

2003 DRAFTING REQUEST

Bill

Received: 09/16/2002

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing:

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - garn/injunct

Extra Copies:

Submit via email: YES

Requester's email: Rep.Albers@legis.state.wi.us

Handwritten note: "/1" PDF e-mailed

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Homestead exemption

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	rnelson2 09/21/2002	jdye 09/23/2002	pgreensl 09/24/2002	_____	lkunkel 09/24/2002		
/1	rnelson2 02/06/2003	jdye 02/06/2003	jfrantze 02/07/2003	_____	mbarman 02/07/2003	mbarman 02/07/2003	

FE Sent For:

↳ Not
Needed

<END>

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2/6 Jacketed for Assembly for Albers

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/P1	rnelson2 09/21/2002	jdyer 09/23/2002	pgreensl 09/24/2002		lkunkel 09/24/2002		

FE Sent For:

12 2/6 jld 2/2/11 Self 2/17 <END>

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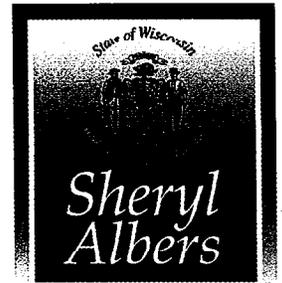
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		PI 9/23 jld	9/24 ps	9/24 ps/rk			

FE Sent For:

<END>

For 2003 session



To: Legislative Reference Bureau; Marc Shovers, Esq.
From: Representative Sheryl K. Albers
Date: March 14, 2002
Subject: Adjustment of Homestead Exemption

Please draft legislation that adjusts to current value the \$40,000 monetary limit of the Homestead Exemption (Wis. Stat. Section 815.20) and the property limits of the 0.25 acre minimum and 40 acre maximum (Wis. Stat. Section 990.01(14)) of the Homestead Exemption by factoring inflation and other economic factors since these limits were last adjusted.

Should you have any questions or concerns, please contact Clay Dutcher of my office at 266-8531. Thank you.

9/19 Clark Ragatz
will check on this

(a) Import, sell, transport or exhibit an animal that is exposed to a contagious or infectious disease, except as provided in sub. (3) (a).

(b) Import, sell, transport or exhibit an animal that is infected with a contagious or infectious disease, except as provided in sub. (3) (a).

(c) Knowingly conceal that an animal that is imported, sold, transported or exhibited has been exposed to or infected with a contagious or infectious disease.

(d) Knowingly misrepresent that an animal has not been exposed to or infected with a contagious or infectious disease.

(e) Knowingly permit an animal that has been exposed to or infected with a contagious or infectious disease to commingle with other animals under conditions that may cause the disease to spread to an animal owned by another person.

(3) **RULE MAKING.** The department may promulgate rules:

(a) Authorizing the transport under a department permit of an animal exposed to or infected with a contagious or infectious disease for slaughter or other purposes prescribed by the department.

(b) Specifying those contagious or infectious diseases to which the prohibitions of sub. (2), and the rules promulgated under par. (a), apply.

(4) **DAMAGES.** A person who violates this section is liable to any person injured for damages sustained as a result of the violation.

SECTION 6. 95.195 of the statutes is created to read:

95.195 Paratuberculosis; implied warranty in sale of animals. (1) **IMPLIED WARRANTY.** Notwithstanding s. 402.316 (3) (c), in each contract for the sale of an animal, there is an implied warranty that the animal is not infected with paratuberculosis unless the seller does any of the following:

(a) Notifies the buyer in writing before the sale that the animal is not warranted as being uninfected with paratuberculosis.

(b) Complies with paratuberculosis testing and disclosure requirements established in rules promulgated by the department under sub. (2).

(2) **RULE MAKING.** The department shall promulgate rules prescribing all of the following:

(a) Test procedures to determine whether an animal is infected with paratuberculosis for purposes of sub. (1) (b).

(b) Requirements for disclosure of the results of test procedures under par. (a) to a prospective buyer of an animal.

SECTION 7. 402.316 (3) of the statutes is amended to read:

402.316 (3) Notwithstanding sub. (2), all of the following apply:

(a) Unless the circumstances indicate otherwise, all implied warranties are excluded by expressions like "as is", "with all faults" or other language which in common understanding calls the buyer's attention to the exclusion of warranties and makes plain that there is no implied warranty; ~~and~~.

(b) When the buyer before entering into the contract has examined the goods or the sample or model as fully as the buyer desired or has refused to examine the goods there is no implied warranty with regard to defects which an examination ought in the circumstances to have revealed to the buyer; ~~and~~.

