



STATE OF VERMONT
HOUSE COMMITTEE ON JUDICIARY

MEMORANDUM

To: The House of Representatives
From: Representative Maxine Grad, Chair
Date: February 27, 2015
Subject: H.120

H.120 is intended to create a Vermont False Claims Act that is closely modeled on the federal False Claims Act. The Committee heard extensive testimony on this bill and this memorandum is intended to clarify the Committee's intent concerning three issues.

First, it is the Committee's intent that H.120 be construed in a similar manner to the federal False Claims Act. The bill creates a new subchapter 8 within chapter 7 of Title 32. One section, 32 V.S.A. § 641(b), specifically states that "[i]t is the intent of the Legislature that in construing this chapter, the courts of this State will be guided by the construction of similar terms" in the federal False Claims Act.

Second, it is the Committee's intent that the above reference to construction includes liability, and that the Vermont law be interpreted to impose the same liability as under the federal law. As a result, if the federal law is interpreted and applied to impose joint and several liability, it is the Committee's intent that Vermont's law also be applied to impose joint and several liability.

Third, Vermont law contains a severability clause of general application in 1 V.S.A. § 215:

"The provisions of any act are severable. If any provision of an act is invalid, or if any application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application."

As a result of 1 V.S.A. § 215, it was unnecessary and redundant to include an additional severability clause in H.120. Pursuant to 1 V.S.A. § 215, any provision of H.120 that is found to be invalid or unconstitutional shall be severed and shall not affect any other provision of the act.