

**HOUSE BILL No. 2337**

By Committee on Judiciary

2-9

1 AN ACT concerning the Kansas false claims act; amending K.S.A. 2016  
2 Supp. 75-7501, 75-7502, 75-7503, 75-7504, 75-7505 and 75-7506 and  
3 repealing the existing sections.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 75-7501 is hereby amended to read as  
7 follows: 75-7501. K.S.A. 2016 Supp. 75-7501 through 75-7511 *and*  
8 *sections 7 through 9*, and amendments thereto, shall be known and may be  
9 cited as the "Kansas false claims act."

10 Sec. 2. K.S.A. 2016 Supp. 75-7502 is hereby amended to read as  
11 follows: 75-7502. For purposes of this act:

12 (a) "Act" means the Kansas false claims act.

13 (b) "Claim" includes any request or demand, whether under contract  
14 or otherwise, for money, property or services, *regardless of whether the*  
15 *state or any political subdivision thereof has title to the money or property,*  
16 *that is made to any employee, officer or agent of the state or any political*  
17 *subdivision thereof or made to any contractor, grantee or other recipient if:*  
18 *(1) The money, property or service is to be spent or used on behalf of the*  
19 *state or any political subdivision thereof or to advance a program or*  
20 *interest of the state or any political subdivision thereof; and (2) the state or*  
21 *any political subdivision thereof: (A) Provides any portion of the money,*  
22 *property or services which is requested or demanded;* ~~or if the state~~ *(B)*  
23 *will reimburse such contractor, grantee or other recipient for any portion of*  
24 *the money or property which is requested or demanded.*

25 (c) "Political subdivision" includes political or taxing subdivisions of  
26 the state, including municipal and quasi-municipal corporations, boards,  
27 commissions, authorities, councils, committees, subcommittees and other  
28 subordinate groups or administrative units thereof, receiving or expending  
29 and supported, in whole or in part, by public funds and any municipality as  
30 defined in K.S.A. 75-1117, and amendments thereto.

31 (d) "Person" includes any natural person, corporation, firm,  
32 association, organization, partnership, business or trust.

33 (e) "Knowing" and "knowingly" mean that a person, with respect to  
34 information, does any of the following:

35 (1) Has actual knowledge of the information;

36 (2) acts in deliberate ignorance of the truth or falsity of the

1 information; or

2 (3) acts in reckless disregard of the truth or falsity of the information.

3 *Proof of specific intent to defraud is not required.*

4 (f) *"Material" means having a natural tendency to influence, or be*  
5 *capable of influencing, the payment or receipt of money or property.*

6 (g) *"Obligation" means an established duty, whether or not fixed,*  
7 *arising from an express or implied contractual, grantor-grantee or*  
8 *licensor-licensee relationship, from a fee-based or similar relationship,*  
9 *from statute, rule or regulation or from the retention of any overpayment.*

10 Sec. 3. K.S.A. 2016 Supp. 75-7503 is hereby amended to read as  
11 follows: 75-7503. (a) ~~A person who commits any of the following acts~~  
12 ~~shall be liable to the state or any affected political subdivision thereof, for~~  
13 ~~three times the amount of damages which the state or such political~~  
14 ~~subdivision sustains because of the act of that person and shall be liable to~~  
15 ~~the state for a civil penalty of not less than \$1,000 and not more than~~  
16 ~~\$11,000 for each violation. A person found to have committed any of the~~  
17 ~~following acts shall be liable to the state or such affected political~~  
18 ~~subdivision for all reasonable costs and attorney fees incurred in a civil~~  
19 ~~action brought to recover any of those penalties or damages: The following~~  
20 ~~unlawful acts constitute violations for which damages, civil penalties,~~  
21 ~~costs and attorney fees may be recovered by a civil action under this act. A~~  
22 ~~person commits an unlawful act if the person:~~

23 (1) Knowingly presents or causes to be presented to any employee,  
24 officer or agent of the state or political subdivision thereof or to any  
25 contractor, grantee or other recipient of state funds or funds of any political  
26 subdivision thereof, a false or fraudulent claim for payment or approval;

27 (2) knowingly makes, uses or causes to be made or used, a false  
28 record or statement ~~to get material to a false or fraudulent claim paid or~~  
29 ~~approved;~~