(c) ~~There~~ Except as provided in s. 95.195, there is no implied warranty that cattle, hogs, sheep or horses are free from sickness or disease at the time a sale is consummated if all state and federal regulations pertaining to animal health are complied with by the seller, unless the seller knows at the time a sale is consummated that the cattle, hogs, sheep or horses were sick or diseased; ~~and~~.

(d) An implied warranty can also be excluded or modified by course of dealing or course of performance or usage of trade.

SECTION 8. Initial applicability. The treatment of section 95.195 (1) of the statutes first applies to contracts for the sale of animals entered into on the first day of the 13th month beginning after publication.

1989 Senate Bill 259

Date of enactment: April 20, 1990
Date of publication: May 3, 1990

1989 Wisconsin Act 278

AN ACT to amend 20.921 (1) (e), 49.41, 71.63 (6) (L), 700.16 (4) (f), 701.09 (4), 812.18 (2m) (b) and 990.01 (14); to repeal and recreate 701.09 (4) and 815.18; and to create 242.01 (2) (bm) of the statutes, relating to property exempt from execution.

against the claim or interest of a holder of a security interest, land contract, condominium or homeowners association assessment or maintenance lien or both, mortgage or any consensual or statutory lien.

(13) **APPLICABILITY TO OTHER PROPERTY.** Subsections (2), (4) to (7), (9), (10) and (12) apply to the following exempt property except as otherwise provided by law:

- (a) Assistance benefits exempt under s. 49.41.
- (b) Crime victim awards exempt under s. 949.07.
- (c) Fraternal benefits exempt under s. 614.96.
- (d) A homestead exempt under s. 815.20.
- (e) Partnership property exempt under s. 178.21 (3).
- (f) Public employe trust fund benefits exempt under s. 40.08 (1).
- (g) Salary used to purchase savings bonds exempt under s. 20.921 (1) (e).
- (h) Retirement benefits and allowances from retirement systems of 1st class cities exempt under s. 66.81.
- (hm) Retirement benefits and allowances from retirement systems of counties having a population of 500,000 or more exempt under chapter 201, laws of 1937, section 11.
- (i) Tenant's lease and stock interest of a housing corporation exempt under s. 182.004 (6).
- (j) Unemployment compensation benefits exempt under s. 108.13.
- (k) Veterans benefits exempt under s. 45.35 (8) (b).

(14) **REVIEW OF DOLLAR AMOUNTS.** By January 15, 1994, and by January 15 every 4 years thereafter, the

legislative council shall review the dollar amounts in this section and determine if those dollar amounts should be changed. The legislative council shall report its recommendation to the speaker of the assembly and the president of the senate within 15 days of making its determination. If the legislative council recommends that an adjustment should be made in the dollar amounts, its report shall include proposed statutory language to accomplish that recommendation.

SECTION 10. 990.01 (14) of the statutes is amended to read:

990.01 (14) **HOMESTEAD EXEMPTION.** The words "exempt "Exempt homestead" mean that part of the homestead means the dwelling, including a building, condominium, mobile home, house trailer or cooperative, and so much of the land surrounding it as is reasonably necessary for its use as a home, but not less than 0.25 acre, if available, and not exceeding 40 acres, within the limitation as to value set forth in under s. 815.20, except as to liens attaching or rights of devisees or heirs of persons dying before the effective date of any increase of that limitation as to value.

SECTION 11. Initial applicability. This act first applies to exemptions claimed on the effective date of this SECTION.

SECTION 12. Effective date. This act takes effect on the day after publication, except as follows:

- (1) The repeal and recreation of section 701.09 (4) of the statutes takes effect on January 1, 1992.

1989 Senate Bill 309

Date of enactment: April 20, 1990
Date of publication: May 3, 1990

1989 Wisconsin Act 279

AN ACT to renumber 94.67 (5) and 453.03; to renumber and amend 94.67 (15m); to amend 94.67 (7) and 94.67 (26m); and to create 94.67 (3e), 94.67 (5) (b), 94.67 (6) (c), 94.67 (15m) (b), 94.67 (33m), 94.702, 453.02 (5), 453.03 (2) and 453.07 (1) (fm) of the statutes, relating to exempting licensed veterinarians and certified animal technicians who use pesticides while lawfully practicing within the scope of the license or certificate from the requirement to be licensed as commercial pesticide applicators.

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

SECTION 1. 94.67 (3e) of the statutes is created to read:

94.67 (3e) "Animal technician" means an individual who is certified as an animal technician under ch. 453.

