



HOUSE BILL No. 4997

September 12, 1995, Introduced by Rep. Fitzgerald and referred to the Committee on Local Government.

A bill to prohibit false claims against the state and local units of government; to provide for certain powers and duties of certain state and local officials; and to provide for certain civil actions and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 Sec. 2. As used in this act:

4 (a) "Court" means the circuit court.

5 (b) "False" means wholly or partially untrue.

6 (c) "Knowing" or "knowingly" means that a person has actual
7 knowledge of information or deliberately ignores or recklessly
8 disregards the truth or falsity of information.

9 (d) "Local unit of government" means a city, village,
10 township, county, college, university, authority, board, council,

1 commission, district, assessment district, or other political
2 subdivision organized under the laws of this state.

3 (e) "Local unit of government funds" means money, property,
4 or services provided in whole or in part by a local unit of
5 government.

6 (f) "Original source" means an individual who has indepen-
7 dent knowledge of the information on which the allegations
8 regarding a violation of section 3 are based that was not derived
9 solely from the public disclosure of any transaction or occur-
10 rence in a criminal or civil proceeding, in a legislative or
11 administrative report, hearing, or investigation, or from the
12 news media and who has voluntarily provided that information to
13 the attorney general or a prosecuting authority before filing an
14 action under section 9 based on that information.

15 (g) "Person" means an individual, partnership, corporation,
16 limited liability company, association, governmental entity, or
17 other legal entity.

18 (h) "Prosecuting authority" means an attorney for a local
19 unit of government who is responsible for investigating, filing,
20 and conducting legal proceedings on behalf of a local unit of
21 government.

22 (i) "State" means this state or an agency, department, divi-
23 sion, bureau, board, commission, council, authority, or other
24 governmental unit or entity of this state.

25 (j) "State funds" means money, property, or services pro-
26 vided in whole or in part by the state.

1 Sec. 3. (1) A person shall not do any of the following:

2 (a) Knowingly present or cause to be presented to an officer
3 or employee of the state or a local unit of government a false
4 claim for payment or for approval for payment.

5 (b) Knowingly make, use, or cause to be made or used a false
6 record or statement to get a false claim paid or approved for
7 payment by the state or a local unit of government.

8 (c) Buy or receive as a pledge of an obligation or debt
9 public property from any person knowing that the person cannot
10 lawfully sell or pledge the property.

11 (d) Knowingly make, use, or cause to be made or used a false
12 record or statement to conceal, avoid, or decrease an obligation
13 to pay or transmit money or property to the state or a local unit
14 of government.

15 (e) If the person has possession, custody, or control of
16 property or money used, or to be used, by the state or a local
17 unit of government, knowingly deliver or cause to be delivered
18 less property than the amount for which the person receives a
19 certificate or receipt.

20 (f) If the person is authorized to make or deliver a docu-
21 ment certifying receipt of property used, or to be used, by the
22 state or a local unit of government, make or deliver the receipt
23 knowing that it falsely represents the property.

24 (g) If the person is a beneficiary of an inadvertent submis-
25 sion of a false claim presented to the state or a local unit of
26 government and the person subsequently discovers that the claim
27 is false, fail to disclose that fact to the state or the local

1 unit of government before an action is filed under this act
2 regarding the false claim.

3 (h) Conspire to violate any of the prohibitions listed in
4 this subsection.

5 (2) Specific intent to defraud is not required to establish
6 a violation of subsection (1).

7 Sec. 5. (1) The extent of a person's liability for a viola-
8 tion of section 3 depends on whether the court finds that all of
9 the following conditions are satisfied:

10 (a) The person who committed the violation furnished offi-
11 cials of the state or local unit of government responsible for
12 investigating false claims violations with all information known
13 to the person about the violation within 30 days after the date
14 on which the person first obtained the information.

15 (b) The person fully cooperated with any state or local unit
16 of government investigation of the violation.

17 (c) At the time the person furnished the officials of the
18 state or local unit of government investigating the violation
19 with information about the violation, a criminal prosecution or
20 civil action regarding the violation had not been commenced with
21 respect to the violation and the person did not have actual
22 knowledge that the violation was being investigated.

23 (2) If the court finds that all of the conditions set forth
24 in subsection (1) have been satisfied, a person who violates sec-
25 tion 3 is liable for both of the following:

1 (a) Not less than 2 times the amount of damages but not more
2 than 3 times the amount of damages that the state or a local unit
3 of government sustained as a result of the violation.

