

**2011 Jr1 DRAFTING REQUEST**

**Assembly Amendment (AA-AB1)**

Received: **01/12/2011**

Received By: **phurley**

Wanted: **As time permits**

Companion to LRB:

For: **Anthony Staskunas (608) 266-0620**

By/Representing: **adrienne**

May Contact:

Drafter: **phurley**

Subject: **Courts - torts**  
**Courts - miscellaneous**  
**Courts - evidence**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Staskunas@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Remove presumption of safety

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**Instructions:**

Remove presumption of safety from s. 895.047

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**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>
/?							
/1	phurley 01/13/2011	jdye 01/13/2011	mduchek 01/13/2011	_____	mbarman 01/13/2011	mbarman 01/13/2011	

FE Sent For:

<END>

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FE Sent For:

<END>

**Hurley, Peggy**

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**From:** Ramirez, Adrienne  
**Sent:** Thursday, January 13, 2011 12:45 PM  
**To:** Hurley, Peggy  
**Subject:** RE: Provision in Product Liability Bill Unfair to Veterans  
Yes please.

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**From:** Hurley, Peggy  
**Sent:** Thursday, January 13, 2011 12:44 PM  
**To:** Ramirez, Adrienne  
**Subject:** RE: Provision in Product Liability Bill Unfair to Veterans

Hi Adrienne,

Do you want to eliminate the presumption? That is the suggestion raised by the constituent.

Peggy

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**From:** Ramirez, Adrienne  
**Sent:** Thursday, January 13, 2011 12:43 PM  
**To:** Hurley, Peggy  
**Subject:** FW: Provision in Product Liability Bill Unfair to Veterans

Peggy –  
Could you please draft an amendment to SS AB 1 to address the concerns raised on behalf of our military veterans.  
Thank you,  
Adrienne  
Office of Rep. Tony Staskunas  
6-0620

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**From:** Jill Rakauski [mailto:JRakauski@dustlaw.com]  
**Sent:** Wednesday, January 12, 2011 1:19 PM  
**To:** Rep.OttJ; Rep.Larson; Rep.Kestell; Rep.Kerkman; Rep.Jacque; Rep.Hebl; Rep.Staskunas; Rep.Cullen; Sen.Zipperer; Sen.Kedzie; Sen.Galloway; Sen.Risser; Sen.Erpenbach  
**Subject:** Provision in Product Liability Bill Unfair to Veterans

Chairmen Ott and Zipperer and Committee,

Yesterday's hearing was very long and by the time I spoke regarding the particular provision in the products that affects Wisconsin's Veterans I am not sure I was able to communicate the problem.

Essentially, the portion of the bill I would like to draw your attention to is Sec. 31, Wis. Stat. 895.047(3)(b) which allows of presumption of safety for any products that complied with a "relevant standard, condition or specification" For military veterans with asbestos cancer, this would allow a presumption of safety for all asbestos products used in the Navy simply because these were always provided pursuant to a specification. (Every product from toilet paper to artillery in the military is provided pursuant to a specification.)

Just because a product was specified by a governmental agency, we cannot make the assumption that the government did an independent examination to determine whether the product was safe. The government certainly didn't do any investigation for the asbestos products used by our Wisconsin veterans in the Army and Navy. In addition, just because a product may have been specified, there was

certainly no prohibition on placing a warning label on the product. I have testimony from Admirals and I have military specifications showing that warning labels were not prohibited; on the contrary, these warnings were encouraged. If anyone is interested I can provide.

I have searched all fifty states and I have not found one rule of evidence in place like this one being proposed. I challenge the proponents of the bill to provide evidence that this rule would bring Wisconsin into the mainstream of what other states are doing. I have not found any other states that give a presumption of safety to all products that were simply specified by any governmental agency.

Simply removing this section would not require any changes to the bill itself. This section is an outlier and is not tied in to the other sections. I request on behalf of my clients with asbestos cancer and who are veterans that this be reconsidered and removed.

Jill A. Rakauski

**Penn**

**Rakauski**

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State of Wisconsin  
2011 - 2012 LEGISLATURE

January 2011 Special Session

TODAY  
ASSEMBLY AMENDMENT,  
TO ASSEMBLY BILL 1



LRBa0069/1

PJH:A:...

JLD

1 At the locations indicated, amend the bill as follows: ✓

2 1. Page 25, line 21: delete lines 21 to 24. ✓

3 (END)