SECTION 2. 94.67 (5) of the statutes is renumbered 94.67 (5) (a).

SECTION 3. 94.67 (5) (b) of the statutes is created to read:

94.67 (5) (b) "Commercial application business" does not include a veterinary clinic that uses or directs the use of a pesticide if the pesticide is used or directed to be used only by a veterinarian or animal technician while lawfully practicing within the scope of his or her license or certificate.

SECTION 4. 94.67 (6) (c) of the statutes is created to read:

March 1986 Spec. Sess.
Assembly Bill 1

Date of enactment: March 31, 1986
Date of publication: April 7, 1986

1985 Wisconsin Act 153

AN ACT to repeal 78.73 (5) and 234.90 (3) (d); to renumber and amend 234.90 (1) (a) and 234.90 (7) (c); to amend 20.490 (3) (a) 2 and (b) 2, 71.09 (6r) (a), 74.39, 78.73 (1) (intro.), 78.73 (1) (d), 78.73 (1) (e), 234.90 (1) (am), (2) (a), (b) and (e) to (i) and (3) (c), 234.90 (4) (b), 234.90 (6), 234.90 (9), 815.20 and 815.21 (2), (4) and (5); to repeal and recreate 70.32 (2) (c); and to create 15.131 (5), 15.135 (5), 20.115 (9), 20.445 (1) (bc), 28.06 (2m), 70.32 (1g), 70.32 (2m), 70.57 (3) (f), 71.02 (3), 78.01 (2) (e), 78.12 (3m), 78.73 (1) (dm), 78.73 (1) (f), 92.085, 93.50, 101.27, 221.296, 234.90 (1) (a), 234.90 (3m) and 234.90 (7m) (title) and (a) of the statutes; and to affect 1985 Wisconsin Act 29, section 3029 (3p) (e); and 1985 Wisconsin Act 29, section 3153 (1) (a), relating to: Wisconsin housing and economic development authority agricultural production loan guarantees and interest reductions; creating a farm mediation and arbitration program for resolution of disputes with creditors, creating a farm mediation and arbitration board; the homestead exemption from executions, liens and liability for debts; the proceeds from the sale of real property the taxes on which are delinquent; the income and franchise tax effects of the food security act; authorizing county land conservation committees to develop tree planting programs; authorizing the departments of natural resources and agriculture, trade and consumer protection to grant exemptions from certain laws; training and employment services for dislocated workers, including farmers; increasing an appropriation to the department of agriculture, trade and consumer protection to provide funds for the volunteer farm credit advisor program, property tax assessment and equalized valuation of agricultural land; specialty crops hearing; a motor fuel tax exemption; interest payments that may be included in calculating an income tax credit; student loans; the powers of banks; and providing for a study, making an appropriation and granting rule-making authority.

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

SECTION 1. Legislative declaration. It is the intent of the legislature to assist farmers in this state in receiving necessary training and related employment services before economic conditions force them to terminate farming operations.

SECTION 2. Legislative purpose and intent. (1) The legislature recognizes that the current depressed farm economy places undue stress on the farm credit system, and many farmers in this state are ineligible for additional credit under normal agricultural lending standard and, therefore, cannot borrow operating capital necessary to produce agricultural commodities.

(2) The legislature finds it necessary to take extraordinary steps to assure that farmers may produce agricultural commodities, since this is the only means for many farmers to sustain the income flow they need to operate. Because of agriculture's central role in the state's economy and the dependence of rural communities on the continued operation of family farms, it is in the public interest to assist farmers who cannot otherwise obtain credit to operate their farms.

(3) The legislature finds that the most efficient and cost-effective means of providing operating credit for farmers producing agricultural commodities is

through cooperation between the private and public sectors. Further, the legislature finds that the farm credit system can provide necessary funds if the public sector assumes a portion of the risk present in such lending.

(4) The legislature concludes that it is in the public interest to guarantee extensions of credit to farmers who cannot secure operating loans under usual agricultural lending standards, but who are otherwise suitable credit risks. Further, the legislature recognizes that the state cannot provide these guarantees under article VIII, section 3, of the Wisconsin constitution. The legislature therefore concludes that it is necessary to empower the independent Wisconsin housing and economic development authority to guarantee agricultural production loans.

(5) The legislature intends that the Wisconsin housing and economic development authority guarantee farm operating loans to finance the production of agricultural commodities. The legislature intends that these guaranteed loans be available only to farmers who do not otherwise qualify for operating loans but who, with the aid of a loan guaranteed under this act, are likely to be able to continue farming.