4 (b) The costs of an action brought under this act to recover
5 a civil fine or damages, including reasonable attorney fees.

6 (3) If the court finds that all of the conditions set forth
7 in subsection (1) have not been satisfied, a person who violates
8 section 3 is liable for all of the following:

9 (a) A civil fine of not less than \$5,000.00 or more than
10 \$10,000.00.

11 (b) Three times the amount of damages that the state or a
12 local unit of government sustained as a result of the violation.

13 (c) The costs of an action brought under this act to recover
14 a civil fine or damages, including reasonable attorney fees.

15 Sec. 7. (1) The attorney general may bring a civil action
16 under this act on behalf of the state for a violation of
17 section 3 involving state funds.

18 (2) If the attorney general determines that the state has a
19 cause of action against a person under subsection (1) and a local
20 unit of government also has a cause of action against the person
21 under subsection (4) arising out of the same transaction or
22 occurrence that is the subject matter of the cause of action
23 under subsection (1), the attorney general may bring a civil
24 action on behalf of both the state and the local unit of govern-
25 ment for a violation of section 3.

26 (3) If the attorney general files an action under subsection
27 (1) and he or she determines that a local unit of government may

1 also have a cause of action against the defendant under
2 subsection (4) arising out of the same transaction or occurrence
3 that is the subject matter of the action under subsection (1),
4 the attorney general shall serve a copy of the complaint and a
5 written disclosure of substantially all of the information the
6 attorney general possesses regarding the violation on the prose-
7 cuting authority of the local unit of government. The prosecut-
8 ing authority may intervene in the action on behalf of the local
9 unit of government not later than 60 days after the date of serv-
10 ice of the copy of the complaint. After the expiration of the
11 60-day period, the court may allow the prosecuting authority to
12 intervene in the action on behalf of the local unit of government
13 as provided by court rule.

14 (4) A prosecuting authority of a local unit of government
15 may bring a civil action under this act on behalf of the local
16 unit of government for a violation of section 3 involving local
17 unit of government funds.

18 (5) If the prosecuting authority of a local unit of govern-
19 ment determines that the local unit of government has a cause of
20 action against a person under subsection (4) and the state also
21 has a cause of action against the person under subsection (1)
22 arising out of the same transaction or occurrence that is the
23 subject matter of the cause of action under subsection (4), the
24 prosecuting authority may bring a civil action on behalf of the
25 local unit of government and the state for a violation of section
26 3.

1 (6) If a prosecuting authority files a civil action under
2 subsection (5), the prosecuting authority shall serve a copy of
3 the complaint and a written disclosure of substantially all of
4 the information the prosecuting authority possesses regarding the
5 violation on the attorney general in the manner described in sec-
6 tion 9(4). Not later than 60 days after the date of service of
7 the complaint and written disclosure, the attorney general shall
8 do 1 of the following:

9 (a) Notify the court that the state will proceed with the
10 action. If the state elects to proceed with the action, the
11 state has primary responsibility for conducting the action.

12 (b) Notify the court that the state will not proceed with
13 the action. If the state elects not to proceed with the action,
14 the prosecuting authority may conduct the action.

15 (7) If a prosecuting authority brings an action under sub-
16 section (4) and he or she determines that the state may also have
17 a cause of action against the defendant under subsection (1)
18 arising out of the same transaction or occurrence that is the
19 subject matter of the action under subsection (4), the prosecut-
20 ing authority shall serve a copy of the complaint and written
21 disclosure of substantially all of the information the prosecut-
22 ing authority possesses regarding the violation on the attorney
23 general in the manner described in section 9(4). The attorney
24 general may intervene in the action on behalf of the state not
25 later than 60 days after the date of service of the complaint and
26 written disclosure. After the expiration of the 60-day period,
27 the court may allow the attorney general to intervene in the

1 action on behalf of the state as provided by court rule. If the
2 attorney general intervenes in the action on behalf of the state,
3 the state has primary responsibility for conducting the action.

4 Sec. 9. (1) A person may bring a civil action under this
5 act on behalf of the person and 1 of the following:

6 (a) The state for a violation of section 3 involving state
7 funds.

8 (b) A local unit of government for a violation of section 3
9 involving local unit of government funds.

10 (c) The state and a local unit of government for a violation
11 of section 3 involving state funds and local unit of government
12 funds.

