

HOUSE BILL NO. 4875

August 29, 2019, Introduced by Reps. Cherry, Sowerby, Brenda Carter, LaGrand, Lasinski, Brixie, Coleman, Sabo, Haadsma, Ellison, Kennedy, Clemente, Sneller, Witwer, Kuppa, Rabhi, Stone, Shannon, Cynthia Johnson, Pagan, Wittenberg, Greig, Hood, Manoogian, Tyrone Carter, Hoadley, Elder, Chirkun, Tate, Hammoud, Whitsett, Camilleri, Anthony, Warren, Howell, Cambensy, Hertel and Love and referred to the Committee on Commerce and Tourism.

A bill to provide for remedies and prescribe civil sanctions against a person that presents a false or fraudulent claim to obtain money, property, or services from this state or a local unit of government; to prescribe the powers and duties of certain state and local government officers and agencies; to prohibit retaliation against a person that pursues a remedy under this act; and to authorize the attorney general to promulgate rules.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "false
2 claims act".



1 Sec. 2. As used in this act:

2 (a) "Claim" means, subject to subdivision (b), a request or
3 demand, whether under a contract or otherwise, for money or
4 property that is either of the following:

5 (i) Presented to an officer, employee, or agent of this state
6 or a local government.

7 (ii) Made to a contractor, grantee, or other recipient, if the
8 money or property is to be spent or used on behalf of this state or
9 a local government or to advance a state or local government
10 program or interest, and if either of the following applies:

11 (A) This state or a local government has provided or will
12 provide any portion of the money or property that is requested or
13 demanded.

14 (B) This state or a local government will reimburse the
15 contractor, grantee, or other recipient for any portion of the
16 money or property that is requested or demanded.

17 (b) "Claim" does not include a request or demand for money or
18 property that this state or a local government has already paid to
19 an individual as compensation for government employment or as an
20 income subsidy with no restrictions on that individual's use of the
21 money or property.

22 (c) "False claim" means any claim that is, either in whole or
23 part, false or fraudulent.

24 (d) "Knowing" and "knowingly" mean, subject to subdivision
25 (e), that 1 of the following applies to a person with respect to
26 information:

27 (i) The person has actual knowledge of the information.

28 (ii) The person acts in deliberate ignorance of the truth or
29 falsity of the information.



1 (iii) The person acts in reckless disregard of the truth or
2 falsity of the information.

3 (e) "Knowing" and "knowingly" do not require proof of specific
4 intent to defraud.

5 (f) "Local government" means county, city, township, village,
6 school district, board of education, public benefit corporation, or
7 other municipal corporation or political subdivision of this state
8 or of a local government.

9 (g) "Material" means having a natural tendency to influence,
10 or to be capable of influencing, the payment or receipt of money or
11 property.

12 (h) "Obligation" means an established duty, whether or not
13 fixed, arising from an express or implied contractual, grantor-
14 grantee, or licensor-licensee relationship, from a fee-based or
15 similar relationship, from statute or regulation, or from the
16 retention of any overpayment.

17 (i) "Original source" means a person to whom either of the
18 following applies:

19 (i) Before a public disclosure described in section 4(9)(b),
20 the person has voluntarily disclosed to this state or a local
21 government the information on which allegations or transactions in
22 a cause of action are based.

23 (ii) The person has knowledge that is independent of and
24 materially adds to the publicly disclosed allegations or
25 transactions and has voluntarily provided the information to this
26 state or a local government before or simultaneously with filing an
27 action under this act.

28 (j) "Person" means a natural person, partnership, corporation,
29 association, or other legal entity, other than this state or a



1 local government.

2 (k) "Qui tam plaintiff" means a person other than this state,
3 the attorney general on behalf of this state, or a local government
4 that brings or intervenes in an action brought under section 4(2).

5 (l) "This state" includes any state department, board, bureau,
6 division, commission, committee, public benefit corporation, public
7 authority, council, office, or other governmental entity that
8 performs a governmental or proprietary function for this state.

9 Sec. 3. (1) Subject to subsection (2), a person that commits
10 any of the following acts is liable to this state or a local
11 government, as applicable, for a civil penalty of not less than
12 \$6,000.00 and not more than \$12,000.00, plus 3 times the amount of
13 all damages, including consequential damages, that this state or
14 the local government sustains because of the acts of the person:

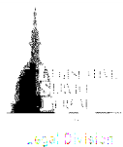
15 (a) Knowingly presents or causes to be presented a false or
16 fraudulent claim for payment or approval.

