

Provides that violators are also liable to the state for the costs of a civil action.

- 3 Exclusion.** Provides that this chapter does not apply to taxation.
- 4 Responsibilities of attorney general.** Authorizes the Attorney General to investigate violations and to bring civil actions to enjoin violations and to recover damages and penalties. Provides that the Attorney General need not prove actual damages.
- 5 Private remedies.** Authorizes any person to maintain an action on behalf of the person and a public entity if state or political subdivision money, property, or services are involved. Provides that if an action is brought under this section, no other person (including the state) may bring another action under this section based on the same facts while the existing action is pending.
- Specifies conditions under which actions cannot be brought under this section, including actions based on: evidence already known to the state; allegations or transactions that are already the subject of a state proceeding; disclosures made in criminal, civil, or administrative hearings or legislative investigations; public auditor or governing body investigations; or disclosures from the news media.
- Requires a person starting an action under this section to notify the Attorney General, including a written disclosure of material evidence. Provides that the person's complaint must remain sealed by the court for at least 60 days.
- 6 Attorney General intervention.** Provides that within 60 days after receiving a complaint and disclosure, the Attorney General may intervene or decide not to. Regardless of whether or not the Attorney General intervenes, the Attorney General may pursue alternative remedies available to the state. If the Attorney General does this, the person initiating the action has the same rights in that proceeding as if the action had continued under section 5. Findings and conclusions in the other proceeding are conclusive on all parties to an action under this section.
- 7 Service of unsealed complaint.** Provides that when unsealed, the complaint must be served on the defendant, and the defendant must respond within 20 days.
- 8 Attorney General and private party roles.** Provides that if the Attorney General does not intervene, the private party has the same rights in conducting the action as the Attorney General would have had. Provides conditions for later intervention by the Attorney General. Provides that if the Attorney General intervenes, the Attorney General has primary responsibility for prosecuting the action. Provides that the private person remains a party, and specifies the role of the private party.
- 9 Stay of discovery.** Provides for stay of discovery by a private person if the Attorney General shows this would interfere with prosecution of a civil or criminal matter arising out of the same facts.
- 10 Court-imposed limits upon participation of private plaintiff.** Allows a court to limit the private person's participation in an action in which the Attorney General has intervened.
- 11 Limitation of actions.** Provides that actions under this section must be brought within three years of the date of discovery of fraudulent activity by the Attorney General, or within six years after the fraudulent activity occurred, but not more than 10 years after the violation

occurred. Specifies the effect of a guilty plea in a criminal action upon an action under this section. Provides that the state or a private person who brings an action under this chapter must prove the essential elements of the claim, including damages, by a preponderance of the evidence.

- 12 Award of expenses and attorney fees.** Provides that if the Attorney General or a person bringing an action prevails in or settles an action, the court may authorize the person to recover costs, attorney fees, and expert consultant and witness fees from a defendant other than the state or a political subdivision. If the Attorney General does not intervene, and if the defendant prevails, the court must award expenses and attorney fees against the party or parties who participated in the action if the action was clearly frivolous or brought for harassment.
- 13 Distribution to private plaintiff.** Provides that when the Attorney General intervenes at the outset of an action brought by another person, the person shall receive not less than 15 percent or more than 25 percent of any recovery in proportion to the person's contribution to the conduct of the action. If the Attorney General does not intervene at the outset, the person must receive between 25 and 30 percent of any recovery or settlement, as the court determines to be reasonable.
- 14 Employer restrictions.** Forbids an employer from forbidding an employee to disclose information to a public entity in furtherance of an action under this section or from discriminating against an employee in terms or conditions of employment because of these disclosures. Specifies civil liability for employer violations.