

SSB 5960 - S AMD 444

By Senator Becker

NOT ADOPTED 05/19/2011

1        On page 14, beginning on line 29, after "(3)" strike all material  
2 through "dismiss." on line 31 and insert "After the sixty-day period  
3 for review has passed, the court may dismiss the qui tam action if it  
4 determines that it is more likely than not that the action being  
5 brought is clearly frivolous or vexatious, or is being brought  
6 primarily for the purposes of harassment or the relator has failed to  
7 state with particularity circumstances constituting fraud. If the  
8 court does not dismiss the claim immediately after the sixty-day  
9 period, the court must forward the complaint to the defendant and  
10 allow the defendant thirty days to provide an answer. If the  
11 defendant provides an answer, the court has an additional fifteen days  
12 from the date of receipt of the answer to make its determination under  
13 this subsection. The attorney general must be given notice and an  
14 opportunity to participate in the hearing on the motion to dismiss."

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EFFECT: Permits a court to dismiss the qui tam action if it determines that the action is clearly frivolous or vexatious or is being brought to harass.

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