17 (b) Knowingly makes, uses, or causes to be made or used a
18 false record or statement material to a false or fraudulent claim.

19 (c) Conspires to commit a violation of subdivision (a), (b),
20 (d), (e), (f), or (g).

21 (d) Has possession, custody, or control of property or money
22 used, or to be used, by this state or a local government and
23 knowingly delivers or causes to be delivered less than all of the
24 money or property.

25 (e) Is authorized to make or deliver a document certifying
26 receipt of property used or to be used by this state or a local
27 government and, intending to defraud this state or the local
28 government, makes or delivers the receipt without completely
29 knowing that the information on the receipt is true.



1 (f) Knowingly buys, or receives as a pledge of an obligation
2 or debt, public property from an officer or employee of this state
3 or a local government knowing that the officer or employee is
4 violating the law by selling or pledging the property.

5 (g) Knowingly makes, uses, or causes to be made or used a
6 false record or statement material to an obligation to pay or
7 transmit money or property to this state or a local government, or
8 knowingly conceals or knowingly and improperly avoids or decreases
9 an obligation to pay or transmit money or property to this state or
10 a local government.

11 (2) A court may assess not more than 2 times the amount of
12 damages sustained because of an act of a person described in
13 subsection (1), if the court finds that all of the following apply:

14 (a) The person furnished all information known to the person
15 about the violation to the officials responsible for investigating
16 false claims on behalf of this state or a local government that
17 sustained damages within 30 days after the date on which the person
18 first obtained the information.

19 (b) The person fully cooperated with any government
20 investigation of the act.

21 (c) At the time the person furnished information about the
22 act, a criminal prosecution, civil action, or administrative action
23 had not been commenced with respect to the act, and the person did
24 not have actual knowledge of the existence of an investigation into
25 the act.

26 (3) A person that commits an act described in subsection (1)
27 is also liable for the costs, including attorney fees, of a civil
28 action brought to recover a penalty or damages under this section.

29 (4) This section applies to claims, records, or statements



1 made under a tax law only if both of the following apply:

2 (a) The net income or sales of the person the action is
3 brought against is equal or exceed \$1,000,000.00 for a taxable year
4 subject to an action brought under this section.

5 (b) The damages pleaded in the action exceed \$350,000.00.

6 (5) The attorney general shall consult with the state
7 treasurer before filing or intervening in an action under this act
8 that is based on the filing of false claims, records, or statements
9 made under a tax law. If the attorney general declines to
10 participate or to authorize participation by a local government in
11 the action under section 4(2), the qui tam plaintiff shall obtain
12 approval from the attorney general before making a motion to compel
13 the department of treasury to disclose tax records.

14 Sec. 4. (1) The attorney general may investigate acts
15 described in section 3(1). If the attorney general believes that a
16 person has committed any of those acts, the attorney general may
17 bring a civil action on behalf of the people of this state or on
18 behalf of a local government against the person. A local government
19 may also investigate acts described in section 3(1) that may have
20 resulted in damages to the local government and may bring a civil
21 action on its own behalf or on behalf of a subdivision of the local
22 government to recover damages sustained by the local government as
23 a result of the acts. An action may not be filed under this
24 subsection against the federal government, this state, or a local
25 government or an officer or employee of the federal government,
26 this state, or a local government acting in his or her official
27 capacity. The attorney general shall consult with the Office of
28 Inspector General of the United States Department of Health and
29 Human Services before filing an action related to the Medicaid

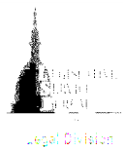


1 program.

2 (2) A person may bring a qui tam civil action for an act
3 described in section 3(1) on behalf of the person and the people of
4 this state or a local government. All of the following apply to an
5 action under this subsection:

6 (a) A person shall not file an action under this subsection
7 against the federal government, this state, or a local government
8 or an officer or employee of the federal government, this state, or
9 a local government acting in his or her official capacity.