30 (3) ~~defrauds the state or any political subdivision thereof by getting a~~  
31 ~~false claim allowed or paid or by knowingly making, using or causing to~~  
32 ~~be made or used, a false record or statement to conceal, avoid or decrease~~  
33 ~~knowingly makes, uses or causes to be made or used, a false record or~~  
34 ~~statement material to an obligation to pay or transmit money or property~~  
35 ~~to the state or any political subdivision thereof, or knowingly conceals or~~  
36 ~~knowingly and improperly avoids or decreases an obligation to pay or~~  
37 ~~transmit money or property to the state or to any political subdivision~~  
38 ~~thereof;~~

39 (4) has possession, custody or control of ~~public~~ property or money  
40 used or to be used by the state or any political subdivision thereof and  
41 knowingly delivers or causes to be delivered *less than all of such* property  
42 or money ~~than the amount for which the person receives a certificate or~~  
43 ~~receipt;~~

1 (5) is authorized to make or deliver a document certifying receipt of  
2 property used or to be used by the state or any political subdivision thereof  
3 and ~~knowingly makes or delivers a receipt that falsely represents the~~  
4 ~~property received, intending to defraud the state or any political~~  
5 ~~subdivision thereof, makes or delivers the receipt without completely~~  
6 ~~knowing that the information on the receipt is true;~~

7 (6) knowingly buys or receives as a pledge of an obligation or debt,  
8 public property from any person who lawfully may not sell or pledge the  
9 property;

10 (7) is a beneficiary of an inadvertent submission of a false claim to  
11 any employee, officer or agent of the state or political subdivision thereof,  
12 or to any contractor, grantee or other recipient of state funds or funds of  
13 any political subdivision thereof, who subsequently discovers the falsity of  
14 the claim and fails to disclose the false claim and make satisfactory  
15 arrangements for repayment to the state or affected political subdivision  
16 thereof within a reasonable time after discovery of the false claim; *or*

17 (8) conspires to commit any violation set forth in paragraphs (1)  
18 through (7), above.

19 (b) ~~Notwithstanding the provisions of subsection (a), the court may~~  
20 ~~assess not more than two times the amount of damages which the state or~~  
21 ~~any political subdivision thereof sustains because of the act of the person~~  
22 ~~in violation of paragraphs (1) through (8) of subsection (a) and no civil~~  
23 ~~penalty shall be imposed, if the court finds all of the following:~~

24 (1) ~~The person committing the violation furnished officials of the~~  
25 ~~state who are responsible for investigating false claims violations with all~~  
26 ~~information known to that person about the violation within 30 days after~~  
27 ~~the date on which the person first obtained the information;~~

28 (2) ~~the person fully cooperated with any investigation by the state;~~  
29 ~~and~~

30 (3) ~~at the time the person furnished the state with information about~~  
31 ~~the violation, no criminal prosecution, civil action or administrative action~~  
32 ~~had commenced with respect to the violation and the person did not have~~  
33 ~~actual knowledge of the existence of an investigation into the violation.~~

34 (e) In a civil action brought pursuant to subsection (a), proof of  
35 specific intent to defraud is not required. ~~An innocent mistake shall be a~~  
36 ~~defense to an action under this act.~~

37 (d)(c) This section does not apply to claims, records or statements  
38 related to state taxation law made pursuant to chapter 79 of the Kansas  
39 Statutes Annotated, and amendments thereto.

40 Sec. 4. K.S.A. 2016 Supp. 75-7504 is hereby amended to read as  
41 follows: 75-7504. (a) The attorney general shall diligently investigate a  
42 violation ~~under~~ of K.S.A. 2016 Supp. 75-7503, and amendments thereto. If  
43 the attorney general finds that a person has violated or is violating K.S.A.

1 2016 Supp. 75-7503, and amendments thereto, the attorney general may  
2 bring a civil action under this section against that person. Further, the  
3 attorney general may utilize the assistance of city and county attorneys in  
4 cases involving their respective political subdivisions or may utilize funds  
5 available pursuant to K.S.A. 2016 Supp. 75-7508, and amendments  
6 thereto, to engage the services of private attorneys to assist in carrying out  
7 the purposes of this act, or both, at times when the attorney general  
8 determines the need exists. All local prosecutors and private attorneys shall  
9 only participate at the request, and under the direction of, the attorney  
10 general.

11 (b) Except as provided in K.S.A. 2016 Supp. 75-7506 *and sections 8*  
12 *and 9*, and amendments thereto, nothing in this act shall be construed to  
13 create a private cause of action.

