

HOUSE BILL No. 5430

February 23, 2012, Introduced by Reps. Heise, Lane, Hovey-Wright, Cavanagh, Hooker, Darany, Hughes, Wayne Schmidt, Kowall, Goike, Somerville and Meadows and referred to the Committee on Judiciary.

A bill to provide for remedies and prescribe civil sanctions against a person who 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 who 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".

3 Sec. 2. As used in this act:

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

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

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

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

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

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

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

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

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

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

27 (iii) The person acts in reckless disregard of the truth or

1 falsity of the information.

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

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

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

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

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

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

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

27 (j) "Person" means a natural person, partnership, corporation,

1 association, or other legal entity, other than this state or a
2 local government.

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

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

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

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

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

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

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

26 (e) Is authorized to make or deliver a document certifying
27 receipt of property used or to be used by this state or a local

1 government and, intending to defraud this state or the local
2 government, makes or delivers the receipt without completely
3 knowing that the information on the receipt is true.

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

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

14 (2) A court may assess not more than 2 times the amount of
15 damages sustained because of the act of the person described in
16 subsection (1), if the court finds that all of the following apply:

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

22 (b) The person fully cooperated with any government
23 investigation of the act.

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

1 the act.

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

5 (4) This section applies to claims, records, or statements
6 made under a tax law only if both of the following apply:

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

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

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

19 Sec. 4. (1) The attorney general may investigate acts
20 described in section 3(1). If the attorney general believes that a
21 person has committed any of those acts, the attorney general may
22 bring a civil action on behalf of the people of this state or on
23 behalf of a local government against the person. A local government
24 may also investigate acts described in section 3(1) that may have
25 resulted in damages to the local government and may bring a civil
26 action on its own behalf or on behalf of a subdivision of the local
27 government to recover damages sustained by the local government as

1 a result of the acts. An action shall not be filed under this
2 subsection against the federal government, this state, or a local
3 government or an officer or employee of the federal government,
4 this state, or a local government acting in his or her official
5 capacity. The attorney general shall consult with the office of
6 inspector general of the United States department of health and
7 human services before filing an action related to the medicaid
8 program.

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

13 (a) An action shall not be filed under this subsection against
14 the federal government, this state, or a local government or an
15 officer or employee of the federal government, this state, or a
16 local government acting in his or her official capacity.

17 (b) A copy of the complaint and written disclosure of
18 substantially all material evidence and information the qui tam
19 plaintiff possesses shall be served on the attorney general. A
20 complaint filed in a court of this state shall be filed in the
21 circuit court of any county in which the qui tam plaintiff or any
22 defendant resides or has done or does any business, in camera and
23 under seal, shall remain under seal for at least 60 days, and shall
24 not be served on the defendant until the court so orders. The seal
25 does not preclude the attorney general, a local government, or the
26 qui tam plaintiff from serving the complaint, other pleadings, or
27 the written disclosure of substantially all material evidence and

1 information possessed by the qui tam plaintiff on relevant state or
2 local government agencies, or on law enforcement authorities of
3 this state, a local government, or other jurisdictions or the
4 federal government, so that the acts may be investigated or
5 prosecuted, except that the seal applies to the agencies or
6 authorities served to the same extent as the seal applies to other
7 parties in the action. If the complaint alleges an act described in
8 section 3(1) that involves damages to a local government, the
9 attorney general may at any time provide a copy of the complaint
10 and written disclosure to the attorney for the local government.
11 However, if the allegations in the complaint involve damages only
12 to a city with a population of 500,000 or more, or only to this
13 state and a city with a population of 500,000 or more, the attorney
14 general shall provide the complaint and written disclosure to the
15 corporation counsel of the city within 30 days. This state may
16 elect to supersede or intervene and proceed with the action, or to
17 authorize a local government that may have sustained damages to
18 supersede or intervene, within 60 days after it receives both the
19 complaint and the material evidence and information. However, if
20 the allegations in the complaint involve damages only to a city
21 with a population of 500,000 or more, the attorney general shall
22 not supersede or intervene in the action without the consent of the
23 corporation counsel of the city. The attorney general shall consult
24 with the health care fraud division of the department of attorney
25 general before superseding or intervening in an action related to
26 the medicaid program. The attorney general may, for good cause
27 shown, move the court for extensions of the time during which the

1 complaint remains under seal under this subsection. The motion may
2 be supported by affidavits or other submissions in camera.