10 (b) A copy of the complaint and written disclosure of
11 substantially all material evidence and information the qui tam
12 plaintiff possesses must be served on the attorney general. A
13 complaint filed in a court of this state must be filed in the
14 circuit court of any county in which the qui tam plaintiff or any
15 defendant resides or has done or does any business, in camera and
16 under seal, must remain under seal for at least 60 days, and must
17 not be served on the defendant until the court so orders. The seal
18 does not preclude the attorney general, a local government, or the
19 qui tam plaintiff from serving the complaint, other pleadings, or
20 the written disclosure of substantially all material evidence and
21 information possessed by the qui tam plaintiff on relevant state or
22 local government agencies, or on law enforcement authorities of
23 this state, a local government, or other jurisdictions or the
24 federal government, so that the acts may be investigated or
25 prosecuted, except that the seal applies to the agencies or
26 authorities served to the same extent as the seal applies to other
27 parties in the action. If the complaint alleges an act described in
28 section 3(1) that involves damages to a local government, the
29 attorney general may at any time provide a copy of the complaint



1 and written disclosure to the attorney for the local government.
2 However, if the allegations in the complaint involve damages only
3 to a city with a population of 500,000 or more, or only to this
4 state and a city with a population of 500,000 or more, the attorney
5 general shall provide the complaint and written disclosure to the
6 corporation counsel of the city within 30 days. The attorney
7 general may elect to supersede or intervene and proceed with the
8 action, or to authorize a local government that may have sustained
9 damages to supersede or intervene, within 60 days after it receives
10 both the complaint and the material evidence and information.
11 However, if the allegations in the complaint involve damages only
12 to a city with a population of 500,000 or more, the attorney
13 general shall not supersede or intervene in the action without the
14 consent of the corporation counsel of the city. The attorney
15 general shall consult with the health care fraud division of the
16 department of attorney general before superseding or intervening in
17 an action related to the Medicaid program. The attorney general
18 may, for good cause shown, move the court for extensions of the
19 time during which the complaint remains under seal under this
20 subsection. The motion may be supported by affidavits or other
21 submissions in camera.

22 (c) Before the expiration of the 60-day period or any
23 extensions obtained under subdivision (b), the attorney general
24 shall notify the court, and shall provide the local government with
25 a copy of the notification at the same time the court is notified,
26 that he or she intends to do 1 of the following:

27 (i) File a complaint against the defendant on behalf of the
28 people of this state or a local government and by doing so be
29 substituted as the plaintiff in the action and convert the action



1 in all respects from an action under this subsection brought by a
2 private person into a civil enforcement action by the attorney
3 general under subsection (1).

4 (ii) Intervene in the action, as of right, so as to aid and
5 assist the qui tam plaintiff in the action.

6 (iii) If the action involves damages sustained by a local
7 government, grant the local government permission to do either of
8 the following:

9 (A) File and serve a complaint against the defendant, and by
10 doing so be substituted as the plaintiff in the action and convert
11 the action in all respects from an action under this subsection
12 brought by a private person into a civil enforcement action by the
13 local government under subsection (1).

14 (B) Intervene in the action as of right, so as to aid and
15 assist the qui tam plaintiff in the action.

16 (d) If the attorney general notifies the court that the
17 attorney general intends to file a complaint against the defendant
18 and by doing so be substituted as the plaintiff in the action, or
19 to permit a local government to do so, the complaint must be filed
20 within 30 days after the notification to the court. For purposes of
21 applying a statute of limitations, a complaint filed by the
22 attorney general or a local government under this subdivision
23 relates back to the filing date of the complaint of the qui tam
24 plaintiff, to the extent that the cause of action of this state or
25 the local government arises out of the conduct, transactions, or
26 occurrences alleged or attempted to be alleged in the complaint of
27 the qui tam plaintiff.

28 (e) If the attorney general notifies the court that the
29 attorney general intends to intervene in the action, or to permit a



1 local government to intervene, a motion for intervention must be
2 filed within 30 days after the notification to the court.

3 (f) If the attorney general declines to participate in the
4 action or to authorize participation by a local government, the
5 action may proceed subject to judicial review under this section,
6 law and court rules relating to civil procedure, and other
7 applicable law. The qui tam plaintiff shall provide this state or a
8 local government, if applicable, with a copy of any document filed
9 with the court on or about the date it is filed and any order
10 issued by the court on or about the date it is issued. A qui tam
11 plaintiff shall notify this state or a local government, if
12 applicable, within 5 business days of any decision, order, or
13 verdict that results in a judgment in favor of this state or the
14 local government.

15 (3) If the attorney general decides to participate in an
16 action under this section or to authorize the participation of a
17 local government, the court shall order that the complaint be
18 unsealed and served at the time the complaint or motion by this
19 state or local government is filed. After the complaint is
20 unsealed, or if a complaint is filed by this state or a local
21 government under subsection (1), the defendant must be served with
22 the complaint and summons under chapter 19 of the revised
23 judicature act of 1961, 1961 PA 236, MCL 600.1901 to 600.1974. A
24 copy of a complaint that alleges that damages were sustained by a
25 local government must also be served on the local government. The
26 defendant shall respond to the summons and complaint within the
27 time required under the applicable court rules.