14 Sec. 5. K.S.A. 2016 Supp. 75-7505 is hereby amended to read as  
15 follows: 75-7505. (a) A civil action ~~under~~ *for a violation of* K.S.A. 2016  
16 Supp. 75-7503, and amendments thereto, may not be brought:

17 (1) More than 6 years after the date on which the violation was  
18 committed; or

19 (2) ~~more than 3 years after the date on which the violation was~~  
20 ~~discovered or reasonably should have been discovered~~ *facts material to*  
21 *the right of action are known or reasonably should have been known by*  
22 *the attorney general*, but in no event more than 10 years after the date on  
23 which the violation was committed, whichever occurs last.

24 (b) A civil action ~~under~~ *for a violation of* K.S.A. 2016 Supp. 75-7503,  
25 and amendments thereto, may be brought for activity prior to the effective  
26 date of this act, *or for activity prior to the effective date of any*  
27 *amendments thereto*, if the limitation period set in subsection (a) has not  
28 lapsed.

29 (c) In any action brought ~~under~~ *for a violation of* K.S.A. 2016 Supp.  
30 75-7503, and amendments thereto, the ~~state~~ *plaintiff* shall be required to  
31 prove all essential elements of the cause of action, including damages, by a  
32 preponderance of the evidence.

33 (d) Notwithstanding any other provision of law, a guilty verdict  
34 rendered in a criminal proceeding charging false statements or fraud,  
35 whether upon a verdict after trial or upon a plea of guilty or nolo  
36 contendere, shall estop the defendant from denying the essential elements  
37 of the offense in any action which involves the same transaction as in the  
38 criminal proceeding and which is brought ~~under~~ *for a violation of* K.S.A.  
39 2016 Supp. 75-7503, and amendments thereto.

40 Sec. 6. K.S.A. 2016 Supp. 75-7506 is hereby amended to read as  
41 follows: 75-7506. (a) ~~Any~~ *A person, including an employee, contractor or*  
42 *agent* who is discharged, demoted, suspended, threatened, harassed or in  
43 any other manner retaliated against in the terms and conditions of

1 employment by such employee's employer because of a lawful ~~acts~~ *act*  
2 undertaken in good faith by the employee on behalf of the employee or  
3 ~~others~~, by the person or associated others in furtherance of an action under  
4 this act, or other efforts to stop one or more violations of this act,  
5 including investigation for, initiation of, testimony for, or assistance in an  
6 action filed or to be filed under this act, shall be entitled to ~~all relief~~  
7 ~~necessary to make the employee whole~~: (1) Reinstatement with the same  
8 seniority status the person would have had but for the discrimination; and  
9 (2) not less than two times the amount of back pay, interest on the back  
10 pay and compensation for any special damages sustained as a result of the  
11 discrimination, including litigation costs and reasonable attorney fees.

12 (b) ~~An employee~~ A person may bring an action in the appropriate  
13 district court for the relief provided in this section.

14 (c) A person must bring suit on an action under this section within  
15 three years after the date on which the retaliation occurred.

16 (d) This section shall not be construed to create any private cause of  
17 action for violations of this act and is limited to the remedies expressly  
18 created by this section related to employment retaliation.

19 New Sec. 7. (a) Except as provided in section 8, and amendments  
20 thereto, a person who commits any of the acts prohibited by K.S.A. 2016  
21 Supp. 75-7503, and amendments thereto, shall be liable to the state or any  
22 affected political subdivision thereof, for three times the amount of  
23 damages which the state or such political subdivision sustains because of  
24 the act of that person and shall be liable to the state for a civil penalty of  
25 not less than \$1,000 and not more than \$11,000 for each violation. A  
26 person found to have committed any of the acts prohibited by K.S.A. 2016  
27 Supp. 75-7503, and amendments thereto, shall be liable to the state or such  
28 affected political subdivision for all reasonable costs and attorney fees  
29 incurred in a civil action brought to recover any of those penalties or  
30 damages.

