

Senator Karinshak of the 48th offered the following amendment:

WITHDRAWN

1 *Amend the Senate Committee on Judiciary substitute to HB 239 (LC 41 2006S) by replacing*
 2 *line 18 with the following:*

3 service of pleadings; to amend Code Section 23-3-122 of the Official Code of Georgia
 4 Annotated, relating to investigations by Attorney General, civil actions authorized,
 5 intervention by government, limitation on participating in litigation, stay of discovery,
 6 alternative remedies, division of recovery, and limitations, so as to provide for the deeming
 7 of approval by law under certain circumstances where the Attorney General shall provide
 8 written approval for a private person to bring a civil action regarding false taxpayer claims;
 9 to provide for the sending of the complaint to a local government under certain
 10 circumstances; to provide for related matters; to provide for an effective date; to repeal

11 *By inserting between lines 519 and 520 the following:*

12 Code Section 23-3-122 of the Official Code of Georgia Annotated, relating to investigations
 13 by Attorney General, civil actions authorized, intervention by government, limitation on
 14 participating in litigation, stay of discovery, alternative remedies, division of recovery, and
 15 limitations, is amended by revising paragraphs (1) and (2) of subsection (b) as follows:

16 "(b)(1) Subject to the exclusions set forth in this Code section, a civil action under this
 17 article may also be brought by a private person upon written approval by the Attorney
 18 General; provided, however, that, if 60 days elapse following the delivery of a proposed
 19 complaint to the Attorney General by certified mail or statutory overnight delivery, return
 20 receipt requested, and the Attorney General has not approved or disapproved of the
 21 proposed civil action, the civil action shall be deemed approved by the Attorney General;
 22 provided, further, that the passing of such 60 days without the Attorney General's
 23 approval shall not in any way affect the Attorney General's authority to take any later
 24 action regarding the civil action as provided for in this article. A civil action shall be
 25 brought in the name of the State of Georgia or local government, as applicable. The civil
 26 action may be dismissed only if the Attorney General gives written consent to the
 27 dismissal stating the reasons for consenting to such dismissal and the court enters an
 28 order approving the dismissal.

29 (2)(A) A copy of the complaint and written disclosure of substantially all material
 30 evidence and information the person possesses shall be served on the Attorney General
 31 by certified mail or statutory overnight delivery.

32 (B) For a civil action brought in the name of a local government, a copy of the
33 complaint shall be sent to a legal officer of the local government by certified mail or
34 statutory overnight delivery within 60 days of the unsealing of the complaint by the
35 court.

36 (C) The complaint shall be filed in camera and under seal, shall remain under seal for
37 at least 60 days, and shall not be served on the defendant until the court so orders. The
38 state or, if delegated the authority by the Attorney General, local government may elect
39 to intervene and proceed with the action within 60 days after the Attorney General
40 receives both the complaint and the material evidence and information."

41

PART VI

42

SECTION 6-1.

43

By redesignating Section 5-2 as Section 6-2.