing took the following actions:

1. Introduced and adopted Senate Amendment 2 on a vote of Ayes, 5; Noes, 0.
2. Introduced and adopted Senate Amendment 3 on a vote of Ayes, 5; Noes, 0.
3. Recommended passage of Senate Bill 259, as amended, on a vote of Ayes, 4; Noes, 1.

RS:jal