31 (b) Notwithstanding the provisions of subsection (a), the court may  
32 assess not more than two times the amount of damages that the state or any  
33 political subdivision thereof sustains because of the act of the person in  
34 violation of K.S.A. 2016 Supp. 75-7503, and amendments thereto, and no  
35 civil penalty shall be imposed, if the court finds all of the following:

36 (1) The person committing the violation furnished officials of the  
37 state who are responsible for investigating false claims violations with all  
38 information known to that person about the violation within 30 days after  
39 the date on which the person first obtained the information;

40 (2) the person fully cooperated with any investigation by the state;  
41 and

42 (3) at the time the person furnished the state with information about  
43 the violation, no criminal prosecution, civil action or administrative action

1 had commenced with respect to the violation and the person did not have  
2 actual knowledge of the existence of an investigation into the violation.

3 New Sec. 8. (a) A person found to have committed an unlawful act  
4 under K.S.A. 2016 Supp. 75-7503, and amendments thereto, with respect  
5 to any expenditure described in 42 U.S.C. § 1396b(a), is liable to the state  
6 for three times the amount of damages that the state or such political  
7 subdivision sustains because of the act of that person and shall be liable to  
8 the state for a civil penalty of not less than \$10,781 and not more than  
9 \$21,563 for each violation. Such person shall also be liable to the state or  
10 such affected political subdivision for all reasonable costs and attorney  
11 fees incurred in a civil action brought to recover any of those penalties or  
12 damages.

13 (b) Notwithstanding the provisions of subsection (a), the court may  
14 assess not less than two times the amount of damages that the state or any  
15 political subdivision thereof sustains because of the act of the person in  
16 violation of K.S.A. 2016 Supp. 75-7503, and amendments thereto, with  
17 respect to any expenditure described in 42 U.S.C. § 1396b(a), if the court  
18 finds all of the following:

19 (1) The person committing the violation furnished officials of the  
20 state who are responsible for investigating false claims violations with all  
21 information known to that person about the violation within 30 days after  
22 the date on which the person first obtained the information;

23 (2) the person fully cooperated with any investigation by the state;  
24 and

25 (3) at the time the person furnished the state with information about  
26 the violation, no criminal prosecution, civil action or administrative action  
27 had commenced with respect to the violation and the person did not have  
28 actual knowledge of the existence of an investigation into the violation.

29 New Sec. 9. (a) The provisions of this section shall apply only to a  
30 civil action for a violation of K.S.A. 2016 Supp. 75-7503, and  
31 amendments thereto, in which the unlawful act is a claim regarding an  
32 expenditure described in 42 U.S.C. § 1396b(a).

33 (b) (1) A person may bring a civil action described in subsection (a)  
34 for the person and for the state or any subdivision thereof. The action shall  
35 be brought in the name of the person and of the state or the subdivision  
36 thereof. The action may be dismissed only if the court and the attorney  
37 general give written consent to the dismissal and their reasons for  
38 consenting.

39 (2) When a person brings an action described in subsection (a), no  
40 person other than the attorney general, on behalf of the state or any  
41 subdivision thereof, may intervene or bring a related action based on the  
42 facts underlying the pending action.

43 (3) The state shall not be liable for expenses that a person incurs in

1 bringing an action under this section.

2 (c) (1) A copy of the petition and written disclosure of substantially  
3 all material evidence and information the person possesses shall be served  
4 on the attorney general in accordance with the rules of civil procedure.

5 (2) The petition shall be filed in camera and shall remain under seal  
6 for at least 180 days from the date the petition is filed, or until the date on  
7 which the attorney general either elects or declines to intervene, whichever  
8 is earlier. The petition shall not be served on the defendant until the court  
9 so orders.

10 (3) The attorney general may elect to intervene and proceed with the  
11 action within 180 days after receiving both the complaint and the material  
12 evidence and information.

13 (4) The attorney general may, for good cause shown, move the court  
14 to extend the 180-day deadline under paragraph (2) or (3). Such motion  
15 may be supported by affidavits or other submissions in camera.

16 (5) Within 180 days after receiving both the complaint and the  
17 material evidence and information, or before the expiration of any  
18 extensions obtained under paragraph (4), the attorney general shall:

19 (A) Proceed with the action, in which case the action shall be  
20 conducted by the attorney general; or

21 (B) notify the court that the attorney general declines to take over the  
22 action, in which case the person bringing the action shall have the right to  
23 conduct the action.

24 (6) If the attorney general intervenes, the attorney general may file a  
25 motion with the court requesting that the petition remain under seal for an  
26 extended period.

27 (7) The defendant shall not be required to respond to any petition  
28 filed under this section until the complaint is unsealed and served upon the  
29 defendant in accordance with the rules of civil procedure.

