

HB0391/243426/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 391
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Exceptions” and substitute “Authorization to Recover and Exceptions”; in line 4, after “of” insert “authorizing a governmental entity to recover certain costs and fees of certain actions”; in line 9, after “circumstances;” insert “establishing the False Claims Fund as a special, nonlapsing fund; requiring interest earnings of the Fund to be credited to the Fund”; in line 13, after “Section” insert “8–103 and”; after line 15, insert:

“BY adding to

Article - General Provisions

Section 8–109(d)

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)”;

in line 23, strike “7–302” and substitute “6–226(a)(2)(i), 7–302.”; and after line 25, insert:

“BY repealing and reenacting, with amendments,

Article - State Finance and Procurement

Section 6–226(a)(2)(ii)144. and 145.

Annotated Code of Maryland

(2021 Replacement Volume)”.

BY adding to

Article - State Finance and Procurement

Section 6–226(a)(2)(ii)146.

Annotated Code of Maryland

(2021 Replacement Volume)”.

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AMENDMENT NO. 2

On page 2, after line 1, insert:

“8-103.

(a) If a governmental entity finds that a person has violated or is violating § 8-102 of this title, the governmental entity may file a civil action in a court of competent jurisdiction within the State against the person.

(b) In filing a civil action under this section, the governmental entity may seek:

(1) the penalties provided under § 8-102(c) of this title; AND

(2) SUBJECT TO THE GUIDELINES UNDER § 8-105(B)(4) OF THIS SUBTITLE, COURT COSTS AND ATTORNEY’S FEES.

(c) A governmental entity may not maintain an action under this section if the governmental entity has filed a civil action based on the same underlying act under § 2-603 of the Health – General Article or has sought enforcement by the Attorney General under § 11-205 or § 11-205.1 of the State Finance and Procurement Article.”;

after line 21, insert:

“(D) (1) THERE IS A FALSE CLAIMS FUND.

(2) THE PURPOSE OF THE FUND IS TO SUPPORT THE OPERATIONS OF THE ATTORNEY GENERAL IN CARRYING OUT THIS TITLE.

(3) THE ATTORNEY GENERAL SHALL ADMINISTER THE FUND.

(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(5) THE FUND CONSISTS OF:

(I) ALL ATTORNEY'S FEES AND COSTS COLLECTED BY THE STATE BY JUDGMENT, SETTLEMENT, AGREEMENT, OR OTHERWISE UNDER THIS TITLE;

(II) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(III) INTEREST EARNINGS; AND

(IV) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(6) THE FUND MAY BE USED ONLY FOR THE ATTORNEY GENERAL TO INVESTIGATE AND LITIGATE SUSPECTED VIOLATIONS OF THIS TITLE.

(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(Over)(Over)(Over)

(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(8) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(9) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE ATTORNEY GENERAL.”

On page 2 in line 14, and on page 3 in line 5, in each instance, after the second “THE” insert “BOARD OF TRUSTEES FOR THE”.

On page 3, after line 13, insert:

“6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

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[and]

144. the Health Equity Resource Community Reserve Fund;

145. the Access to Counsel in Evictions Special Fund; AND

146. THE FALSE CLAIMS FUND.”.