

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

May 3, 2022

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB22-1119 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend reengrossed bill, page 4, after line 16, insert:
  - 2 "(b) "CLAIM" INCLUDES THE FAILURE TO PAY OR THE
  - 3 UNDERPAYMENT OF AN OBLIGATION OWED TO THE STATE."
- 4 Reletter succeeding subparagraph accordingly.
- 5 Page 4, line 27, strike "AN INDIVIDUAL" and substitute "A PERSON".
- 6 Page 6, line 7, strike "STATE OR A POLITICAL SUBDIVISION," and substitute
- 7 "STATE,".
- 8 Page 6, strike lines 10 through 14.
- 9 Page 7, strike lines 22 through 27 and substitute:
  - 10 "(g) KNOWINGLY MAKES, USES, OR CAUSES TO BE MADE OR USED,
  - 11 A FALSE RECORD OR STATEMENT RESULTING IN THE UNDERPAYMENT OF
  - 12 PREMIUMS OWED TO THE UNEMPLOYMENT COMPENSATION FUND
  - 13 ESTABLISHED IN SECTION 8-77-101 OR IN THE PAYMENT OF
  - 14 UNEMPLOYMENT INSURANCE BENEFITS OF MORE THAN FIFTEEN THOUSAND
  - 15 DOLLARS IN A CALENDAR YEAR; OR"
- 16 Page 8, line 20, strike "STATE OR POLITICAL SUBDIVISION." and substitute
- 17 "STATE,".
- 18 Page 9, line 21, strike "BUSINESS" and substitute "PERSON".
- 19 Page 10, line 22, strike "IF" and substitute "SUBJECT TO SECTION

- 1 24-31-1204 (5)(e), IF".
- 2 Page 11, lines 5 and 6, strike "GENERAL, POLITICAL SUBDIVISION," and  
3 substitute "GENERAL".
- 4 Page 11, after line 9, insert:
- 5 "(b) AN ASSURANCE OF DISCONTINUANCE OR CONSENT ORDER  
6 ACCEPTED BY THE ATTORNEY GENERAL PRECLUDES A SEPARATE ACTION  
7 PURSUANT TO SECTION 24-31-1204 (3) BY ANY PERSON BASED ON THE  
8 SAME FACTUAL CIRCUMSTANCES, EXCEPT FOR AN ACTION BASED ON A  
9 VIOLATION OF THE ASSURANCE OF DISCONTINUANCE OR CONSENT ORDER."
- 10 Reletter succeeding paragraphs accordingly.
- 11 Page 11, line 14, strike "OR POLITICAL SUBDIVISION'S".
- 12 Page 12, strike lines 10 through 24.
- 13 Page 12, line 25, strike "(d)" and substitute "(b)".
- 14 Page 13, line 2, strike "(5)(b)(I)" and substitute "(4)(b)(I)".
- 15 Page 13, strike lines 11 through 27.
- 16 Renumber succeeding subsections accordingly.
- 17 Page 14, strike lines 1 through 17.
- 18 Page 15, lines 6 and 7, strike "STATE OR A POLITICAL SUBDIVISION THAT  
19 IS AFFECTED BY THE VIOLATION." and substitute "STATE."
- 20 Page 15, lines 7 and 8, strike "STATE OR POLITICAL SUBDIVISION." and  
21 substitute "STATE."
- 22 Page 15, line 10, strike "OR THE PROSECUTING AUTHORITY GIVE" and  
23 substitute "GIVES".
- 24 Page 15, line 11, strike "THEIR".
- 25 Page 15, line 13, strike "STATE OR POLITICAL SUBDIVISION," and substitute  
26 "STATE,".

- 1 Page 15, strike line 27 and substitute "STATE".
- 2 Page 16, line 1, strike "ATTORNEY GENERAL,".
- 3 Page 16, line 3, strike "IF BOTH".
- 4 Page 16, strike lines 4 through 6.
- 5 Page 16, line 24, strike "(4)(c)" and substitute "(3)(c)".
- 6 Page 17, lines 5 and 6, strike "STATE, OR A POLITICAL SUBDIVISION WITH  
7 THE CONSENT OF THE ATTORNEY GENERAL," and substitute "STATE".
- 8 Page 18, line 8, strike "OR POLITICAL SUBDIVISION'S".
- 9 Page 18, line 25, strike "(5)(b)(III)" and substitute "(4)(b)(III)".
- 10 Page 19, lines 8 and 9, strike "OR POLITICAL SUBDIVISION'S".
- 11 Page 19, line 19, strike "OR POLITICAL SUBDIVISION'S".
- 12 Page 20, lines 4 and 5, strike "STATE OR POLITICAL SUBDIVISION." and  
13 substitute "STATE.".
- 14 Page 20, line 12, strike "(5)(e)" and substitute "(4)(e)".
- 15 Page 20, line 18. strike "(6)(a)(II)" and substitute "(5)(a)(II)".
- 16 Page 21, line 12, strike "(6)(a)" and substitute "(5)(a)".
- 17 Page 21, line 13, strike "(6)(a)(I) OR (6)(a)(II)" and substitute "(5)(a)(I)  
18 OR (5)(a)(II)".
- 19 Page 21, line 25, strike "(6)." and substitute "(5).".
- 20 Page 22, line 19, strike "(6)," and substitute "(5),".
- 21 Page 23, line 14, strike "OR".
- 22 Page 23, after line 14, insert:  
23 "(II) AGAINST A SERVING ELECTED OFFICIAL OF A POLITICAL  
24 SUBDIVISION, A MEMBER OF A POLITICAL SUBDIVISION'S JUDICIARY, OR AN

