

Legislature - First Session - 2019

Introducer's Statement of Intent

LB421

Chairperson: Senator Steve Lathrop

Committee: Judiciary

Date of Hearing: February 21, 2019

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 421 establishes the Asbestos Trust Claims Transparency Act. The Asbestos Trust Claims Transparency Act seeks to ensure fairness and transparency for all parties involved in civil litigation related to damages or injuries suffered as a result of a plaintiff's exposure to asbestos or to products containing asbestos.

In the wake of numerous court cases and judgments against several manufacturers of asbestos and products containing asbestos, a number of manufacturers were forced to declare bankruptcy. To protect parties injured by these bankrupt companies, trusts were established to provide compensation to injured parties. As a result, individuals who have suffered injuries from products made by these now-bankrupt companies may file for and receive money from these asbestos trusts. This trust compensation is based on a fee schedule.

The Act ensures transparency of all potential exposures to asbestos resulting in a plaintiff's injury by requiring plaintiffs in asbestos-related injury cases to file for and disclose any trust claims for which they may be eligible prior to advancing their civil claim. This ensures that all parties to a case are made fully aware of all alleged exposures suffered by a plaintiff. The bill further puts in place certain deadlines for these filings and disclosures to ensure that there is adequate time for the parties to review all information related to the potential causes prior to trial.

Finally, the Act protects the public's interest in ensuring the effectiveness of the asbestos trust system by ensuring that all exposures are disclosed at trial. The result is the prevention of the possibility of being compensated twice for the same injury.

Principal Introducer: _____

Senator Mike Hilgers