(6) The legislature intends that any adverse income tax and franchise tax consequences to dairy farmers in this state resulting from their participation in the dairy cow "whole-herd buyout" provisions of the federal

gerial ability are sufficient to preclude voluntary or involuntary liquidation before April 1, 1986 of the calendar year following the calendar year in which the participating lender granted the loan.

SECTION 22. 234.90 (3) (d) of the statutes, as created by 1985 Wisconsin Act 9, is repealed.

SECTION 23. 234.90 (3m) of the statutes is created to read:

234.90 (3m) EXTENSION. A participating lender may extend the term of a loan until no later than June 30 of the calendar year following the calendar year in which the participating lender granted the loan.

SECTION 24. 234.90 (4) (b) of the statutes, as affected by 1985 Wisconsin Acts 9 and 29, is amended to read:

234.90 (4) (b) The total principal amounts of all loans which the authority may guarantee under par. (a) on or after the effective date of this act [revisor inserts date], may not exceed ~~\$20,000,000~~ \$22,000,000.

SECTION 25. 234.90 (6) of the statutes, as created by 1985 Wisconsin Act 9, is amended to read:

234.90 (6) DEFAULT. (a) A participating lender shall determine when a guaranteed loan is in default, except that any guaranteed loan not repaid in full on or before March 31, 1986, of the calendar year following the calendar year in which the participating lender granted the loan is in default unless the term of the loan is extended. Upon default, if there is any deficiency remaining after the participating lender has enforced to the fullest extent possible the security interest taken in the ~~crop~~ agricultural commodity resulting from use of the loan proceeds and has collected any proceeds payable from the ~~crop~~ insurance policy protecting the ~~crop~~ agricultural commodity resulting from use of the loan proceeds, the participating lender may so notify the authority. The authority may not accept notice of enforcement and deficiency after July 1, 1986 of the calendar year following the calendar year in which the participating lender granted the loan, or after 30 days after the termination date of a loan extended under sub. (3m), whichever is later.

(b) ~~On or after November 1, Not more than 60 days after accepting notice of enforcement and deficiency under par. (a), the authority shall pay to a participating lender the amount of any deficiency of which the authority accepted notice under par. (a), from the agricultural production loan fund under s. 234.91, the amount of the deficiency.~~

SECTION 26. 234.90 (7) (c) of the statutes, as created by 1985 Wisconsin Act 9, is renumbered 234.90 (7m) (b) and amended to read:

234.90 (7m) (b) ~~No later than December 31, 1986, after deducting an amount sufficient to pay any outstanding claims unresolved on that date, the authority shall transfer to the general fund any balance remaining in the agricultural production loan fund on that date. If under par. (a) the authority deducts an~~

amount sufficient to pay outstanding and anticipated claims, the authority shall transfer moneys to the general fund each calendar quarter as claims are resolved, until no balance remains in the agricultural production loan fund.

SECTION 27. 234.90 (7m) (title) and (a) of the statutes are created to read:

234.90 (7m) (title) BALANCE TRANSFER. (a) No later than June 30, 1987, the authority shall transfer to the general fund any balance remaining in the agricultural production loan fund on that date after deducting an amount equal to the sum of the following:

1. The amount of all claims outstanding on the date of transfer.

2. A fraction, the numerator of which is an amount equal to all claims paid on or before the date of transfer or outstanding on the date of transfer and the denominator of which is the principal amount of all guaranteed loans due on or before the date of transfer, multiplied by the sum of the following:

a. The principal amount of all guaranteed loans not due on or before the date of transfer.

b. An amount equal to \$22,000,000 minus the principal amount of all guaranteed loans granted on or after the effective date of this subdivision [revisor inserts date].

SECTION 28. 234.90 (9) of the statutes, as created by 1985 Wisconsin Act 9, is amended to read:

234.90 (9) PROGRAM TERMINATION. After December 31, 1986 1987, subs. (1) to (8) apply only to outstanding claims unresolved as of that date.

