

By: Nixon

H.C.R. No. 212

CONCURRENT RESOLUTION

1           WHEREAS, Over the last three decades, hundreds of thousands  
2 of lawsuits alleging asbestos-related disease have been filed in  
3 the United States, culminating, by one estimate, in more than  
4 200,000 claims pending in federal court by the late 1990s; the scope  
5 and potential consequence of the situation prompted the United  
6 States Supreme Court to acknowledge that the country was in the  
7 midst of an "asbestos-litigation crisis"; and

8           WHEREAS, The United States Congress has struggled with  
9 legislative proposals to abate the asbestos litigation emergency  
10 since the 1970s, endeavoring to balance victims' rights with  
11 protecting businesses from suits without merit and preserving the  
12 integrity of the court system; and

13           WHEREAS, Texas has not been immune to this challenge; indeed,  
14 in the period from 1998 to 2000, more lawsuits alleging  
15 asbestos-related disease were filed in Texas than in any other  
16 state and thousands of lawsuits are pending in Texas today; and

17           WHEREAS, With widespread, bipartisan support, the 79th Texas  
18 Legislature has met this challenge and recently passed effective  
19 and fair asbestos litigation reform based on medical criteria; this  
20 landmark legislation will protect the right of people with  
21 impairing asbestos-related injuries to pursue their claims in a  
22 fair and efficient manner, while at the same time preventing scarce  
23 judicial and litigant resources from being misdirected by claims  
24 without merit; and

1           WHEREAS, The United States Congress is currently considering  
2 the Fairness in Asbestos Injury Resolution Act of 2005, and the  
3 Texas Legislature commends the congress for its continuing effort  
4 to create a just and effective system to resolve claims of victims  
5 for injury caused by asbestos exposure; now, therefore, be it

6           RESOLVED, That the 79th Legislature of the State of Texas,  
7 while recognizing the value of congressional action to reconcile  
8 the asbestos litigation crisis, respectfully urges the United  
9 States Congress not to override or preempt recently passed asbestos  
10 litigation-related state legislation that garnered overwhelming  
11 legislative and popular support; and, be it further

12           RESOLVED, That the Texas secretary of state forward official  
13 copies of this resolution to the president of the United States, the  
14 speaker of the house of representatives and the president of the  
15 senate of the United States Congress, and all the members of the  
16 Texas delegation to the congress with the request that this  
17 resolution be officially entered in the Congressional Record as a  
18 memorial to the Congress of the United States of America.