30 (d) If the attorney general proceeds with the action, the state has the  
31 primary responsibility for prosecuting the action and is not bound by an  
32 act of the person bringing the action. The person bringing the action has  
33 the right to continue as a party to the action, subject to the limitations of  
34 this subsection.

35 (1) The attorney general may dismiss the action, notwithstanding the  
36 objections of the person bringing the action, if: (A) The attorney general  
37 notifies the person that the state has filed a motion to dismiss; and (B) the  
38 court provides the person with an opportunity for a hearing on the motion.

39 (2) The attorney general may settle the action with the defendant,  
40 notwithstanding the objections of the person bringing the action, if the  
41 court determines, after a hearing, that the proposed settlement is fair,  
42 adequate and reasonable under all the circumstances. On a showing of  
43 good cause, the hearing may be held in camera.

1 (3) On a showing by the state that unrestricted participation during  
2 the course of the litigation by the person bringing the action would  
3 interfere with or unduly delay the state's prosecution of the case, or would  
4 be repetitious, irrelevant or for purposes of harassment, the court may  
5 impose limitations on the person's participation, including, but not limited  
6 to:

7 (A) Limiting the number of witnesses the person may call;

8 (B) limiting the length of the testimony of witnesses called by the  
9 person;

10 (C) limiting the person's cross-examination of witnesses; and

11 (D) otherwise limiting the participation by the person in the litigation.

12 (4) On a showing by the defendant that unrestricted participation  
13 during the course of the litigation by the person bringing the action would  
14 be for purposes of harassment or would cause the defendant undue burden  
15 or unnecessary expense, the court may limit the participation by the person  
16 in the litigation.

17 (5) If the attorney general elects to intervene and proceed with the  
18 action, the attorney general may file a separate complaint or amend the  
19 complaint of a person who has brought the action to clarify or add detail to  
20 the claims in which the attorney general is intervening and to add any  
21 additional claims with respect to which the attorney general contends  
22 entitlement to relief. For statute of limitations purposes, any such pleading  
23 of the attorney general shall relate back to the filing date of the complaint  
24 of the person who originally brought the action, to the extent that the claim  
25 of the attorney general arises out of the conduct, transactions or  
26 occurrences set forth, or attempted to be set forth, in the prior complaint of  
27 that person.

28 (e) (1) If the attorney general declines to take over the action, the  
29 person bringing the action may proceed without the state's participation.

30 (2) If the person bringing the action proceeds without the attorney  
31 general's participation, the court, without limiting the status and right of  
32 that person, may permit the attorney general to intervene at a later date on  
33 a showing of good cause, notwithstanding the time limitations provided in  
34 subsection (c).

35 (3) On request by the attorney general, the attorney general is entitled  
36 to be served with copies of all pleadings filed in the action and be  
37 provided, at the attorney general's expense, with copies of all deposition  
38 transcripts.

39 (f) Regardless of whether the attorney general proceeds with the  
40 action, on a showing by the attorney general that certain actions of  
41 discovery by the person bringing the action would interfere with the  
42 attorney general's investigation or prosecution of a criminal or civil matter  
43 arising out of the same facts, the court may stay the discovery for a period



1 not to exceed 60 days. The court shall hear any motion to stay discovery  
2 under this subsection in camera. The court may extend the 60-day period  
3 on a further showing in camera that the attorney general has pursued the  
4 criminal or civil investigation or proceedings with reasonable diligence  
5 and that any proposed discovery in the civil action will interfere with the  
6 ongoing criminal or civil investigation or proceedings.

7 (g) (1) Notwithstanding any other provision of this section, the  
8 attorney general may elect to pursue the state's claim through any alternate  
9 remedy available to the state, including any administrative proceeding to  
10 determine an administrative penalty. If an alternate remedy is pursued in  
11 another proceeding, the person bringing the action has the same rights in  
12 the other proceeding as the person would have had if the action had  
13 continued under this section.

14 (2) A finding of fact or conclusion of law made in the other  
15 proceeding that has become final is conclusive on all parties to an action  
16 under this section. For purposes of this subsection, a finding or conclusion  
17 is final if:

18 (A) The finding or conclusion has been finally determined on appeal  
19 to the appropriate court;

20 (B) no appeal has been filed with respect to the finding or conclusion  
21 and all time for filing an appeal has expired; or

22 (C) the finding or conclusion is not subject to judicial review.