- 1 APPOINTED OFFICIAL OF A POLITICAL SUBDIVISION ACTING IN THE  
2 MEMBER'S OR OFFICIAL'S OFFICIAL CAPACITY; OR".
- 3 Renumber succeeding subparagraph accordingly.
- 4 Page 24, line 10, strike "(7)(c)," and substitute "(6)(c)".
- 5 Page 24, line 13, strike "(7)(c)(I)" and substitute "(6)(c)(I)".
- 6 Page 24, line 21, strike "**or political subdivision**".
- 7 Page 25, line 27, strike "OR THE POLITICAL SUBDIVISION".
- 8 Page 26, lines 24 and 25, strike "STATE OR POLITICAL SUBDIVISION." and  
9 substitute "STATE".
- 10 Page 28, line 1, strike "(9)(d)(II)" and substitute "(8)(d)(II)".
- 11 Page 28, line 22, strike "(9)(e)" and substitute "(8)(e)".
- 12 Page 29, line 17, strike "(10)" and substitute "(9)".
- 13 Page 30, lines 8 and 9, strike "SECTION, THE ATTORNEY GENERAL, OR THE  
14 PROSECUTING AUTHORITY" and substitute "SECTION OR THE ATTORNEY  
15 GENERAL".
- 16 Page 30, line 16, strike "OR PROSECUTING AUTHORITY".
- 17 Page 30, line 21, strike "(10)" and substitute "(9)".
- 18 Page 32, lines 3 and 4, strike "OR POLITICAL SUBDIVISION'S".
- 19 Page 32, line 8, strike "STATE, POLITICAL SUBDIVISION," and substitute  
20 "STATE".
- 21 Page 37, after line 20, insert:
- 22 "(IV) FOR THE PURPOSES OF A FALSE CLAIMS ACTION INVOLVING  
23 THE UNDERPAYMENT OF UNEMPLOYMENT INSURANCE PREMIUMS, THE  
24 RELEVANT FUND IS THE UNEMPLOYMENT COMPENSATION FUND  
25 ESTABLISHED IN SECTION 8-77-101."
- 26 Strike "OR A POLITICAL SUBDIVISION" on **Page 6**, line 19; **Page 9**, line 7,

1 **Page 10**, lines 1 and 22; **Page 17**, lines 13 and 14; **Page 20**, lines 18 and  
2 19; **Page 21**, lines 20 and 21; **Page 22**, lines 11 and 12, and 27; **Page 23**,  
3 line 23; **Page 24**, lines 4 and 22; **Page 31**, lines 13 and 14, and 17; **Page**  
4 **32**, lines 14 and 15.

5 Strike "OR POLITICAL SUBDIVISION" on **Page 6**, line 23; **Page 10**, line 24;  
6 **Page 11**, lines 11, 13, 18 and 26 and 27; **Page 16**, lines 13, 25, and 26 and  
7 27; **Page 17**, lines 9 and 10, 20, 23, and 26; **Page 18**, lines 5 and 26; **Page**  
8 **19**, lines 7, 12 and 13, 15 and 16, 17, 22, and 24 and 25; **Page 20**, line 3;  
9 **Page 21**, lines 23 and 26; **Page 22**, line 26; **Page 23**, line 17; **Page 24**,  
10 lines 7, 13 and 14, 18 and 19; **Page 25**, line 23; **Page 27**, line 1; **Page 28**,  
11 line 6; **Page 29**, lines 24 and 25; **Page 30**, lines 3 and 4, and 18; **Page 31**,  
12 lines 19, 22, 25; **Page 32**, line 1.

13 Strike "(4)(b)" and substitute "(3)(b)" on: **Page 9**, line 9; **Page 16**, lines  
14 8, 15, and 23; **Page 17**, line 19; **Page 21**, line 27; **Page 22**, line 13; **Page**  
15 **23**, line 2; and **Page 24**, line 5.

16 Strike "(4)" and substitute "(3)" on: **Page 11**, line 7; **Page 17**, lines 5, 10,  
17 and 15; **Page 20**, lines 2, 7, and 20; **Page 23**, lines 16, 20, and 25; **Page**  
18 **24**, lines 20 and 24; **Page 25**, line 6; **Page 27**, line 7; **Page 28**, line 19;  
19 **Page 29**, lines 3, 9, 11, 13, 15, 17, 21, and 26; **Page 30**, lines 5, 8, 14, and  
20 23; and **Page 32**, lines 3, and 9.

21 Strike "(9)" and substitute "(8)" on: **Page 24**, line 26; **Page 27**, lines 5, 9,  
22 and 11; **Page 28**, lines 7 and 17; and **Page 29**, line 5.

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