

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/House Bill No. 116, Page 12, Section 29.221, Line 12,

2 of said page, by inserting immediately after said line, the
3 following:

4 "3. Any person may bring a civil action for a violation of
5 Missouri law constituting improper government activity as
6 provided in subsection 2 of this section in the name of the
7 state, if any state funds are involved, or for a political
8 subdivision in the name of the political subdivision, if
9 political subdivision funds are exclusively involved. The person
10 bringing the action shall be referred to as the qui tam
11 plaintiff. Once filed, the action may be dismissed only with the
12 written consent of the court and the attorney general or
13 prosecuting authority of a political subdivision, or both.

14 (1) A complaint filed by a private person under this
15 subsection shall be filed in a court of competent jurisdiction
16 and may remain under seal for up to sixty days. No service shall
17 be made on the defendant until after the complaint is unsealed.

18 (2) On the same day as the complaint is filed pursuant to
19 subdivision (1) of this subsection, the qui tam plaintiff shall
20 serve, by mail with "return receipt requested", the attorney
21 general with a copy of the complaint and a written disclosure of
22 substantially all material evidence and information the person

1 possesses.

2 (3) Within sixty days after receiving a complaint and
3 written disclosure of material evidence and information alleging
4 violations that involve state funds or political subdivision
5 funds, the attorney general may elect to intervene and proceed
6 with the action. The attorney general may, for good cause shown,
7 move the court for extensions of the time during which the
8 complaint shall remain under seal. Before the expiration of the
9 sixty day period or any extensions, the attorney general shall
10 either:

11 (a) Notify the court that it intends to proceed with the
12 action, in which case the action shall be conducted by the
13 attorney general and the seal shall be lifted;

14 (b) Notify the court that it declines to proceed with the
15 action, in which case the seal shall be lifted and the qui tam
16 plaintiff shall have the right to conduct the action.

17 (4) In any action commenced under this subsection, the qui
18 tam plaintiff shall receive ten percent of the proceeds of the
19 action or settlement of the claim."