SECTION 29. 815.20 of the statutes is amended to read:

815.20 Homestead exemption definition. (1) An exempt homestead as defined in s. 990.01 (14) selected by a resident owner and occupied by him or her shall be exempt from execution, from the lien of every judgment and from liability for the debts of the owner to the amount of ~~\$25,000~~ \$40,000, except mortgages, laborers', mechanics' and purchase money liens and taxes and except as otherwise provided. The exemption shall not be impaired by temporary removal with the intention to reoccupy the premises as a homestead nor by the sale of the homestead, but shall extend to the proceeds derived from the sale to an amount not exceeding ~~\$25,000~~ \$40,000, while held, with the intention to procure another homestead with the proceeds, for 2 years. The exemption extends to land owned by husband and wife jointly or in common or as marital property, and when they reside in the same household may be claimed by either or may be divided in any proportion between them, but the exemption may not exceed ~~\$25,000~~ \$40,000 for the household. If the husband and wife fail to agree on the division of exemption, the exemption shall be divided between them by the court in which the first judgment was taken. The exemption extends to the interest therein of tenants in common, having a homestead thereon with the consent of the cotenants, and to any estate less than a fee.

(2) Any owner of an exempt homestead against whom a judgment has been rendered and docketed, and any heir, devisee or grantee of such owner, or any mortgagee of such homestead, may proceed under s. 806.04 for declaratory relief if such homestead is less than ~~\$25,000~~ \$40,000 in value and the owner of such judgment shall fail, for 10 days after demand, to execute a recordable release of such homestead from his judgment lien.

SECTION 30. 815.21 (2), (4) and (5) of the statutes are amended to read:

815.21 (2) If such plaintiff is dissatisfied with the quantity selected or the estimate of the value thereof, the officer shall cause such lands to be surveyed, beginning at a point to be designated by the owner and set off in compact form. After the lands are surveyed and set off, if in the opinion of the plaintiff, the same shall be of greater value than ~~\$25,000~~ \$40,000, the officer may still advertise and sell the premises so set off, and out of the proceeds of such sale pay to the exempt homestead claimant the sum of ~~\$25,000~~ \$40,000 and apply the balance of the proceeds of such sale on the execution; but no sale shall be made in the case last mentioned unless a greater sum than ~~\$25,000~~ \$40,000 is paid for said premises. The expenses of such survey and sale shall be collected on the execution if the owner claimed as his homestead a greater quantity of land or land of greater value than he was entitled to; otherwise such expenses shall be borne by the plaintiff.

(4) A homestead so selected and set apart by such officer shall be the exempt homestead of such person. The costs of such notice and survey shall be collected upon the execution. A failure of the officer to set apart such homestead shall affect such levy, only as to such homestead; and the failure of such person to select his homestead shall not impair his right thereto, but only his right to select the same when such selection is lawfully made by such officer. After such homestead is thus set off by such officer, if, in his opinion or in the opinion of the plaintiff, the premises are of greater value than ~~\$25,000~~ \$40,000 he may sell the same as where the owner makes the selection.

(5) If the land claimed as an exempt homestead exceeds in value ~~\$25,000~~ \$40,000, the officer shall not be bound to set off any portion thereof but may sell the same, unless the debtor shall make his selection of such a portion thereof as shall not exceed ~~\$25,000~~ \$40,000 in value.

SECTION 31. 1985 Wisconsin Act 29, section 3029 (3p) (e) is amended to read:

(1985 Wisconsin Act 29) Section 3029 (3p) (e) *Rule making*. The department shall adopt rules to administer this section. The rules shall address eligible applicants and program providers, application requirements, criteria and procedures for awarding grants, reporting and auditing procedures and administrative operations. ~~The rules shall also provide that a person who terminates farming as a result of a sale~~

~~of farming premises on a judgment of mortgage foreclosure or as a result of a default and surrender of physical possession of farming premises held under land contract, is terminated as a result of permanent closure of a facility.~~

SECTION 31m. 1985 Wisconsin Act 29, section 3153 (1) (a) is amended to read:

(1985 Wisconsin Act 29) Section 3153 (1) SUPPLEMENTAL FUNDING FOR DAIRY CENTER. (a) The appropriation to the university of Wisconsin system under section 20.285 (1) (a) of the statutes, as affected by the acts of 1985, is increased as one-time financing for fiscal year 1986-87 for the construction of a dairy product and market development center at the university of Wisconsin-Madison by an amount equal to the amount transferred to the general fund by the Wisconsin housing and economic development authority from the agricultural production loan fund ~~on or before December 31, 1986~~, after deducting \$6,360,000 unless the result is greater than \$244,000, in which case the amount shall be \$244,000. No funds may be released under this paragraph unless the department of administration determines that an equivalent amount has been received for the ~~construction center~~ from private sources.

SECTION 32. Nonstatutory provisions.

(1) AGRICULTURE, TRADE AND CONSUMER PROTECTION; POSITIONS. The authorized FTE positions for the department of agriculture, trade and consumer protection are increased by 1.0 project position for the period beginning on the effective date of this subsection and ending on June 30, 1987, to be funded from the appropriation under section 20.115 (9) (a) of the statutes, as created by this act, for the purpose of performing administrative responsibilities for the farm mediation and arbitration program under section 93.50 of the statutes.