13 (2) An action filed under this section shall be in the name
14 of the state of Michigan or a local unit of government, or both,
15 as applicable. An action filed under this section shall be dis-
16 missed only if the court or the state or a local unit of govern-
17 ment, or both, as applicable, give written consent to the dis-
18 missal, stating reasons for consenting to the dismissal.

19 (3) A complaint in an action filed under this section and
20 other documents in the court file are confidential and shall not
21 be available for public inspection until the expiration of 60
22 days after the date the complaint is filed with the court. The
23 state or local unit of government may, for good cause, file a
24 motion with the court for an extension of the 60-day period that
25 the complaint and other documents in the court file are confiden-
26 tial and are not available for public inspection. A motion to
27 extend the 60-day period may be supported by affidavits or other

1 submissions to the court. The complaint shall not be served on
2 the defendant until the court orders that service of process be
3 made on the defendant.

4 (4) A copy of a complaint in an action filed by a person
5 under this section and a written disclosure of substantially all
6 of the information the person possesses regarding the violation
7 shall be served on the state. The complaint and written disclo-
8 sure shall be served personally or by registered or certified
9 mail, return receipt requested with delivery restricted to the
10 addressee, on the attorney general or an individual authorized by
11 the attorney general to receive the copy of the complaint and
12 written disclosure.

13 (5) Before the expiration of the 60-day period or any exten-
14 sions described in subsection (3), the attorney general shall do
15 1 of the following regarding an action filed under subsection
16 (1)(a):

17 (a) Notify the court that the state will proceed with the
18 action.

19 (b) Notify the court that the state will not proceed with
20 the action.

21 (6) Not later than 15 days after the date of service of the
22 copy of the complaint and written disclosure on the state under
23 subsection (4) regarding an action filed under subsection (1)(b),
24 the attorney general shall do both of the following:

25 (a) Serve a copy of the complaint and written disclosure on
26 the local unit of government.

1 (b) Notify the person who filed the action that a copy of
2 the complaint and written disclosure were served on the local
3 unit of government.

4 (7) Not later than 45 days after the date of service of the
5 copy of the complaint and written disclosure on a local unit of
6 government under subsection (6), the prosecuting authority for
7 the local unit of government shall do 1 of the following regard-
8 ing an action filed under subsection (1)(b):

9 (a) Notify the court that the local unit of government will
10 proceed with the action.

11 (b) Notify the court that the local unit of government will
12 not proceed with the action.

13 (8) Not later than 15 days after the date of service of the
14 copy of the complaint and written disclosure on the state under
15 subsection (4) regarding an action filed under subsection (1)(c),
16 the attorney general shall do all of the following:

17 (a) Serve a copy of the complaint and written disclosure on
18 the local unit of government.

19 (b) Coordinate his or her investigation of the case with the
20 investigation of the case by the prosecuting authority for the
21 local unit of government.

22 (c) Notify the person who filed the action that a copy of
23 the complaint and written disclosure were served on the local
24 unit of government.

25 (9) Not later than 45 days after the date of service of a
26 copy of the complaint and written disclosure on a local unit of
27 government under subsection (8), the attorney general shall do 1

1 of the following regarding an action filed under subsection
2 (1)(c):

3 (a) Notify the court that the state will proceed with the
4 action.

5 (b) Notify the court that the state will not proceed with
6 the action.

7 (10) Not later than 45 days after the date of service of a
8 copy of the complaint and written disclosure on a local unit of
9 government under subsection (8), the prosecuting authority for
10 the local unit of government shall do 1 of the following regard-
11 ing an action filed under subsection (1)(c):

12 (a) Notify the court that the local unit of government will
13 proceed with the action if the state does not proceed with the
14 action under subsection (9)(b).

15 (b) Notify the court that the local unit of government will
16 not proceed with the action.

17 (11) Service of a copy of a complaint and written disclosure
18 on a local unit of government under subsection (6)(a) or (8)(a)
19 shall be made on a person who may accept service of process for
20 the local unit of government in a civil action.

21 (12) If a person brings an action under this section, no
22 other person may intervene in that action or bring another action
23 based on the same transaction or occurrence underlying that
24 action.

25 Sec. 11. (1) If the state or a local unit of government
26 elects under section 9 to proceed with an action filed under
27 section 9, the state or local unit of government has the primary

1 responsibility for conducting the action and is not bound by an
2 act of the person who filed the action. If the action includes
3 the state and a local unit of government as plaintiffs and the
4 state elects to proceed with the action, the state has the pri-
5 mary responsibility for conducting the action. The person who
6 filed the action under section 9 may continue as a party to the
7 action subject to the following:

8 (a) The state or local unit of government may dismiss the
9 action over the person's objections if the person has been noti-
10 fied of the state's or local unit of government's intent to dis-
11 miss the action and the court has provided the person with an
12 opportunity for a hearing.