28 (4) After an action is filed under this section, a person
29 other than the attorney general or an attorney for a local



1 government acting under subsection (1) or (2)(b) shall not
2 intervene in the action or bring a related civil action based on
3 the facts underlying the action, unless the other person has first
4 obtained the permission of the attorney general to intervene or to
5 bring a related action. However, this subsection does not prohibit
6 a person, with leave of court, from filing an amicus curiae brief.

7 (5) All of the following apply to an action under this
8 section:

9 (a) If the attorney general elects to convert the action into
10 an attorney general enforcement action, this state has the primary
11 responsibility for prosecuting the action. If the attorney general
12 elects to intervene in the action, this state and the qui tam
13 plaintiff, and any local government that sustained damages and
14 intervenes in the action, share primary responsibility for
15 prosecuting the action. If the attorney general elects to permit a
16 local government to convert the action into a civil enforcement
17 action, the local government has primary responsibility for
18 investigating and prosecuting the action. If the action involves
19 damages to a local government but not this state and the local
20 government intervenes in the action, the local government and the
21 qui tam plaintiff share primary responsibility for prosecuting the
22 action. This state or a local government is not bound by an act of
23 the qui tam plaintiff. The qui tam plaintiff has the right to
24 continue as a party to the action, subject to the limitations in
25 subdivision (b). This state is not bound by the act of a local
26 government that intervenes in an action involving damages to this
27 state. If neither the attorney general nor a local government
28 intervenes in the action, the qui tam plaintiff has the right to
29 prosecute the action, subject to the attorney general's right to



1 intervene at a later date on a showing of good cause.

2 (b) All of the following are applicable:

3 (i) This state may move to dismiss the action notwithstanding
4 the objections of the qui tam plaintiff if the qui tam plaintiff
5 has been served with the motion to dismiss and the court has
6 provided the qui tam plaintiff with an opportunity to be heard on
7 the motion. If the action involves damages to both this state and a
8 local government, this state shall consult with the local
9 government before moving to dismiss the action. If the action
10 involves damages sustained by a local government but not this
11 state, the local government may move to dismiss the action
12 notwithstanding the objections of the qui tam plaintiff if the qui
13 tam plaintiff has been served with the motion to dismiss and the
14 court has provided the qui tam plaintiff with an opportunity to be
15 heard on the motion.

16 (ii) This state or a local government may settle the action
17 with the defendant notwithstanding the objections of the qui tam
18 plaintiff if the court determines, after giving the qui tam
19 plaintiff an opportunity to be heard, that the proposed settlement
20 is fair, adequate, and reasonable with respect to all parties under
21 the circumstances. On a showing of good cause, the opportunity to
22 be heard may be provided in camera.

23 (iii) On a showing by the attorney general or a local government
24 that the qui tam plaintiff's unrestricted participation in the
25 litigation would interfere with or unduly delay the case or be
26 repetitious or irrelevant, or on a showing by the defendant that
27 the qui tam plaintiff's unrestricted participation in the
28 litigation would be for purposes of harassment or cause the
29 defendant undue burden, the court may, in its discretion, impose



1 limitations on the qui tam plaintiff's participation in the case,
2 including any of the following:

3 (A) Limiting the number of witnesses the qui tam plaintiff may
4 call.

5 (B) Limiting the length of the testimony of the witnesses.

6 (C) Limiting the qui tam plaintiff's cross-examination of
7 witnesses.

8 (D) Otherwise limiting the participation by the qui tam
9 plaintiff in the litigation.

10 (c) Regardless of whether the attorney general or a local
11 government elects to supersede or intervene in the action, the
12 attorney general or the local government may pursue any remedy
13 available with respect to the criminal or civil prosecution of the
14 presentation of false claims, including any administrative
15 proceeding to determine a civil money penalty or to refer the
16 matter to the Office of Inspector General of the United States
17 Department of Health and Human Services for Medicaid-related
18 matters. If an alternate remedy is pursued in another action or
19 proceeding, the qui tam plaintiff has the same rights in the other
20 action or proceeding as the qui tam plaintiff would have had if the
21 action brought under this section had continued.

