

SENATE BILL No. 1235

May 2, 2006, Introduced by Senators LELAND, BRATER, CLARKE, CHERRY, SCOTT, OLSHOVE, BASHAM, THOMAS, CLARK-COLEMAN, SWITALSKI, PRUSI, WHITMER, SCHAUER, BARCIA, JACOBS and EMERSON and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

A bill to amend 1919 PA 232, entitled

"An act to supplement the laws of the state relating to the powers and duties of the attorney general and the institution and prosecution of actions thereby on behalf of the state, to authorize intervention in pending litigation on behalf of the people in certain cases, and to permit the bringing of any suit at law in which the state is a party plaintiff in the circuit court of Ingham county,"

by amending the title and section 1 (MCL 14.101) and by adding section 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to supplement the laws of the state relating to the powers and duties of the attorney general and the institution and prosecution of actions thereby on behalf of the state; ~~—~~ **TO AUTHORIZE CERTAIN INVESTIGATIONS;** to authorize intervention in

1 pending litigation on behalf of the people in certain cases; —
2 and to permit the bringing of any suit at law in which the state is
3 a party plaintiff in the circuit court of Ingham county.

4 Sec. 1. (1) The attorney general ~~of the state is hereby~~
5 ~~authorized and empowered to~~ **MAY** intervene in any action
6 ~~heretofore or hereafter~~ commenced in any court of the state
7 ~~whenever such~~ **IF** intervention is necessary ~~in order~~ to protect
8 any right or interest of the state — or of the people of the
9 state. ~~Such~~ **THE** right of intervention ~~shall exist~~ **APPLIES** at
10 any stage of the proceeding, and the attorney general ~~shall have~~
11 **HAS** the same right to prosecute an appeal — or to apply for a
12 ~~re-hearing~~ **REHEARING** or to take any other action or step
13 ~~whatsoever~~ that is had or possessed by any of the parties to ~~such~~
14 **THE** litigation.

15 (2) **THE ATTORNEY GENERAL MAY CONDUCT INVESTIGATIONS AS**
16 **NECESSARY TO DETERMINE WHETHER A RIGHT OR INTEREST OF THE STATE IS**
17 **ENDANGERED BEFORE MAKING A DECISION TO BRING AN ACTION OR INTERVENE**
18 **IN AN ACTION UNDER SUBSECTION (1).**

19 **SEC. 3. THE ATTORNEY GENERAL SHALL PROTECT THE INTERESTS OF**
20 **THE STATE BY CONDUCTING AN INVESTIGATION IF THE ATTORNEY GENERAL**
21 **HAS REASON TO BELIEVE THAT A SINGLE EMPLOYER MAY OUTSOURCE 100 OR**
22 **MORE JOBS FROM THIS STATE IN A 12-MONTH PERIOD. THE ATTORNEY**
23 **GENERAL SHALL ASCERTAIN WHETHER THE EMPLOYER IS COMPLYING WITH**
24 **APPLICABLE FEDERAL AND STATE LAWS, INCLUDING ANY NOTICE**
25 **REQUIREMENTS, AND WHETHER THE EMPLOYER HAS MADE TIMELY AND**
26 **APPROPRIATE PAYMENTS OF ASSESSMENTS DUE UNDER THE MICHIGAN**
27 **EMPLOYMENT SECURITY ACT, 1936 (EX SESS) PA 1, MCL 421.1 TO 421.75.**

1 THE ATTORNEY GENERAL SHALL INSTITUTE APPROPRIATE ACTION TO PROTECT
2 THE INTERESTS OF THE STATE AS THE RESULTS OF THE INVESTIGATION
3 WARRANT, INCLUDING ENFORCING REPAYMENT OF CREDIT UNDER SECTION 8 OF
4 THE MICHIGAN ECONOMIC GROWTH AUTHORITY ACT, MCL 207.808.

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No. 1240

7 of the 93rd Legislature is enacted into law.