13 (b) The state or local unit of government may settle the
14 action with the defendant over the person's objections if the
15 court determines, after a hearing, that the proposed settlement
16 is fair, adequate, and reasonable under all of the circumstances
17 of the case. For good cause, the judge may order the hearing to
18 be in camera.

19 (c) If the state or local unit of government establishes
20 that the person's unrestricted participation during the course of
21 the litigation would interfere with or unduly delay prosecution
22 of the case, would be repetitious or irrelevant, or would be for
23 the purpose of harassment, the court may limit the person's par-
24 ticipation in the litigation, including, but not limited to, any
25 of the following:

26 (i) Limiting the number of witnesses the person may call.

1 (ii) Limiting the length of the testimony of a witness.

2 (iii) Limiting the person's cross-examination of a witness.

3 (d) If the defendant establishes that the person's unre-
4 stricted participation during the course of the litigation would
5 be for the purpose of harassment or would cause the defendant
6 undue burden or expense, the court may limit the person's partic-
7 ipation in the litigation as described in subdivision (c).

8 (2) If the state or a local unit of government elects under
9 section 9 not to proceed with an action filed under section 9,
10 the person who filed the action may conduct the action. The
11 state or local unit of government may request copies of all
12 pleadings filed in the action and those pleadings shall be served
13 on the state or local unit of government. The state or local
14 unit of government may request copies of transcripts of all depo-
15 sitions taken in the action and those transcripts shall be sup-
16 plied to the state or local unit of government at the expense of
17 the state or local unit of government.

18 (3) For good cause, the court may allow the state or a local
19 unit of government to intervene in an action filed under
20 section 9 that is being conducted by the person who filed the
21 action as provided in subsection (2). If the court allows the
22 state or local unit of government to intervene in the action, the
23 person who filed the action retains the primary responsibility of
24 conducting the action.

25 Sec. 13. After an in camera showing by the state or a local
26 unit of government that discovery sought in an action filed under
27 section 9 will interfere with the state or local unit of

1 government investigation or prosecution of a criminal or civil
2 matter arising out of the same facts as the action filed under
3 section 9, the court may stay discovery for not more than 60
4 days. After an in camera showing by the state or local unit of
5 government that the criminal or civil investigation or proceeding
6 has been pursued with reasonable diligence, the court may extend
7 the stay of discovery for additional periods of time.

8 Sec. 15. (1) Except as otherwise provided in this section,
9 if the state or a local unit of government elects under section 9
10 to proceed with an action filed by a person under section 9, the
11 court shall award not less than 15% or more than 33% of the pro-
12 ceeds of the action to the person who filed the action, based on
13 the person's contribution to the prosecution of the action, plus
14 reasonable attorney fees and expenses incurred.

15 (2) Except as otherwise provided in this section, if the
16 state or a local unit of government elects under section 9 not to
17 proceed with an action filed by a person under section 9, the
18 court shall award not less than 25% or more than 50% of the pro-
19 ceeds of the action to the person who filed the action, as the
20 court determines reasonable for collecting the judgment and civil
21 fine, plus reasonable attorney fees and expenses incurred.

22 (3) If the court determines that a person who filed an
23 action under section 9 planned and initiated the violation of
24 section 3 upon which the action is based, the court may reduce
25 that person's share of the proceeds of the action that would oth-
26 erwise be awarded under subsection (1) or (2), taking into
27 account that person's role in advancing the case to litigation

1 and any relevant circumstances pertaining to the violation. If
2 the person who filed an action under section 9 is convicted of a
3 criminal violation arising from his or her role in the violation
4 of section 3, the court shall dismiss that person from the action
5 and that person shall not receive any proceeds of the action.

6 (4) Subject to subsection (7), if the attorney general files
7 an action under section 7 or assumes primary responsibility of
8 conducting an action filed under section 7 or 9, the department
9 of attorney general shall receive 33% of the proceeds of the
10 action. Any proceeds of the action awarded shall be deposited in
11 the false claims act enforcement fund established in section 31
12 and are to be used by the attorney general to enhance the attor-
13 ney general's enforcement efforts under this act.