23 (h) (1) If the attorney general proceeds with an action under this  
24 section, the person bringing the action is entitled, except as provided in  
25 paragraph (4), to receive at least 15%, but not more than 25%, of the  
26 proceeds of the action, depending on the extent to which the person  
27 substantially contributed to the prosecution of the action. Where the action  
28 is one that the court finds to be based primarily on disclosures of specific  
29 information, other than information provided by the person bringing the  
30 action, relating to allegations or transactions in a criminal, civil or  
31 administrative hearing, in a legislative or administrative report, hearing,  
32 audit or investigation, or from the news media, the court may award such  
33 sums as it considers appropriate, but in no case more than 10% of the  
34 proceeds, taking into account the significance of the information and the  
35 role of the person bringing the action in advancing the case to litigation.

36 (2) If the attorney general does not proceed with an action under this  
37 section, the person bringing the action or settling the claim shall receive an  
38 amount that the court decides is reasonable for collecting the civil penalty  
39 and damages. Except as provided in paragraph (4), the amount shall be at  
40 least 25%, but not more than 30%, of the proceeds of the action. The  
41 entitlement of a person under this subsection is not affected by any  
42 subsequent intervention in the action by the state in accordance with  
43 subsection (e).

1 (3) A payment to a person under this section shall be made from the  
2 proceeds of the action. A person receiving a payment under this section is  
3 also entitled to receive from the defendant an amount for reasonable  
4 expenses, reasonable attorney fees and costs that the court finds to have  
5 been necessarily incurred. The court's determination of expenses, fees and  
6 costs to be awarded under this subsection shall be made only after the  
7 defendant has been found liable in the action or the claim is settled, and  
8 shall be awarded against the defendant.

9 (4) (A) If the court finds that the action was brought by a person who  
10 planned and initiated the violation of K.S.A. 2016 Supp. 75-7503, and  
11 amendments thereto, on which the action was brought, the court may, to  
12 the extent the court considers appropriate, reduce the share of the proceeds  
13 of the action the person would otherwise receive under this section, taking  
14 into account the person's role in advancing the case to litigation and any  
15 relevant circumstances pertaining to the violation.

16 (B) If the person bringing the action is convicted of criminal conduct  
17 arising from the person's role in the violation of K.S.A. 2016 Supp. 75-  
18 7503, and amendments thereto, on which the action was brought, the court  
19 shall dismiss the person from the civil action and the person may not  
20 receive any share of the proceeds of the action. A dismissal under this  
21 subsection does not prejudice the right of the state to continue the action.

22 (5) If the attorney general does not proceed with the action and the  
23 person bringing the action conducts the action, the court may award to the  
24 defendant its reasonable attorney fees and expenses if the defendant  
25 prevails in the action and the court finds that the claim of the person  
26 bringing the action was clearly frivolous, clearly vexatious or brought  
27 primarily for purposes of harassment.

28 (i) (1) A person may not bring an action under this section that is  
29 based on allegations or transactions that are the subject of a civil suit or an  
30 administrative penalty proceeding in which the state is already a party.

31 (2) The court shall dismiss an action or claim under this section,  
32 unless opposed by the attorney general, if substantially the same  
33 allegations or transactions as alleged in the action or claim were publicly  
34 disclosed in a Kansas or federal criminal or civil hearing in which the state  
35 or an agent of the state is a party, in a Kansas legislative or administrative  
36 report, or other Kansas hearing, audit or investigation, or from the news  
37 media, unless the person bringing the action is an original source of the  
38 information.

39 (j) As used in this section:

40 (1) "Proceeds of the action" includes proceeds of a settlement of a  
41 claim; and

42 (2) "original source" means an individual who:

43 (A) Either: (i) Prior to a public disclosure, has voluntarily disclosed

1 to the state or a subdivision thereof the information on which allegations  
2 or transactions in a claim are based; or (ii) has knowledge that is  
3 independent of and materially adds to the publicly disclosed allegations or  
4 transactions; and

5 (B) has voluntarily provided the information to the state or a  
6 subdivision thereof before filing an action.

7 Sec. 10. K.S.A. 2016 Supp. 75-7501, 75-7502, 75-7503, 75-7504, 75-  
8 7505 and 75-7506 are hereby repealed.

9 Sec. 11. This act shall take effect and be in force from and after its  
10 publication in the statute book.