HOUSE COMMITTEE OF REFERENCE REPORT

		April 14, 2022	2
Chair of Committee		Date	
Committee on <u>Finance</u> .			
After consideration on the merits, the Committee recommend following:			ends the
th	e amended as follows, and le Committee on <u>Ap</u> ecommendation:	d as so amended, be re <u>propriations</u> with f	
Amend the Judiciary Committee Report, dated April 5, 2022, page 3, line 26, strike "AWARD."." and substitute "AWARD.			
(8) (a) IF THE ATTORNEY GENERAL OR A POLITICAL SUBDIVISION			
HAS AUTHORITY TO BRING OR INTERVENE IN A CIVIL ACTION PURSUANT TO			
THIS PART 12, THE ATTORNEY GENERAL OR POLITICAL SUBDIVISION MAY			
ACCEPT FROM A PERSON ALLEGED TO HAVE VIOLATED SUBSECTION (1) C			
THIS SECTION, IN LIEU OF OR AS A PART OF A CIVIL ACTION, AN ASSURANCE			
OF DISCONTINUANCE OR A CONSENT ORDER APPROVED BY A COURT O			
COMPETENT JURISDICTION OF THE ALLEGED VIOLATION OF THIS PART 12			
THE ASSURANCE OR CONSENT ORDER MAY INCLUDE A STIPULATION FOR			
THE VOLUNTARY PAYMENT BY THE ALLEGED VIOLATOR OF ANY RELIE			
AUTHORIZED BY THIS PART 12, INCLUDING PAYMENT FOR INVESTIGATION			
AND LITIGATION COSTS INCURRED BY THE ATTORNEY GENERAL, POLITICAL			
SUBDIVISION, OR PRIVATE PERSON WHO BROUGHT AN ACTION PURSUANT			
TO SECTION 24-31-1204 (4), AND ACTUAL DAMAGES RESULTING FROM THE			
FALSE CLAIM PLUS ANY AUTHORIZED MULTIPLIER, INTEREST, AND CIVIL			
MONEY PENALTY.			
(b) AN	ASSURANCE OF DISCON	TINUANCE ACCEPTED	BY THE
ATTORNEY GENI	ERAL OR POLITICAL SUBDIV	ISION AND ANY CONSEN	IT ORDER
FILED WITH THE COURT AS A PART OF AN ACTION IS A MATTER OF PUBLIC			
RECORD UNLESS THE ATTORNEY GENERAL OR POLITICAL SUBDIVISION			
DETERMINES, AT THE ATTORNEY GENERAL'S OR POLITICAL SUBDIVISION'S			
DISCRETION, THAT IT IS CONFIDENTIAL TO THE PARTIES TO THE ACTION OR			
PROCEEDING AN	D TO THE COURT AND ITS F	MPLOVEES LIPONTHE	II ING OF

A CIVIL ACTION OR A MOTION OR PETITION IN A PENDING CIVIL ACTION BY

THE ATTORNEY GENERAL OR POLITICAL SUBDIVISION ALLEGING THAT A

PERSON HAS VIOLATED A CONFIDENTIAL ASSURANCE OF DISCONTINUANCE

OR CONSENT ORDER ACCEPTED PURSUANT TO THIS SUBSECTION (8), THE

- 1 ASSURANCE OF DISCONTINUANCE OR CONSENT ORDER IS A PUBLIC RECORD 2 AND OPEN TO INSPECTION BY ANY PERSON.
- 3 (c) PROOF BY A PREPONDERANCE OF THE EVIDENCE OF A
 4 VIOLATION OF AN ASSURANCE OR STIPULATION OR CONSENT ORDER IS
 5 PRIMA FACIE EVIDENCE OF A VIOLATION FOR THE PURPOSES OF ANY CIVIL
- 6 ACTION OR PROCEEDING BROUGHT BY THE ATTORNEY GENERAL OR
- 7 POLITICAL SUBDIVISION AFTER THE ALLEGED VIOLATION OF THE
- 8 ASSURANCE OR STIPULATION OR CONSENT ORDER, WHETHER A NEW
- 9 ACTION OR A MOTION OR PETITION IN A PENDING ACTION OR
- 10 PROCEEDING.".".
- 11 Page 7 of the report, after line 25 insert:
- 12 "Page 31, line 7, strike "12." and substitute "12 AND THE AMOUNT OF ANY
- 13 PROCEEDS DEPOSITED INTO THE FUND THAT ARE ATTRIBUTABLE TO A
- 14 POLITICAL SUBDIVISION.".".
- 15 Page 7 of the report, after line 26 insert:
- 16 "Page 31, line 12, after the period insert "IF ALL OR PART OF THE
- 17 PROCEEDS ARE ATTRIBUTABLE TO A POLITICAL SUBDIVISION, THE
- 18 ATTORNEY GENERAL SHALL DIRECT THE TREASURER TO PAY TO THE
- 19 POLITICAL SUBDIVISION, AS DESCRIBED IN SUBSECTION (3)(c) OF THIS
- 20 SECTION, AN AMOUNT EQUAL TO THE FALSE CLAIM.".".
- 21 Page 7 of the report, after line 27 insert:
- 22 "Page 31, line 17, after the period insert "IF ALL OR PART OF THE
- 23 PROCEEDS ARE ATTRIBUTABLE TO A POLITICAL SUBDIVISION, THE
- 24 ATTORNEY GENERAL SHALL DIRECT THE TREASURER TO PAY TO THE
- 25 POLITICAL SUBDIVISION, AS DESCRIBED IN SUBSECTION (3)(c) OF THIS
- 26 SECTION, A PRO-RATED AMOUNT BASED ON THE ACTUAL RECOVERY.
- (c) NO LATER THAN SEVEN DAYS AFTER THE ATTORNEY GENERAL
- 28 DIRECTS THE STATE TREASURER TO MAKE A PAYMENT TO A POLITICAL
- 29 SUBDIVISION PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION, THE
- 30 STATE TREASURER SHALL ISSUE A WARRANT TO BE PAID UPON DEMAND
- 31 FROM THE FUND TO THE POLITICAL SUBDIVISION IN THE AMOUNT SPECIFIED
- 32 BY THE ATTORNEY GENERAL.".".

** *** ** *** **