

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 20, 2015

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1492 by Miller, Doug (Relating to consideration of asbestos or silica trust claims in certain actions asserting asbestos- or silica-related injuries.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to define "asbestos or silica trust" as a trust established pursuant to a plan of reorganization under the US Bankruptcy Code for a debtor with massive asbestos liabilities. The bill would define various terms and procedures for filing a claim asserting an asbestos or silica-related injury with a trust. It would also provide sanctions for a claimant's failure to provide notice in a pending suit of a prior claim filed and compensation received from an asbestos or silica trust. In addition, the bill would further provide procedures for stay of a pending suit involving an asbestos or silica-related injury (including appropriate motions and responses) while the claimant makes a claim against an asbestos or silica trust. Finally, the bill would provide for modification of a judgment for asbestos or silica-related injuries based on a subsequent payment to the claimant from an asbestos or silica trust.

Based on the analysis of the Office of Court Administration and Public Utility Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, FR, MW, GDz