

February 3, 1981

LB 29

CLERK: Mr. President, LB 29. (Read title) The bill was first read on January 8 of this year. It was referred to the Judiciary Committee. The bill was advanced to General File. There are committee amendments pending by the Judiciary Committee, Mr. President.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. President, members of the Legislature, the purpose of LB 29 is to extend the statute of limitations on causes of actions based on asbestos injuries so that the statute of limitations begins to run from the date of discovery, the date of the discovery of the injury rather than from the date of the injury occurred. In committee we received testimony that several of the asbestos related diseases may have a latency period in excess of twenty years. In its original form the bill provides that if jurisdiction cannot be obtained over a particular manufacturer of the asbestos products, then the manufacturer's principal distributor or seller over whom jurisdiction could be obtained would be deemed for purpose of adjudication the manufacturer of the product. At the public hearing it was agreed that local distributors or sellers should not be made civilly liable in regard to such actions unless such distributor or seller is also the manufacturer. After discussion the committee adopted an amendment which would strike the language creating jurisdiction over such distributors and sellers if jurisdiction cannot be obtained over the manufacturer. I move for the adoption of the committee amendment.

SPEAKER MARVEL: The motion is the adoption of the committee amendments. All those in favor of that motion vote aye, opposed no. We are voting on the committee amendments to LB 29. Have you all voted? Record.

CLERK: 28 ayes, 0 nays on adoption of committee amendments.

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. The Chair recognizes Senator Beutler. Excuse me, before...well, go ahead. Go ahead, Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, with this bill the issue is simple. The issue is whether a person who contracts cancer through exposure to asbestos is going to have a right to his day in court or whether he isn't going to have a right to his day in court. Let me explain to you basically what the bill does. Essentially we are eliminating what is called the "statute of repose" with regard to one narrow area of injuries, that is, injuries that occur