22 (d) Regardless of whether the attorney general elects to
23 supersede or intervene in the action or to permit a local
24 government to supersede or intervene in the action, on a showing by
25 this state or a local government that certain discovery by the qui
26 tam plaintiff would interfere with this state's or the local
27 government's investigation or prosecution of a criminal or civil
28 matter arising out of the same facts, the court may stay the
29 discovery for not more than 60 days. The showing must be made in



1 camera. The court may extend the stay on a further showing in
2 camera that this state or the local government has pursued the
3 criminal or civil investigation or proceedings with reasonable
4 diligence and allowing the discovery in the action will interfere
5 with the ongoing criminal or civil investigation or proceedings.

6 (6) All of the following apply to awards to the qui tam
7 plaintiff in an action brought under this section:

8 (a) If the attorney general elects to convert the action into
9 an attorney general enforcement action or to permit a local
10 government to convert the action into a civil enforcement action by
11 the local government, or if the attorney general or a local
12 government elects to intervene in the action, the qui tam plaintiff
13 is entitled to receive from 15% to 20% of the proceeds recovered in
14 the action or in settlement of the action. The court shall
15 determine the percentage of the proceeds to which a qui tam
16 plaintiff is entitled by considering the extent to which the qui
17 tam plaintiff substantially contributed to the prosecution of the
18 action. If the court finds that the action was based primarily on
19 disclosures of specific information, other than information
20 provided by the qui tam plaintiff, that related to allegations or
21 transactions in a criminal, civil, or administrative hearing, in a
22 state legislative or administrative report, hearing, audit or
23 investigation, or from the news media, the court may award an
24 amount that it considers appropriate, but not more than 10% of the
25 proceeds, taking into account the significance of the information
26 and the role of the qui tam plaintiff in advancing the case to
27 litigation.

28 (b) If the attorney general or a local government does not
29 elect to intervene or convert the action and the action is



1 successful, a qui tam plaintiff that recovers proceeds is entitled
2 to receive from 25% to 30% of the proceeds recovered in the action
3 or settlement of the action. The court shall determine the
4 percentage of the proceeds to which the qui tam plaintiff is
5 entitled by considering the extent to which the qui tam plaintiff
6 substantially contributed to the prosecution of the action.

7 (c) With the exception of a court award of costs, expenses, or
8 attorney fees, any payment to a qui tam plaintiff under this
9 subsection must be made from the proceeds recovered in the action
10 or in settlement of the action.

11 (7) In an action brought under this section, the court may
12 award the attorney general, on behalf of the people of this state,
13 a local government that participates as a party in the action, or a
14 qui tam plaintiff an amount for reasonable expenses that the court
15 finds to have been necessarily incurred, reasonable attorney fees,
16 and costs. The expenses, fees, and costs must be awarded directly
17 against the defendant, must not be charged from the proceeds, and
18 may only be awarded if this state, a local government, or the qui
19 tam plaintiff prevails in the action.

20 (8) If the court finds that an action under this section was
21 brought by a person that planned or initiated the act described in
22 section 3(1) on which the action was brought, the court may, to the
23 extent the court considers appropriate, reduce the share of the
24 proceeds of the action that the person would otherwise be entitled
25 to receive under subsection (6), taking into account the role of
26 the person in advancing the action to litigation and any relevant
27 circumstances pertaining to the act. If a qui tam plaintiff is
28 convicted of criminal conduct arising from his or her role in the
29 act described in section 3(1), the qui tam plaintiff must be



1 dismissed from the action and is not entitled to receive any share
2 of the proceeds of the action. A dismissal under this subsection
3 does not prejudice the right of the attorney general to intervene
4 in the action and to prosecute the action on behalf of this state
5 or a local government.

6 (9) All of the following apply to an action brought under this
7 section:

8 (a) The court shall dismiss the action if any of the following
9 apply:

10 (i) The action is based on allegations or transactions that are
11 the subject of a pending civil action or an administrative action
12 in which this state or a local government is already a party.

13 (ii) This state or a local government has reached a binding
14 settlement or other agreement with the person that committed the
15 act described in section 3(1) resolving the matter and the
16 agreement has been approved in writing by the attorney general or
17 an attorney for the local government, if applicable.

18 (iii) The action is against a member of the legislature, a
19 member of the judiciary, or a senior executive branch official and
20 is based on evidence or information known to this state at the time
21 the action was brought.

22 (b) The court shall dismiss the action, unless dismissal is
23 opposed by this state or, if applicable, a local government or
24 unless the qui tam plaintiff is an original source of the
25 information, if substantially the same allegations or transactions
26 as alleged in the action were publicly disclosed in 1 of the
27 following ways:

28 (i) In a state or local government criminal, civil, or
29 administrative hearing in which this state or a local government or



1 its agent is a party.