(3) DISLOCATED WORKERS. For the purpose of providing assistance to dislocated workers under 1985 Wisconsin Act 29, section 3029 (3p), as affected by this act:

(a) "Farmer" means an adult who has an ownership interest in farm premises and whose primary employment is the operation of those farm premises.

(b) A farmer is terminated, or has received notice of termination of employment, as a result of permanent closure of a facility if both of the following apply:

1. The farmer demonstrates that one or more of the following have occurred:

a. A notice of foreclosure or intent to foreclose upon the farm premises has been issued.

b. The farm has not realized a profit during the 12 months immediately preceding.

c. The farmer has filed a petition in bankruptcy or has been adjudicated bankrupt.

d. The farmer cannot obtain capital necessary to continue operations.



Wisconsin Department of Workforce Development



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[Home](#) > [Labor Market Information](#) > [Economic Indicators](#)

WI Labor Market Information

DWD Joe Tumpach 6-0851

Wisconsin Economic Indicators

Wisconsin economic indicators is a set of 22 series of data that measure Wisconsin's economic and labor market condition. A comparison of the most recently available data to previous data indicates improvement or decline of economic conditions.

Economic indicators are data that track and foreshadow the state's economic condition throughout the stages of the business cycle. Economic activity occurs in cycles or periods of strong growth followed by decreases in growth. When growth is strong, we say the economy is expanding. When activity is decreasing, we say the economy is heading into a recession. An important point is that some types of economic activity enter the expansion or recession phase before other activities. These activities or measurements of activities are called leading economic indicators. Other economic activities coincide or even lag the overall economic growth.

[Print landscape](#)

Links below will open a new window to display section's data.

Definition of Leading Indicators

	JAN	FEB	MAR	APR	MAY	JUN
<u>L1 COMPOSITE INDEX OF LEADING INDICATORS</u> 1994 = 100						
1990	96.6	94.0	97.5	93.1	95.7	90
1991	82.9	76.4	74.5	81.2	80.9	81
1992	80.1	90.5	81.8	82.7	84.2	84
1993	85.8	90.7	91.0	84.4	82.5	83
1994	88.4	95.0	94.9	96.4	100.3	105
1995	98.6	97.5	113.9	87.4	99.3	97
1996	103.7	99.5	98.6	104.0	110.7	100
1997	130.6	115.3	107.9	129.8	111.9	111
1998	136.8	125.4	126.7	138.3	117.0	116
1999	139.1	132.8	141.5	145.9	128.2	133
2000	157.1	154.2	167.2	143.9	135.7	160
2001	140.8	135.7	123.0	119.4	102.7	90
2002	110.9	108.9	103.7	98.9	107.5	106

X5 CONSUMER PRICE INDEX All Items (1982-1984 = 100)

Not Seasonally Adjusted

1990	123
1991	131
1992	135
1993	140
1994	146
1995	150
1996	153
1997	157
1998	159
1999	162
2000	167
2001	171
2002	172

172% of \$40,000 =
\$68,800



D - Note

Jed

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: increasing the value of the homestead exemption. ✓

Analysis by the Legislative Reference Bureau

Under current law, a resident of this state has the right to claim \$40,000 as a homestead exemption from execution, from the lien of every judgment, and from liability for the resident's debts, except mortgages, taxes, and certain other debts. To be a homestead eligible for the \$40,000 exemption, the property must be occupied by the person, but the exemption is not lost if the person temporarily leaves with the intent to reoccupy the premises. If the homestead is sold, \$40,000 of the proceeds of the sale are exempt while held for up to 2 years ^{two for} the purpose of purchasing another homestead. *

This bill increases the amount of the exemption to \$68,800, based on the change in the consumer price index since the amount was last increased. ✓

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

- 2
- 3
- 4
- 5

plain SECTION 1. 815.20 ^{(1) and (2)} of the statutes ^{are} amended to read:
815.20 ~~Homestead exemption definition~~ (1) An exempt homestead as defined in s. 990.01 (14) selected by a resident owner and occupied by him or her shall be exempt from execution, from the lien of every judgment, and from liability for the

