

MINUTES
HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

DATE: Tuesday, March 07, 2017

TIME: 1:30 PM Or Upon Adjournment

PLACE: Room EW42

MEMBERS: Chairman Luker, Vice Chairman Malek, Representatives Perry, Dayley, Trujillo, McDonald, Cheatham, Kerby, Nate, Chaney, Amador, Hanks, Zito, Zollinger, Gannon, McCrostie, Wintrow

**ABSENT/
EXCUSED:** None

GUESTS: Benjamin Couture, Idaho Trial Lawyers Association; Mark Zaleski, Kelly Billings, International Brotherhood of Electrical Workers 291; Sharon Harrigfeld, Director, Idaho Department of Juvenile Corrections; Roy Bale, self; Matt Andrew, self; Aaron White, Idaho American Federation of Labor and Congress of Industrial Organizations; Holly Koole Rebholtz, Idaho Prosecuting Attorneys Association; Charlotte Nilson, CDA Tribe; Shaun Laughlin, Professional Firefighters of Idaho; Alex LaBeau, Steve Thomas, Idaho Association of Commerce & Industry; Kent Day, Liberty Mutual; Phil Goldberg, U.S. Chamber; Mike Brassey, Uniform Law Commissioner; Ken McClue, Idaho Liability Reform Coalition; Shakirah Sanders, self; Marty Durand, Building Trades

Chairman Luker called the meeting to order at 1:58 P.M.

S 1011: **Sharon Harrigfeld**, Director, Idaho Department of Juvenile Corrections, presented **S 1011**. This legislation seeks to amend Chapter 23, Title 67 because it no longer governs open meeting law, and therefore the change is necessary to ensure the reference cites the accurate applicable laws. This change will provide for correct citation of the Idaho Code for open meetings law and will change the "open meeting law" from singular to plural. The cost to make these changes will be absorbed by the Department in the statewide cost allocation and, therefore, will have a minimal cost to the public.

MOTION: **Rep. McCrostie** made a motion to send **S 1011** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McCrostie** will sponsor the bill on the floor.

S 1091: **Mike Brassey**, Uniform Law Commissioner, presented **S 1091**. This legislation corrects a drafting error that occurred when section 30-25-701, Idaho Code was adopted in 2015. This section of Idaho's Limited Liability Company (LLC) statute relates to the dissolution of an LLC. The current statute includes language in both subsections (4) (B) and (4) (C) that should be included only in subsection (4) (C). As a consequence, the legislation strikes the duplicate and incorrect language in subsection (4) (B).

MOTION: **Rep. Kerby** made a motion to send **S 1091** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kerby** will sponsor the bill on the floor.

H 221:

Alex LaBeau and **Steve Thomas**, Idaho Association of Commerce & Industry, presented **H 221**. This legislation amends Title 6, Idaho Code, by the addition of a new Chapter 31, to establish procedures for a claimant in a civil action for damages due to asbestos exposure to disclose additional claims the claimant has filed with an asbestos trust. The Idaho Asbestos Bankruptcy Trust Claims Transparency Act establishes a method the courts in Idaho will use to determine whether a person filing a claim for an asbestos action has made a claim or recovered monies from any Asbestos Trust in the past. The legislation would require the claimant to provide the court with information related to prior claims. Chapter 31 provides definitions of terms in section 6-1303; outlines required disclosures by claimant in section 6-3104; requires identification of additional or alternative trust claims by defendants in 6-3105; sets use of materials in discovery in section 6-3106; requires a record of valuation in trust claims and judicial notice in section 6-3107; establishes sanctions for a failure to provide information in the case in section 6-3108; provides presumptions of timing but gives the courts discretion in section 6-3109; provides for severability in section 6-3110; and clarifies that this act is prospective, and applies to all asbestos cases filed on or after its effective date in section 6-3111.

In response to questions, **Mr. LaBeau**, said there are an undisclosed amount of cases and a nation wide problem. When you fill out the application the claim goes to all the trusts. The standard providing fair disclosure by claimants is 180 days.

In response to questions, **Steve Thomas**, Idaho Association of Commerce & Industry, said asbestos may have multiple defendants. Claimants waive their protections when they file claims. Trial courts may shorten or lengthen time as necessary for investigation needs.

Benjamin Couture, Idaho Trial Lawyers Association, spoke **in opposition** of **H 221** advising the bill calls for unnecessary time consuming requirements the suffering veterans and working class with exposure should not have to endure during the remaining few months of their lives.

In response to questions, **Mr. Couture** said trusts do make them whole again, double dipping is a catch phrase. Many workers change employment multiple times in life and are exposed to multiple different asbestos companies and their products. Lawyers are able to file in the state the problem occurred, not their actual current resident state of diagnosis.

Ray Bale, Idaho resident with mesothelioma, spoke **in opposition** of **H 221** advising even with health insurance it has been very expensive, and this was a painful battle for his family while suffering from mesothelioma.

Shaun Laughlin, Professional Firefighter of Idaho, spoke **in opposition** of **H 221**.

Phil Goldberg, Idaho resident, spoke **in support** of **H 221** advising the changes provide clarification for jurors.

In response to questions, **Mr. Goldberg** said provided everybody plays by the rules there should be no judicial delays.

Ken McClufe, Idaho Liability Reform Coalition, spoke **in support** of **H 221** advising time frames are part of a speedy court process.

Shakirah Sanders, Associate Professor of Law, spoke **in opposition** of **H 221** advising the constitutional concerns and there are no issues in Idaho cases needing this reform. Any turn over of medical information is a violation of privilege and many provisions are not permissive and will be a violation of separation of powers.

MOTION:

Vice Chairman Malek made a motion to send **H 221** to General Orders.

SUBSTITUTE MOTION: Rep. Wintrow made a substitute motion to **HOLD H 221** in Committee. **Substitute motion carried by a voice vote.** To be recorded as saying **NAY** : **Vice Chairman Malek, Reps. Dayley, Trujillo, McDonald, Kerby, and Amador.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 5:40 P.M.

Representative Luker
Chair

Heidi McKay
Secretary