2 (ii) In a report, hearing, audit, or investigation of the
3 United States, this state, or a local government that is made on
4 the public record or disseminated broadly to the general public.
5 However, for purposes of this subparagraph, information is not
6 publicly disclosed in a report or investigation if it was disclosed
7 or provided under the freedom of information act, 1976 PA 442, MCL
8 15.231 to 15.246, or any other federal, state, or local law, rule,
9 or program enabling the public to request, receive, or view
10 documents or information in the possession of a public official or
11 public agency.

12 (iii) In the news media. However, for purposes of this
13 subparagraph, allegations or transactions are not publicly
14 disclosed in the news media merely because information containing
15 the allegations or transactions has been posted on the Internet or
16 on a computer network.

17 (10) This state or a local government is not liable for any
18 expenses that a qui tam plaintiff incurs in bringing an action
19 under this section.

20 Sec. 5. (1) A current or former employee, contractor, or agent
21 of a private or public employer that is discharged, demoted,
22 suspended, threatened, harassed, or in any other manner
23 discriminated against in the terms and conditions of employment or
24 otherwise harmed or penalized by the employer or a prospective
25 employer because of lawful acts done by the employee, contractor,
26 or agent, or others associated with the employee, contractor, or
27 agent in furtherance of an action brought under this section or
28 other efforts to stop 1 or more acts described in section 3(1) is
29 entitled to all relief necessary to make the employee, contractor,



1 or agent whole. Relief available under this subsection includes,
2 but is not limited to, all of the following:

3 (a) An injunction to restrain continued discrimination.

4 (b) Hiring, contracting, or reinstatement to the position the
5 person would have had but for the discrimination or to an
6 equivalent position.

7 (c) Reinstatement of full fringe benefits and seniority
8 rights.

9 (d) Payment of 2 times back pay and interest.

10 (e) Compensation for any special damages sustained as a result
11 of the discrimination, including litigation costs and reasonable
12 attorney fees.

13 (2) For purposes of this section, lawful acts include, but are
14 not limited to, obtaining or transmitting to this state, a local
15 government, a qui tam plaintiff, or private counsel solely employed
16 to investigate a cause of action or potentially file or file an
17 action under this act documents, data, correspondence, electronic
18 mail, or any other information, even though the act may violate a
19 contract, employment term, or duty owed to the employer or
20 contractor, if the possession and transmission of the documents are
21 for the sole purpose of furthering efforts to stop 1 or more acts
22 described in section 3(1). This subsection does not prevent a law
23 enforcement authority from bringing a civil or criminal action
24 against a person for violating a law.

25 (3) An employee, contractor, or agent described in subsection
26 (1) may bring an action in the appropriate court for the relief
27 provided in this section.

28 Sec. 6. (1) An action under this act must be commenced within
29 10 years after the date on which the act described in section 3(1)



1 is committed. For purposes of this act, an action under this act is
2 commenced by the filing of a complaint.

3 (2) For purposes of applying any requirements of a court rule
4 relating to pleading allegations of fraud, in pleading an action
5 brought under this act, the qui tam plaintiff is not required to
6 identify specific claims that result from an alleged course of
7 misconduct, or any specific records or statements used, if the
8 facts alleged in the complaint, if ultimately proven true, would
9 provide a reasonable indication that 1 or more acts described in
10 section 3(1) are likely to have occurred, and if the allegations in
11 the complaint provide adequate notice of the specific nature of the
12 alleged misconduct to permit this state or a local government
13 effectively to investigate and defendants fairly to defend against
14 the allegations made.

15 (3) In an action brought under this act, this state, a local
16 government that participates as a party in the action, or a qui tam
17 plaintiff has the burden of proving the essential elements of the
18 cause of action, including damages, by a preponderance of the
19 evidence.

20 Sec. 7. This act does not do any of the following:

21 (a) Preempt the authority, or relieve the duty, of a law
22 enforcement agency to investigate and prosecute a suspected
23 violation of law.

24 (b) Prevent or prohibit a person from voluntarily disclosing
25 any information concerning an act described in section 3(1) to a
26 law enforcement agency.

27 (c) Limit the power of the attorney general, a state agency,
28 or a local government to investigate an act described in section
29 3(1) and take appropriate action against any wrongdoer.



1 Sec. 8. The attorney general may promulgate rules as necessary
2 to implement this act under the administrative procedures act of
3 1969, 1969 PA 306, MCL 24.201 to 24.328.

