

FORTY-FOURTH LEGISLATURE
SECOND SESSION, 2000

February 9, 2000

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred

HOUSE BILL 266

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 5, line 24, after "and", insert "upon conviction".
2. On page 6, line 3, after "and", insert "upon conviction".
3. On page 7, between lines 3 and 4, insert the following section:

"Section 10. GENERAL PROVISIONS.--

A. The Cigarette Enforcement Act shall be enforced by the department; provided that, at the request of the department, the state police and all local police authorities shall enforce the provisions of the Cigarette Enforcement Act.

B. For the purpose of enforcing the Cigarette Enforcement Act, the department may request information from any state or local agency, and may share information with, and request information from, any federal agency and any agency of any other state or any local agency thereof.

C. In addition to any other remedy provided by law, including enforcement as provided in subsection A of this section, any person may bring an action for appropriate injunctive or other equitable relief for a violation of the Cigarette Enforcement Act; actual damages, if any, sustained by reason of the violation; and, as determined by the court, interest on the damages from the date of the complaint, taxable costs and reasonable attorney's fees. If the trier of fact finds that the violation is flagrant, it may increase recovery to an amount not in excess of three times the actual damages sustained by reason of the violation."

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4. On page 7, line 4, reletter the succeeding section accordingly.

Respectfully submitted,

R. David Pederson, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Garcia, Luna, Sanchez

Absent: None

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