1 debts of the owner to the amount of \$40,000 ~~\$40,000~~ \$68,800,[✓] except mortgages, laborers',
2 mechanics' and purchase money liens and taxes and except as otherwise provided.
3 The exemption shall not be impaired by temporary removal with the intention to
4 reoccupy the premises as a homestead nor by the sale of the homestead, but shall
5 extend to the proceeds derived from the sale to an amount not exceeding \$40,000
6 ~~\$40,000~~ \$68,800,[✓] while held, with the intention to procure another homestead with the
7 proceeds, for 2 years. The exemption extends to land owned by husband and wife
8 jointly or in common or as marital property, and when they reside in the same
9 household may be claimed by either or may be divided in any proportion between
10 them, but the exemption may not exceed ~~\$40,000~~ \$68,800[✓] for the household. If the
11 husband and wife fail to agree on the division of exemption, the exemption shall be
12 divided between them by the court in which the first judgment was taken. The
13 exemption extends to the interest therein of tenants in common, having a homestead
14 thereon with the consent of the cotenants, and to any estate less than a fee.

15 (2) Any owner of an exempt homestead against whom a judgment has been
16 rendered and entered in the judgment and lien docket, and any heir, devisee or
17 grantee of the owner, or any mortgagee of the homestead, may proceed under s.
18 806.04 for declaratory relief if the homestead is less than ~~\$40,000~~ \$68,800[✓] in value
19 and the owner of the judgment shall fail, for 10 days after demand, to execute a
20 recordable release of the homestead from the judgment owner's judgment lien.

21 History: 1973 c. 168; Sup. Ct. Order, 67 Wis. 2d 585, 761, 780 (1975); Stats. 1975 s. 815.20; 1983 a. 186; 1985 a. 153; 1993 a. 486; 1995 a. 224.

22 SECTION 2. 815.21 (2) of the statutes is amended to read:

23 815.21 (2) If such plaintiff is dissatisfied with the quantity selected or the
24 estimate of the value thereof, the officer shall cause such lands to be surveyed,
beginning at a point to be designated by the owner and set off in compact form. After

1 the lands are surveyed and set off, if in the opinion of the plaintiff, the same shall be
2 of greater value than \$40,000 ~~\$40,000~~ \$68,800✓, the officer may still advertise and sell the
3 premises so set off, and out of the proceeds of such sale pay to the exempt homestead
4 claimant the sum of \$40,000 ~~\$40,000~~ \$68,800✓ and apply the balance of the proceeds of such
5 sale on the execution; but no sale shall be made in the case last mentioned unless a
6 greater sum than \$40,000 ~~\$40,000~~ \$68,800✓ is paid for said premises. The expenses of such
7 survey and sale shall be collected on the execution if the owner claimed as the owner's
8 homestead a greater quantity of land or land of greater value than the owner was
9 entitled to; otherwise such expenses shall be borne by the plaintiff.

History: 1973 c. 168; Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975)✓; Stats. 1975 s. 815.21; 1985 a. 153; 1993 a. 486.

10 **SECTION 3.** 815.21 (4) of the statutes is amended to read:

11 815.21 (4) A homestead so selected and set apart by such officer shall be the
12 exempt homestead of such person. The costs of such notice and survey shall be
13 collected upon the execution. A failure of the officer to set apart such homestead shall
14 affect such levy, only as to such homestead; and the failure of such person to select
15 that person's homestead shall not impair that person's right thereto, but only that
16 person's right to select the same when such selection is lawfully made by such officer.
17 After such homestead is thus set off by such officer, if, in the officer's opinion or in
18 the opinion of the plaintiff, the premises are of greater value than \$40,000 ~~\$40,000~~ \$68,800✓
19 the officer may sell the same as where the owner makes the selection.

History: 1973 c. 168; Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975)✓; Stats. 1975 s. 815.21; 1985 a. 153; 1993 a. 486.

20 **SECTION 4.** 815.21 (5) of the statutes is amended to read:

21 815.21 (5) If the land claimed as an exempt homestead exceeds in value
22 \$40,000 ~~\$40,000~~ \$68,800✓, the officer shall not be bound to set off any portion thereof but may

1 sell the same, unless the debtor shall make the debtor's selection of such a portion
2 thereof as shall not exceed ~~\$40,000~~ [✓] \$68,800 in value.

