

SB1049/252612/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 1049
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Civil Actions – Office of” and substitute “Joint Committee on Asbestos Litigation Oversight –”.

On pages 1 and 2, strike beginning with “establishing” in line 3 on page 1 through “Resolution” in line 2 on page 2 and substitute “establishing the Joint Committee on Asbestos Litigation Oversight; specifying the members of the Committee; providing for the appointment of the members of the Committee; providing for the appointment of the cochairs of the Committee; establishing the powers and duties of the Committee; requiring the Committee to submit a certain report to the Governor and the General Assembly on or before a certain date each year; requiring the Court of Appeals to report to the Committee and the General Assembly on certain matters concerning asbestos litigation on or before a certain date each year; declaring the intent of the General Assembly; and generally relating to the Joint Committee on Asbestos Litigation Oversight and asbestos case mediation and resolution”.

On page 2, strike in their entirety lines 3 through 8, inclusive, and substitute:

“BY adding to

Article – State Government

Section 2–10A–16 and 2–10A–17

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 11 on page 2 through line 32 on page 5, and substitute:

(Over)

“Article – State Government

2-10A-16.

(A) THERE IS A JOINT COMMITTEE ON ASBESTOS LITIGATION OVERSIGHT.

(B) THE COMMITTEE CONSISTS OF 15 MEMBERS.

(C) OF THE 15 MEMBERS:

(1) FIVE MEMBERS SHALL BE MEMBERS OF THE SENATE OF MARYLAND, INCLUDING TWO MEMBERS WHO SHALL BE MEMBERS OF THE JUDICIAL PROCEEDINGS COMMITTEE AND TWO MEMBERS WHO SHALL BE MEMBERS OF THE BUDGET AND TAXATION COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;

(2) FIVE MEMBERS SHALL BE MEMBERS OF THE HOUSE OF DELEGATES, INCLUDING TWO MEMBERS WHO SHALL BE MEMBERS OF THE HOUSE JUDICIARY COMMITTEE AND TWO MEMBERS WHO SHALL BE MEMBERS OF THE APPROPRIATIONS COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES;

(3) THREE MEMBERS SHALL BE APPOINTED JOINTLY BY THE PRESIDENT AND THE SPEAKER AS FOLLOWS:

(I) A REPRESENTATIVE OF THE MARYLAND STATE BAR ASSOCIATION;

(II) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION FOR JUSTICE; AND

(III) A REPRESENTATIVE OF THE MARYLAND DEFENSE COUNSEL; AND

(4) TWO MEMBERS SHALL BE RETIRED JUDGES OF THE MARYLAND JUDICIARY APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS.

(D) (1) A MEMBER OF THE COMMITTEE WHO IS APPOINTED BY A PRESIDING OFFICER OR THE PRESIDING OFFICERS SERVES AT THE PLEASURE OF THE PRESIDING OFFICER OR PRESIDING OFFICERS WHO APPOINTED THE MEMBER.

(2) A MEMBER OF THE COMMITTEE WHO IS APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS SERVES AT THE PLEASURE OF THE CHIEF JUDGE OF THE COURT OF APPEALS.

(E) THE PRESIDENT AND THE SPEAKER SHALL JOINTLY APPOINT A SENATOR AND A DELEGATE EACH TO SERVE AS COCHAIR.

(F) THE COMMITTEE, IN EACH REPORT DESCRIBED IN SUBSECTION (G) OF THIS SECTION, SHALL:

(1) MAKE RECOMMENDATIONS REGARDING INCREASING THE USE OF MEDIATION IN ASBESTOS LITIGATION;

(2) EXAMINE AND EVALUATE THE EFFECT OF ALL LAWS, INCLUDING COURT RULES, ON THE ASBESTOS LITIGATION IN THE STATE;

(Over)

(3) CONSIDER REPORTS PROVIDED BY THE COURT OF APPEALS CONCERNING ASBESTOS LITIGATION;

(4) CONSIDER INFORMATION PROVIDED BY REPRESENTATIVES OF LITIGANTS CONCERNING ASBESTOS LITIGATION;

(5) EXAMINE AND CONSIDER CONSOLIDATING CASES BY JOB SITE LOCATION OR DISEASE TYPE; AND

(6) STUDY THE ESTABLISHMENT OF A SEPARATE ASBESTOS COURT AS USED IN OTHER STATES.

(G) (1) THE COMMITTEE SHALL REPORT TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE ON OR BEFORE DECEMBER 31 OF EACH YEAR.

(2) THE REPORT SHALL INCLUDE ANY RECOMMENDATIONS OF THE COMMITTEE.

2-10A-17.

ON OR BEFORE OCTOBER 1, 2019, AND EACH YEAR THEREAFTER, THE COURT OF APPEALS SHALL REPORT TO THE JOINT COMMITTEE ON ASBESTOS LITIGATION OVERSIGHT AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, THE FOLLOWING INFORMATION:

(1) A SUMMARY OF ASBESTOS CASE STATUS OR DISPOSITION, INCLUDING THE NUMBER OF:

- (I) OPEN TRIAL DATES;**
- (II) TRIAL DATES ACTUALLY USED;**
- (III) ALL INACTIVE CASES BY FILING DATE;**
- (IV) ACTIVE CASES FILED BEFORE JANUARY 1, 2019, BY FILING DATE;**
- (V) ACTIVE CASES FILED ON OR AFTER JANUARY 1, 2019, BY FILING DATE;**
- (VI) ACTIVE CASES CLOSED ON OR AFTER JANUARY 1, 2019;**
- (VII) ACTIVE AND INACTIVE CASES INVOLVING ONE OR MORE BANKRUPT DEFENDANTS;**
- (VIII) OTHER CASES; AND**
- (IX) STATUS CONFERENCES HELD;**
- (2) THE PERCENTAGE OF CASES RESOLVED AFTER A STATUS CONFERENCE WAS CONDUCTED;**
- (3) AN ITEMIZATION OF JUDICIARY RESOURCES, INCLUDING FUNDS THAT HAVE BEEN ASSIGNED TO THE ASBESTOS DOCKET SINCE FISCAL YEAR 2014;**

(Over)

(4) A DESCRIPTION AND ASSESSMENT OF THE SPECIFIC MEASURES THAT HAVE BEEN IMPLEMENTED TO SUPPORT THE EXPEDITIOUS RESOLUTION OF ASBESTOS CLAIMS;

(5) AN ASSESSMENT OF WHETHER ADDITIONAL MEASURES ARE NECESSARY FOR THE EFFECTIVE MANAGEMENT OF THE ASBESTOS DOCKET, INCLUDING A FULL DESCRIPTION AND COST ANALYSIS OF ANY ADDITIONAL RESOURCES NECESSARY TO IMPLEMENT THOSE MEASURES; AND

(6) A SUMMARY OF ANY STATUTORY OR RULE CHANGES NECESSARY TO IMPLEMENT PROPOSED MEASURES TO IMPROVE THE MANAGEMENT OF THE ASBESTOS DOCKET.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) the Judiciary include in its fiscal year 2021 budget submission the resources necessary to fund special masters for the asbestos docket; and

(2) the General Assembly shall ensure that sufficient funding is available to fund any special master positions provided by the Judiciary for the asbestos docket.”.