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

8 (i) File a complaint against the defendant on behalf of the
9 people of this state or a local government and by doing so be
10 substituted as the plaintiff in the action and convert the action
11 in all respects from an action under this subsection brought by a
12 private person into a civil enforcement action by the attorney
13 general under subsection (1).

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

16 (iii) If the action involves damages sustained by a local
17 government, grant the local government permission to do either of
18 the following:

19 (A) File and serve a complaint against the defendant, and by
20 doing so be substituted as the plaintiff in the action and convert
21 the action in all respects from an action under this subsection
22 brought by a private person into a civil enforcement action by the
23 local government under subsection (1).

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

26 (d) If this state notifies the court that it intends to file a
27 complaint against the defendant and by doing so be substituted as

1 the plaintiff in the action, or to permit a local government to do
2 so, the complaint must be filed within 30 days after the
3 notification to the court. For purposes of applying a statute of
4 limitations, a complaint filed by this state or a local government
5 under this subdivision relates back to the filing date of the
6 complaint of the qui tam plaintiff, to the extent that the cause of
7 action of this state or the local government arises out of the
8 conduct, transactions, or occurrences alleged or attempted to be
9 alleged in the complaint of the qui tam plaintiff.

10 (e) If this state notifies the court that it intends to
11 intervene in the action, or to permit a local government to
12 intervene, a motion for intervention shall be filed within 30 days
13 after the notification to the court.

14 (f) If this state declines to participate in the action or to
15 authorize participation by a local government, the action may
16 proceed subject to judicial review under this section, law and
17 court rules relating to civil procedure, and other applicable law.
18 The qui tam plaintiff shall provide this state or a local
19 government, if applicable, with a copy of any document filed with
20 the court on or about the date it is filed and any order issued by
21 the court on or about the date it is issued. A qui tam plaintiff
22 shall notify this state or a local government, if applicable,
23 within 5 business days of any decision, order, or verdict that
24 results in a judgment in favor of this state or the local
25 government.

26 (3) If this state decides to participate in an action under
27 this section or to authorize the participation of a local

1 government, the court shall order that the complaint be unsealed
2 and served at the time the complaint or motion by this state or
3 local government is filed. After the complaint is unsealed, or if a
4 complaint is filed by this state or a local government under
5 subsection (1), the defendant shall be served with the complaint
6 and summons under chapter 19 of the revised judicature act of 1961,
7 1961 PA 236, MCL 600.1901 to 600.1974. A copy of a complaint that
8 alleges that damages were sustained by a local government shall
9 also be served on the local government. The defendant shall respond
10 to the summons and complaint within the time required under the
11 applicable court rules.

12 (4) After an action is filed under this section, a person
13 other than the attorney general or an attorney for a local
14 government acting under subsection (1) or (2)(b) shall not
15 intervene in the action or bring a related civil action based upon
16 the facts underlying the action, unless the other person has first
17 obtained the permission of the attorney general to intervene or to
18 bring a related action. However, this subsection does not prohibit
19 a person, with leave of court, from filing an amicus curiae brief.