14 (5) If a prosecuting authority files an action under section
15 7 and had primary responsibility in conducting the action or
16 assumes primary responsibility of conducting an action filed
17 under section 9, the prosecuting authority shall receive 33% of
18 the proceeds of the action to be used by the prosecuting author-
19 ity to enhance the prosecuting authority's enforcement efforts
20 under this act.

21 (6) If a prosecuting authority intervenes in an action filed
22 under section 7 or remains a party to an action filed under
23 section 7 in which the attorney general assumed primary responsi-
24 bility of conducting the action under section 7, the court may
25 award the office of the prosecuting authority a portion of the
26 proceeds of the action that would otherwise be awarded to the
27 department of the attorney general, taking into consideration the

1 prosecuting authority's role in investigating the case and
2 conducting the action. The prosecuting authority shall use any
3 proceeds awarded to the office of the prosecuting authority to
4 enhance the prosecuting authority's enforcement efforts under
5 this act.

6 (7) If the attorney general intervenes in an action filed
7 under section 7, the court may award the department of attorney
8 general a portion of the proceeds of the action that would other-
9 wise be awarded to the office of the prosecuting authority,
10 taking into consideration the attorney general's role in investi-
11 gating the case and conducting the action. Any proceeds of the
12 action awarded shall be deposited in the false claims act
13 enforcement fund established in section 31 and are to be used by
14 the attorney general to enhance the attorney general's enforce-
15 ment efforts under this act.

16 (8) The court shall make awards under subsections (4), (5),
17 (6), and (7) before making an award under subsection (1) or (2).

18 Sec. 17. The state or a local unit of government is not
19 liable for expenses that a person incurs in prosecuting an action
20 filed under section 9.

21 Sec. 19. (1) A court does not have jurisdiction over an
22 action filed under section 9 based on the same transaction or
23 occurrence that is the subject of a pending civil action or
24 administrative proceeding to recover damages or civil fines for a
25 violation of section 3 in which the state or local unit of gov-
26 ernment is already a party.

1 (2) A court does not have jurisdiction over an action filed
2 under this act derived solely from the public disclosure of any
3 transaction or occurrence in a criminal or civil proceeding, in a
4 legislative or administrative report, hearing, or investigation,
5 or from the news media, unless the action is filed by the state
6 or a local unit of government or the person filing the action is
7 an original source of the information.

8 (3) A court does not have jurisdiction over an action filed
9 under section 9 against any of the following persons if the
10 action is based on evidence or information known to the state or
11 local unit of government at the time the action is filed:

12 (a) A member of the legislature.

13 (b) A member of the state judiciary.

14 (c) A member of the governing body of any local unit of
15 government.

16 (4) A court does not have jurisdiction over an action filed
17 under section 9 by a present or former employee of the state or a
18 local unit of government based upon information discovered by the
19 employee during the course of employment unless both of the fol-
20 lowing circumstances exist:

21 (a) Before filing the action, the present or former employee
22 acted in good faith and exhausted any existing internal proce-
23 dures within the state or local unit of government for reporting
24 or seeking recovery for the false claim.

25 (b) The state or local unit of government failed to act on
26 information regarding the false claim within a reasonable period

1 of time after the present or former employee provided the
2 information to the state or local unit of government.

3 Sec. 21. (1) If a defendant in an action filed by the state
4 under section 7(1) is the prevailing party, the state is liable
5 for costs as provided under sections 2421 to 2421d of the revised
6 judicature act of 1961, Act No. 236 of the Public Acts of 1961,
7 being sections 600.2421 to 600.2421d of the Michigan Compiled
8 Laws.

9 (2) If a defendant in an action filed by a local unit of
10 government under section 7(4) is the prevailing party, the local
11 unit of government is liable for costs as provided under
12 sections 2421 to 2421d of Act No. 236 of the Public Acts of
13 1961.

14 (3) If the state or a local unit of government elects under
15 section 9 not to proceed with an action filed by a person under
16 section 9, and if a defendant is the prevailing party, the court
17 may award the defendant costs, reasonable attorney fees, and
18 expenses if the court determines that the action was clearly
19 frivolous, clearly vexatious, or brought primarily for purposes
20 of harassment. Costs, fees, and expenses awarded under this sub-
21 section shall be awarded against the person who filed the action
22 under section 9.

23 Sec. 23. (1) An employer shall not discharge, demote, sus-
24 pend, threaten, harass, or in any other manner discriminate
25 against an employee in the terms and conditions of his or her
26 employment because of the employee's lawful acts on behalf of the

1 employee or others in furtherance of an action filed or to be
2 filed under this act.

