

**Senate Committee on Judiciary
Support of Senate Bill 73
Presented by Eric Stafford, Vice President of Government Affairs**



Thursday, February 2, 2017

Mister Chairman and members of the committee, my name is Eric Stafford, Vice President of Government Affairs for the Kansas Chamber. The Kansas Chamber appreciates the opportunity to testify in support of Senate Bill 73.

SB 73 would enact the asbestos bankruptcy trust claims transparency act to require plaintiffs in asbestos suits to file trust claims before proceeding to trial. Asbestos bankruptcy trusts were created by defendant companies most directly responsible for asbestos injuries through federal bankruptcy law. Companies primarily responsible for asbestos injuries mined and supplied asbestos or manufactured products containing high levels of asbestos. The first trust was approved in the 1980's with more than 60 companies in total creating trusts through bankruptcy for injuries sustained by exposure to asbestos. It is estimated that more than \$35 billion is available in those trusts for asbestos claims.

Today there is no requirement that plaintiffs seek compensation for their injuries through the federally established trusts. SB 73 establishes clear guidelines for filing an asbestos claim in Kansas. The plaintiff must first file their trust claims before proceeding with a suit in the state tort system. This requirement offers transparency for defendants that does not exist today by providing access to trust claims by plaintiffs. Since 2012, eight states have enacted similar legislation (Arizona, Ohio, Oklahoma, Tennessee, Texas, Utah, West Virginia, and Wisconsin).

SB 73 does not impose caps on a plaintiff's ability to receive compensation or limit claims against trusts. We simply are seeking to change the timing of filing of asbestos trust claims to before a trial to promote fairness and transparency.

We thank you for the opportunity to offer testimony in support of Senate Bill 73 and I am happy to answer questions at the appropriate time.



The Kansas Chamber, with headquarters in Topeka, is the leading statewide pro-business advocacy group moving Kansas towards becoming the best state in America to do business. The Chamber represents small, medium and large employers all across Kansas.