20 (5) All of the following apply to an action under this
21 section:

22 (a) If the attorney general elects to convert the action into
23 an attorney general enforcement action, this state has the primary
24 responsibility for prosecuting the action. If the attorney general
25 elects to intervene in the action, this state and the qui tam
26 plaintiff, and any local government that sustained damages and
27 intervenes in the action, share primary responsibility for

1 prosecuting the action. If the attorney general elects to permit a
2 local government to convert the action into a civil enforcement
3 action, the local government has primary responsibility for
4 investigating and prosecuting the action. If the action involves
5 damages to a local government but not this state and the local
6 government intervenes in the action, the local government and the
7 qui tam plaintiff share primary responsibility for prosecuting the
8 action. This state or a local government is not bound by an act of
9 the qui tam plaintiff. The qui tam plaintiff has the right to
10 continue as a party to the action, subject to the limitations in
11 subdivision (b). This state is not bound by the act of a local
12 government that intervenes in an action involving damages to this
13 state. If neither the attorney general nor a local government
14 intervenes in the action, the qui tam plaintiff has the right to
15 prosecute the action, subject to the attorney general's right to
16 intervene at a later date on a showing of good cause.

17 (b) All of the following are applicable:

18 (i) This state may move to dismiss the action notwithstanding
19 the objections of the qui tam plaintiff if the qui tam plaintiff
20 has been served with the motion to dismiss and the court has
21 provided the qui tam plaintiff with an opportunity to be heard on
22 the motion. If the action involves damages to both this state and a
23 local government, this state shall consult with the local
24 government before moving to dismiss the action. If the action
25 involves damages sustained by a local government but not this
26 state, the local government may move to dismiss the action
27 notwithstanding the objections of the qui tam plaintiff if the qui

1 tam plaintiff has been served with the motion to dismiss and the
2 court has provided the qui tam plaintiff with an opportunity to be
3 heard on the motion.

4 (ii) This state or a local government may settle the action
5 with the defendant notwithstanding the objections of the qui tam
6 plaintiff if the court determines, after giving the qui tam
7 plaintiff an opportunity to be heard, that the proposed settlement
8 is fair, adequate, and reasonable with respect to all parties under
9 the circumstances. On a showing of good cause, the opportunity to
10 be heard may be provided in camera.

11 (iii) On a showing by the attorney general or a local government
12 that the qui tam plaintiff's unrestricted participation in the
13 litigation would interfere with or unduly delay the case or be
14 repetitious or irrelevant, or on a showing by the defendant that
15 the qui tam plaintiff's unrestricted participation in the
16 litigation would be for purposes of harassment or cause the
17 defendant undue burden, the court may, in its discretion, impose
18 limitations on the qui tam plaintiff's participation in the case,
19 including any of the following:

20 (A) Limiting the number of witnesses the qui tam plaintiff may
21 call.

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

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

25 (D) Otherwise limiting the participation by the qui tam
26 plaintiff in the litigation.

27 (c) Regardless of whether the attorney general or a local

1 government elects to supersede or intervene in the action, the
2 attorney general or the local government may pursue any remedy
3 available with respect to the criminal or civil prosecution of the
4 presentation of false claims, including any administrative
5 proceeding to determine a civil money penalty or to refer the
6 matter to the office of inspector general of the United States
7 department of health and human services for medicaid-related
8 matters. If an alternate remedy is pursued in another action or
9 proceeding, the qui tam plaintiff has the same rights in the other
10 action or proceeding as the qui tam plaintiff would have had if the
11 action brought under this section had continued.

12 (d) Regardless of whether the attorney general elects to
13 supersede or intervene in the action or to permit a local
14 government to supersede or intervene in the action, on a showing by
15 this state or a local government that certain discovery by the qui
16 tam plaintiff would interfere with this state's or the local
17 government's investigation or prosecution of a criminal or civil
18 matter arising out of the same facts, the court may stay the
19 discovery for not more than 60 days. The showing shall be made in
20 camera. The court may extend the stay on a further showing in
21 camera that this state or the local government has pursued the
22 criminal or civil investigation or proceedings with reasonable
23 diligence and allowing the discovery in the action will interfere
24 with the ongoing criminal or civil investigation or proceedings.

