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Assembly Pulls Liability Provisions from Budget

Employers Applaud Assembly Democratic Action

The Democratic majority in the state Assembly has voted to remove controversial liability provisions from the state budget. The action was hailed by businesses across Wisconsin.

“We applaud the Assembly Democrats for removing the liability provisions from the budget,” said Bill G. Smith, Director of the National Federation of Independent Business-Wisconsin. “An issue that affects every aspect of life and work in Wisconsin deserves the kind of attention and consideration that is not possible within the budget process.”

Over 70 statewide associations and employers, including hospitals, tourist attractions, cooperatives, farmers, local chambers of commerce, taverns, timber producers, health care providers, retail stores and many others have come together to ask that liability changes be removed from the budget.

“Thousands of citizens contacted their legislators and nearly every major daily newspaper wrote multiple editorials opposing the provision,” said Smith. “The people spoke clearly against this budget provision and the people were heard by Assembly Democrats.”

Three liability provisions were included in the budget introduced by Governor Doyle. The provisions:

- Allow a person as little as 1% at fault to be forced to pay 100% of a lawsuit claim. This is called “joint and several liability.”
- Allow, for the first time in Wisconsin, a person to be sued and forced to pay a party more at fault than themselves.
- Require juries to be told how to manipulate the determination of fault to get more money from a deep-pocket defendant. “Deep-pockets” are any defendant with a home, insurance policy, retirement savings or anything else worth taking.

The joint and several liability provision was amended by the Joint Finance Committee to have the appearance of preventing parties less than 20% at fault from paying 100% of the claim. A closer look revealed the amendment was worse than the Governor’s original proposal. The amendment still allowed 1% fault to be forced to pay 100% in certain many cases and allowed a party more at fault to collect nearly 100% of the claim from a party less at fault.