

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H.120 Name of Bill: Act relating to creating a Vermont false claims act

Agency/Dept: DPS/VSP Author of Bill Review: Peter Garivaltis

Date of Bill Review: 5.12.15 Status of Bill: (check one):

☐ Upon Introduction ☐ As passed by 1st body ☒ As passed by both bodies

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in # 8 below

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

This bill provides the State of Vermont with a tool to address and prosecute individuals who raise claims against the State of Vermont or one of its departments; agents or interests and these claims are later determined to be false. This bill would provide the authority and direction to the Vermont Attorney General Office on how to handle these types of incidents. It further defines the restitution and civil penalties associated.

2. Is there a need for this bill? *Please explain why or why not.*

There appears to be a need for this bill. A search of relevant chapters and sections within the Vermont Laws currently in place was conducted and there does not appear to be a tool or mechanism for the State of Vermont already in place to handle false claims against the State.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

There does not appear to be any impact or involvement on the bill by the Vermont State Police. This bill would specifically charge the Vermont Attorney General Office with all handling of this matter.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

The fiscal or programmatic implications of this bill are unknown however, it appears that this bill would be aligned with the mission of the Attorney General and would be a normal component to their regular duties.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc).

This bill specifically charges the Office of the Vermont Attorney General with handling any prosecution and litigation of matters relating to false claims. It does not list any other persons, agents, departments or entities as being involved.

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6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

The Vermont Attorney General would likely support this bill. He may support this bill because it would provide a mechanism to defend the State of Vermont against false claims and to recuperate any expenses incurred by these false claims.

6.2 Who else is likely to oppose the proposal and why?

It is not likely that anyone would oppose this bill.

7. Rationale for recommendation: *Justify recommendation stated above.*

This bill would fill a gap that currently exists for the State of Vermont to defend itself civilly against false claims and to recuperate expenses incurred.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

No modifications are recommended at this time.

Secretary/Commissioner has reviewed this document



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