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

27 (a) If the attorney general elects to convert the action into

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

20 (b) If the attorney general or a local government does not
21 elect to intervene or convert the action and the action is
22 successful, a qui tam plaintiff who recovers proceeds is entitled
23 to receive from 25% to 30% of the proceeds recovered in the action
24 or settlement of the action. The court shall determine the
25 percentage of the proceeds to which the qui tam plaintiff is
26 entitled by considering the extent to which the qui tam plaintiff
27 substantially contributed to the prosecution of the action.

1 (c) With the exception of a court award of costs, expenses, or
2 attorney fees, any payment to a qui tam plaintiff under this
3 subsection shall be made from the proceeds recovered in the action
4 or in settlement of the action.

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

14 (8) If the court finds that an action under this section was
15 brought by a person who planned or initiated the act described in
16 section 3(1) on which the action was brought, the court may, to the
17 extent the court considers appropriate, reduce the share of the
18 proceeds of the action that the person would otherwise be entitled
19 to receive under subsection (6), taking into account the role of
20 the person in advancing the action to litigation and any relevant
21 circumstances pertaining to the act. If a qui tam plaintiff is
22 convicted of criminal conduct arising from his or her role in the
23 act described in section 3(1), that qui tam plaintiff shall be
24 dismissed from the action and shall not receive any share of the
25 proceeds of the action. The dismissal does not prejudice the right
26 of the attorney general to intervene in the action and to prosecute
27 the action on behalf of this state or a local government.

1 (9) All of the following apply to an action bought under this
2 section:

3 (a) The court shall dismiss the action if any of the following
4 apply:

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

8 (ii) This state or a local government has reached a binding
9 settlement or other agreement with the person who committed the act
10 described in section 3(1) resolving the matter and the agreement
11 has been approved in writing by the attorney general or an attorney
12 for the local government, if applicable.

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

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

23 (i) In a state or local government criminal, civil, or
24 administrative hearing in which this state or a local government or
25 its agent is a party.

26 (ii) In a report, hearing, audit, or investigation of the
27 United States, this state, or a local government that is made on

1 the public record or disseminated broadly to the general public.
2 However, information shall not be considered to be publicly
3 disclosed in a report or investigation if it was disclosed or
4 provided under the freedom of information act, 1976 PA 442, MCL
5 15.231 to 15.246, or any other federal, state, or local law, rule,
6 or program enabling the public to request, receive, or view
7 documents or information in the possession of a public official or
8 public agency.

9 (iii) In the news media. However, allegations or transactions
10 are not publicly disclosed in the news media merely because
11 information of allegations or transactions have been posted on the
12 internet or on a computer network.

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

16 Sec. 5. (1) A current or former employee, contractor, or agent
17 of a private or public employer who is discharged, demoted,
18 suspended, threatened, harassed, or in any other manner
19 discriminated against in the terms and conditions of employment or
20 otherwise harmed or penalized by the employer or a prospective
21 employer because of lawful acts done by the employee, contractor,
22 or agent, or others associated with the employee, contractor, or
23 agent in furtherance of an action brought under this section or
24 other efforts to stop 1 or more acts described in section 3(1) is
25 entitled to all relief necessary to make the employee, contractor,
26 or agent whole. Relief available under this subsection includes,
27 but is not limited to, all of the following:

1 (a) An injunction to restrain continued discrimination.

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

5 (c) Reinstatement of full fringe benefits and seniority
6 rights.

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

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

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

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

26 Sec. 6. (1) An action under this act shall be commenced not
27 later than 10 years after the date on which the act described in

1 section 3(1) is committed. For purposes of this act, an action
2 under this act is 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 shall not be required
6 to 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 shall be required to prove 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,

1 or a local government to investigate an act described in section
2 3(1) and take appropriate action against any wrongdoer.

3 Sec. 8. The attorney general may promulgate rules as necessary
4 to implement this act under the administrative procedures act of
5 1969, 1969 PA 306, MCL 24.201 to 24.328.