3 History: 1973 c. 168; Sup. Ct. Order, 67 Wis. 2d 585, 761 (1975); Stats. 1975 s. 815.21; 1985 a. 153; 1993 a. 486.

(END)

D-note



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0044/P1dn

RPN:.....

date

JLd

* To determine the amount to increase the homestead exemption, I used the consumer price index in the Wisconsin economic indicators section of the Department of Workforce Development web site. The homestead exemption amount was changed from \$25,000 to \$40,000 in 1985 Wisconsin Act 153, effective April 1986. The consumer price index has a base of 100 for the period 1982-84, so I used the 2002 consumer price index of 172, and multiplied the \$40,000 times 172%, to arrive at \$68,800, which is equivalent to \$40,000 in 1982-84. This estimate is not completely accurate, because the change to \$40,000 was made in 1986, not 1984, but this bill will not pass and be effective until either 2003 or 2004, so the resulting errors may balance each other. You may want to discuss this with the Legislative Fiscal Bureau to obtain a more accurate number. *

Your request also indicated that some change be made in the homestead acreage limits in section 990.01 (14) of the statutes, based on changes in economic factors. The acreage limits were added by 1989 Wisconsin Act 278, effective May 1990. I have no idea what economic factors to consider to make changes in these limits, so I did not amend that statute. If you have some suggestions, please let me know. *

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0044/P1dn
RPN:jld:pg

September 24, 2002

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Senior Legislative Attorney
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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0044/R
RPN:jld:pg

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Regen

1 AN ACT to amend 815.20 (1) and (2), 815.21 (2), 815.21 (4) and 815.21 (5) of the
2 statutes; relating to: increasing the value of the homestead exemption.

Analysis by the Legislative Reference Bureau

Under current law, a resident of this state has the right to claim \$40,000 as a homestead exemption from execution, from the lien of every judgment, and from liability for the resident's debts, except mortgages, taxes, and certain other debts. To be a homestead eligible for the \$40,000 exemption, the property must be occupied by the person, but the exemption is not lost if the person temporarily leaves with the intent to reoccupy the premises. If the homestead is sold, \$40,000 of the proceeds of the sale are exempt while held for up to two years for the purpose of purchasing another homestead.

This bill increases the amount of the exemption to \$68,800, based on the change in the consumer price index since the amount was last increased.

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

3 SECTION 1. 815.20 (1) and (2) of the statutes are amended to read:
4 815.20 (1) An exempt homestead as defined in s. 990.01 (14) selected by a
5 resident owner and occupied by him or her shall be exempt from execution, from the

1 lien of every judgment and from liability for the debts of the owner to the amount of
2 ~~\$40,000~~ \$68,800, except mortgages, laborers', mechanics' and purchase money liens
3 and taxes and except as otherwise provided. The exemption shall not be impaired
4 by temporary removal with the intention to reoccupy the premises as a homestead
5 nor by the sale of the homestead, but shall extend to the proceeds derived from the
6 sale to an amount not exceeding ~~\$40,000~~ \$68,800, while held, with the intention to
7 procure another homestead with the proceeds, for 2 years. The exemption extends
8 to land owned by husband and wife jointly or in common or as marital property, and
9 when they reside in the same household may be claimed by either or may be divided
10 in any proportion between them, but the exemption may not exceed ~~\$40,000~~ \$68,800
11 for the household. If the husband and wife fail to agree on the division of exemption,
12 the exemption shall be divided between them by the court in which the first judgment
13 was taken. The exemption extends to the interest therein of tenants in common,
14 having a homestead thereon with the consent of the cotenants, and to any estate less
15 than a fee.

16 (2) Any owner of an exempt homestead against whom a judgment has been
17 rendered and entered in the judgment and lien docket, and any heir, devisee or
18 grantee of the owner, or any mortgagee of the homestead, may proceed under s.
19 806.04 for declaratory relief if the homestead is less than ~~\$40,000~~ \$68,800 in value
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24 estimate of the value thereof, the officer shall cause such lands to be surveyed,
25 beginning at a point to be designated by the owner and set off in compact form. After

1 the lands are surveyed and set off, if in the opinion of the plaintiff, the same shall be
2 of greater value than ~~\$40,000~~ \$68,800, the officer may still advertise and sell the
3 premises so set off, and out of the proceeds of such sale pay to the exempt homestead
4 claimant the sum of ~~\$40,000~~ \$68,800 and apply the balance of the proceeds of such
5 sale on the execution; but no sale shall be made in the case last mentioned unless a
6 greater sum than ~~\$40,000~~ \$68,800 is paid for said premises. The expenses of such
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23 sell the same, unless the debtor shall make the debtor's selection of such a portion
24 thereof as shall not exceed ~~\$40,000~~ \$68,800 in value.

25 (END)

Barman, Mike

From: Barman, Mike
Sent: Friday, February 07, 2003 9:20 AM
To: Rep. Albers
Subject: LRB-0044/1 (attached - for your review)



03-0044/1

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
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