3 (2) An employee may bring an action against his or her
4 employer for a violation of subsection (1) by the employer. If
5 the employee prevails in the action, the employee is entitled to
6 the following remedies:

7 (a) Reinstatement as an employee.

8 (b) Reinstatement of all work-related benefits, rights,
9 seniority, or privileges that, but for the employer's violation,
10 would have accrued to the employee.

11 (c) An award of 2 times the amount of back pay that the
12 employee would have earned but for the employer's violation, plus
13 interest.

14 (d) Costs.

15 (e) Reasonable attorney fees.

16 (f) Special damages sustained as a result of the violation.

17 (g) Punitive damages if warranted by the facts and
18 circumstances.

19 Sec. 25. An action under this act shall not be brought more
20 than 10 years after the date that the violation occurred.

21 Sec. 27. An action brought under this act may be filed in
22 the circuit court for the county where the alleged violation
23 occurred, or for the county where 1 or more defendants reside or
24 maintain a principal place of business. Additionally, an action
25 brought under section 7(1) may be filed in the circuit court for
26 the county of Ingham.

1 Sec. 29. (1) If an alleged violation of section 3 involves
2 state property or funds, the attorney general shall investigate
3 the alleged violation. If an alleged violation of section 3
4 involves a local unit of government's property or funds, an
5 authorized official of the local unit of government shall inves-
6 tigate the alleged violation.

7 (2) If the attorney general or an authorized official of a
8 local unit of government has reasonable cause to believe that a
9 person has information or is in possession, custody, or control
10 of any document or other tangible object relevant to an investi-
11 gation for a violation of section 3, the attorney general or
12 authorized official may serve upon that person a written demand
13 to appear and be examined under oath, and to produce the document
14 or object for inspection and copying. The demand shall be served
15 upon the person in the same manner required for service of pro-
16 cess in this state. The demand shall include all of the
17 following:

18 (a) A description of the conduct constituting the violation
19 under investigation.

20 (b) A description of the document or object sought, with
21 sufficient specificity to permit it to be fairly identified.

22 (c) Any written interrogatories.

23 (d) Notification of when the person shall appear to testify;
24 when the person shall answer the written interrogatories; and
25 when the document or object shall be produced.

26 (e) A statement advising the person that objections to or
27 reasons for not complying with the demand may be filed with the

1 attorney general or authorized official making the demand on or
2 before the time specified under subdivision (d).

3 (f) A designation of the location for the taking of testi-
4 mony or for the production of the document or object, and a des-
5 ignation of the person who shall be custodian of the document or
6 object.

7 (g) A copy of the language contained in subsection (3).

8 (3) If a person objects to or otherwise fails to comply with
9 the written demand served under subsection (2), the attorney gen-
10 eral or an authorized official of a local unit of government may
11 file in the circuit court of the county where the person resides
12 or where the person maintains a principal place of business an
13 action to enforce the demand. A notice of hearing on the action
14 and a copy of all pleadings shall be served on the person, who
15 may appear in opposition. If the court finds that the demand is
16 proper, that there is reasonable cause to believe that a viola-
17 tion of this act has occurred or is presently occurring, and that
18 the information, document, or object sought is relevant to the
19 investigation, the court shall order the person to comply with
20 the demand, subject to any modification the court may prescribe.
21 On motion by the person and for good cause, the court may make
22 any order that justice requires to protect the person from unrea-
23 sonable annoyance, embarrassment, oppression, burden, or
24 expense.

25 (4) The attorney general or an authorized official of a
26 local unit of government shall keep any proceeding held,
27 testimony taken, or material produced confidential before

1 bringing an action under this act against a person for the
2 violation under investigation, unless the person being investi-
3 gated has waived confidentiality in writing and the court has
4 waived confidentiality for the person who testified, answered
5 interrogatories, or produced the document or object.

6 Sec. 31. (1) The false claims act enforcement fund is cre-
7 ated within the state treasury. As used in this section, "fund"
8 means the false claims act enforcement fund.

9 (2) The state treasurer may receive money or other assets
10 from any source for deposit into the fund. The state treasurer
11 shall direct the investment of the fund. The state treasurer
12 shall credit to the fund interest and earnings from fund
13 investments.

14 (3) Money in the fund at the close of the fiscal year shall
15 remain in the fund and shall not lapse to the general fund.

16 (4) The department of attorney general shall expend money
17 from the fund, upon appropriation, only to enhance the attorney
18 general's enforcement efforts under this act.