

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2126

Page 1, line 3, remove "and" and after "penalty" insert "; and to provide an effective date"

Page 1, line 6, replace the underscored comma with "or"

Page 1, line 7, remove ", or services" and remove "any employee, officer, or agent of the state, or to"

Page 1, line 9, replace the first underscored comma with "or" and remove ", or services"

Page 2, line 28, replace the first underscored comma with "or" and remove ", or"

Page 2, line 29, remove "agent" and remove ", or to any contractor, grantee, or other recipient of state"

Page 2, line 30, remove "funds,"

Page 3, line 4, replace "obtaining" with "getting" and after "false" insert "or fraudulent"

Page 3, line 5, replace "allowance" with "allowed" and replace "payment, or conspire to defraud the medical assistance" with "paid"

Page 3, remove lines 6 and 7

Page 3, line 8, remove "transmit money or property to the state"

Page 3, line 10, replace "knowingly" with ", with the intent to defraud the state or willfully to conceal the property,"

Page 3, line 14, replace "knowingly" with "intentionally defraud the state or"

Page 3, line 18, replace "any person" with "an officer or employee of the state" and after the underscored semicolon insert "or"

Page 3, line 21, replace "; or" with an underscored period

Page 3, remove lines 22 through 26

Page 4, line 23, remove "which supports the complaint"

Page 5, line 20, remove "for good cause"

Page 5, line 23, replace "to oppose" with "for a hearing on" and remove "and present evidence at a hearing"

Page 5, line 26, remove "providing the private person an opportunity to present evidence"

Page 5, line 28, after the underscored period insert "If good cause is shown, the hearing may be held in camera."

Page 7, line 17, replace the second underscored comma with "and" and remove ", payments for"

Page 7, line 18, remove "costs of compliance and any other economic benefit"

Page 7, line 23, remove "specifically"

Page 8, line 7, replace the second underscored comma with "and"

Page 8, line 8, remove ", payments for costs of compliance and any other economic"

Page 8, line 9, remove "benefit"

Page 8, line 11, after "fees" insert "and"

Page 8, line 30, remove "a."

Page 9, replace lines 3 through 7 with:

- "6. a. Unless the action is brought by the attorney general or by the person that is the original source of the information, a person may not bring an action under this section based on the public disclosure of allegations or transactions:
- (1) In a criminal, civil, or administrative hearing;
  - (2) In an investigation, report, hearing, or audit conducted by, or at the request of, the legislative assembly, the state auditor, or any city, county, or political subdivision of the state; or
  - (3) Of the news media.
- b. For purposes of this subsection, "original source" means an individual who has direct and independent knowledge of the information on which the allegations are based and who has voluntarily provided the information to the government before filing an action under subsection 2 which is based on that information."

Page 9, line 8, replace "6." with "7."

Page 9, line 10, replace "7." with "8."

Page 9, replace lines 24 through 27 with:

- "1. A civil action under section 3 of this Act may not be brought later than:
- a. Six years after the date on which a violation of section 2 of this Act is committed; or
  - b. Three years after the date when facts material to the right of action are known or reasonably should have been known by the attorney

general, but in no event more than ten years after the date on which the violation is committed."

Page 10, after line 9, insert:

**"SECTION 6. Limitations of actions.** An individual may not bring an action under this Act if the individual knows or has reason to know that the attorney general already has knowledge of the allegations.

**SECTION 7. EFFECTIVE DATE.** Section 6 of this Act becomes effective on the date the department of human services certifies to the legislative council that the federal government has determined that section 6 of this Act meets the requirements of section 1909 of the Social Security Act [42 U.S.C. 1396d]."

Renumber accordingly