

SB0680/753329/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 680
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 2, strike “**Public Welfare Actions**” and substitute “Attorney General”; in line 3, strike “factfinder” and substitute “judge or jury”; in the same line, strike “a public welfare action” and substitute “certain actions”; strike beginning with “public” in line 7 down through “claims” in line 8 and substitute “certain actions”; in line 10, after “settlements” insert “by the Attorney General”; and in the same line, strike “public welfare actions” and substitute “certain actions”.

AMENDMENT NO. 2

On page 2, in line 5, after “(A)” insert “THIS SECTION APPLIES TO AN ACTION BROUGHT OR ASSERTED BY THE STATE ARISING FROM OR RELATED TO ALLEGED OR THREATENED INJURIES TO THE ENVIRONMENT, INFRASTRUCTURE, OR THE NATURAL RESOURCES OF THE STATE.”

(B)”;

in line 8, strike “**THE FACTFINDER**” and substitute “A JUDGE OR JURY”; in line 9, strike “**UNDER**” and substitute “IN ACCORDANCE WITH”; strike lines 10 through 19, inclusive; in line 20, strike “**(5)**” and substitute “**(3)**”; in the same line, strike “**ANY**” and substitute “A”; in the same line, strike “**ALLEGEDLY**” and substitute “ALLEGED TO BE”; in line 21, strike “**WHOLE OR IN PART FOR ANY PUBLIC WELFARE CLAIM**” and substitute “AN ACTION GOVERNED BY THIS SECTION”; and in line 22, strike “**(B)**” and substitute “**(C)**”; in the same line, strike “**A PUBLIC WELFARE ACTION**” and substitute “AN ACTION GOVERNED BY THIS SECTION”; in the same line, strike “**FACTFINDER**” and substitute “JUDGE OR JURY”; in line 24, strike “**ALL**” and substitute “ANY”; in line

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25, strike “ALL PARTIES” and substitute “EACH PARTY”; and in line 26, strike “PUBLIC WELFARE”.

On page 3, in lines 1, 12, and 31, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively; in line 3, strike “FOR A PUBLIC WELFARE CLAIM” and substitute “OF AN ACTION GOVERNED BY THIS SECTION”; in line 4, strike “ONGOING PUBLIC WELFARE”; strike beginning with “FOR” in line 6 down through “ACTION” in line 7; in line 8, strike “PUBLIC WELFARE”; strike beginning with “FOR” in line 10 down through “ACTION” in line 11; in line 15, strike “PUBLIC WELFARE CLAIMS” and substitute “AN ACTION GOVERNED BY THIS SECTION”; in lines 17 and 21, in each instance, strike “A PUBLIC WELFARE CLAIM” and substitute “AN ACTION GOVERNED BY THIS SECTION”; in line 19, strike “MATTER” and substitute “ACTION”; in the same line, strike “ADDRESSED” and substitute “RESOLVED”; strike beginning with the comma in line 19 down through “CLAIM” in line 20; strike beginning with “FOR” in line 27 down through “SETTLEMENT” in line 28; in line 28, strike “BY THE” and substitute “BY THE LARGER OF:

1. THE;

strike beginning with “FOR” in line 29 down through “CLAIMS” in line 30 and substitute “OR

2. THE AMOUNT THE SETTLING PERSON PAYS TO SETTLE THE ACTION;

in line 32, strike “OR”; and after line 32, insert:

(2) CREATE NEW TYPES OF ACTIONS OR CLAIMS;

(3) ALTER THE BURDEN OF PROOF, CAUSATION STANDARD, OR ELEMENTS OF AN ACTION OR CLAIM GOVERNED BY THIS SECTION; OR

On page 4, in line 1, strike “(2)” and substitute “(4)”; and in line 5, strike “a public welfare” and substitute “an”; and strike lines 7 and 8 in their entirety and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”