

1 **WASHINGTON COUNTY, WISCONSIN**

2
3 Date of enactment: 5/12/09

4 Date of publication: 5/19/09

5 **VOTE**

6 **2009 RESOLUTION 15**

7
8 **Opposition to the Governor's Proposed Changes to**
9 **Insurance Laws and 2009 Senate Bill 20**

10
11 **WHEREAS**, Governor Jim Doyle's 2009 Executive Budget Bill (2009 Assembly Bill
12 75) contains several anti-tort reform proposals including, but not limited to:

13
14 1) Changing comparative negligence laws to force a defendant to pay one hundred
15 percent of the damages when they have as little as one percent of liability;

16
17 2) Forcing individuals, companies and local governments to pay for higher levels
18 of insurance by increasing mandatory minimum auto liability insurance limits;

19
20 3) Changing the definition of an "underinsured motorist" in a way that may in-
21 crease insurance claims;

22
23 4) Requiring insurance companies to cover "uninsured motorist" insurance claims
24 when no contact was made between the insured's car and another car, thereby increasing the
25 risk of fraudulent claims;

26
27 5) Allowing "stacking" of coverage for "underinsured motorists" such that the cov-
28 erage limits for an accident are not limited to the policy relating to the particular vehicle in-
29 volved in the accident;

30
31 6) Forcing excess or umbrella insurers to offer to cover certain claims when the
32 coverage was not requested by the insured; and

33
34 **WHEREAS**, the aforementioned anti-tort reform proposals would significantly increase
35 the cost of providing insurance in Wisconsin; and

36
37 **WHEREAS**, Washington County currently procures its liability insurance through
38 Wisconsin County Mutual Insurance Corporation (WCMIC); and

39
40 **WHEREAS**, WCMIC is a county owned and operated mutual insurance company
41 created for the purpose of providing long-term stability in insurance coverage and insurance
42 costs for counties; and

1 **WHEREAS**, as a mutual insurance company, WCMIC's increased cost of providing
2 insurance resulting from the anti-tort reform proposals would be borne by counties and their
3 taxpayers directly in the form of increased insurance premiums; and
4

5 **WHEREAS**, Senate Bill 20 would have a dramatic financial impact on counties by
6 changing employment discrimination laws as follows:
7

8 1) Allowing claimants to collect unlimited punitive damages against counties con-
9 trary to current state and federal law;
10

11 2) Forcing counties to pay a punitive 10% surcharge to the court system in addition
12 to unlimited damages;
13

14 3) Forcing counties to litigate issues of compensatory and punitive damages years
15 after the initial discrimination complaint was filed;
16

17 4) Creating an irrational and inefficient complaint process where both parties have
18 an incentive to litigate claims to the fullest extent possible; and
19

20 **WHEREAS**, Washington County faces significant budgetary challenges related to the
21 provision of critical state and county services at a time when state and federal financial support
22 for such services is decreasing and the burden placed on Washington County taxpayers is
23 growing; and
24

25 **WHEREAS**, adding new costs for counties and forcing counties to increase their tax
26 levies during our current economic downturn would be devastating to property taxpayers who
27 can ill afford increased taxes or increased insurance costs;
28

29 **NOW, THEREFORE, BE IT RESOLVED** by the Washington County Board of
30 Supervisors that this Board opposes the Governor's proposed changes to insurance laws in-
31 cluded in his 2009 Executive Budget (2009 Assembly Bill 75) and the proposed changes to em-
32 ployment discrimination laws in 2009 Senate Bill 20 and strongly encourages its senators and
33 representatives in the Wisconsin State Legislature to reject the Governor's proposals and 2009
34 Senate Bill 20.
35

36 **BE IT FURTHER RESOLVED** that a copy of this resolution be sent to all State Sena-
37 tors and Representatives representing Washington County, Governor Doyle, and the Wisconsin
38 Counties Association.
39
40
41

42 VOTE REQUIREMENT FOR PASSAGE: Majority
43

1 RESOLUTION SUMMARY: Advisory resolution opposing the Governor's proposed changes
2 to Insurance Laws and 2009 Senate Bill 20.

3

4 APPROVED: Introduced by members of the EXECUTIVE
5 **(signed by Kimberly A. Nass)** COMMITTEE as filed with the County Clerk.

6 Kimberly A. Nass, County Attorney

7 Dated **5/13/09**

8

(signed by Herbert J. Tennes)

9 Considered **5/12/09**

Herbert J. Tennes, Chairperson

10 Adopted **5/12/09**

11 Ayes **27** Noes **0** Absent **2** Abstain **1**

12 Voice Vote _____

13

14 (Advisory resolution.)