

**SUBSTITUTE FOR
HOUSE BILL NO. 4926**

A bill to create the lawful internet gaming act; to impose requirements for persons to engage in internet gaming; to create the division of internet gaming; to provide for the powers and duties of the division of internet gaming and other state governmental officers and entities; to impose fees; to impose a tax on the conduct of licensed internet gaming; to create the internet gaming fund; to prohibit certain acts in relation to internet gaming and to prescribe penalties for those violations; to require the promulgation of rules; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "lawful internet gaming act".

3 Sec. 2. (1) The legislature finds that the internet has become

1 an integral part of everyday life for a significant number of
2 residents of this state, not only in regard to their professional
3 lives, but also in regard to personal business and communication.
4 Internet wagering on games of chance and games of skill is a core
5 form of entertainment for millions of individuals worldwide. In
6 multiple jurisdictions across the world, internet gaming is legal,
7 regulated, and taxed, generating billions of dollars in revenue for
8 governments.

9 (2) In an opinion dated September 20, 2011, the United States
10 Department of Justice reversed its previous interpretation of 18
11 USC 1084, commonly referred to as the federal wire act, allowing
12 states, subject to certain restrictions, to legalize and regulate
13 internet gaming and capture the revenue for the benefit of state
14 governments.

15 (3) In order to protect residents of this state who wager on
16 games of chance or skill through the internet and to capture
17 revenues and create jobs generated from internet gaming, it is in
18 the best interest of this state and its citizens to regulate this
19 activity by authorizing and establishing a secure, responsible,
20 fair, and legal system of internet gaming that complies with the
21 United States Department of Justice's September 2011 opinion
22 concerning 18 USC 1084.

23 (4) The legislature additionally finds that this act is
24 consistent and complies with the unlawful internet gambling
25 enforcement act of 2006, 31 USC 5361 to 5367, and specifically
26 authorizes use of the internet to place, receive, or otherwise
27 knowingly transmit a bet or wager if that use complies with this

1 act and rules promulgated under this act.

2 Sec. 3. As used in this act:

3 (a) "Authorized participant" means an individual who has a
4 valid internet wagering account with an internet gaming licensee
5 and is at least 21 years of age.

6 (b) "Board" means the Michigan gaming control board created
7 under section 4 of the Michigan gaming control and revenue act,
8 1996 IL 1, MCL 432.204.

9 (c) "Casino" means a building or buildings in which gaming is
10 lawfully conducted under the Michigan gaming control and revenue
11 act, 1996 IL 1, MCL 432.201 to 432.226, or in which class III
12 gaming is lawfully conducted by an Indian tribe under a facility
13 license issued in accordance with a tribal gaming ordinance
14 approved by the chair of the National Indian Gaming Commission.

15 (d) "Division" means the division of internet gaming
16 established under section 5.

17 (e) "Fund" means the internet gaming fund created under
18 section 15.

19 (f) "Gross gaming revenue" means the total of all internet
20 wagers actually received by an internet gaming licensee licensed by
21 the division, less the total of all winnings paid out to authorized
22 participants. As used in this subdivision:

23 (i) "Prizes" includes both monetary and nonmonetary prizes
24 received directly or indirectly by an authorized participant from
25 an internet gaming licensee licensed by the division as a direct or
26 indirect result of placing an internet wager. The value of a
27 nonmonetary prize is the actual cost of the prize.

1 (ii) "Winnings" includes all of the following:

2 (A) The total amount authorized participants receive as prizes
3 during the accounting period.

4 (B) Stakes returned to authorized participants.

5 (C) Other amounts credited to authorized participants'
6 accounts, including the monetary value of loyalty points, free
7 play, and other similar complimentaries and incentives granted to
8 authorized participants as a result of participation in internet
9 games.

10 (g) "Institutional investor" means a person that is any of the
11 following:

12 (i) A retirement fund administered by a public agency for the
13 exclusive benefit of federal, state, or local public employees.

14 (ii) An employee benefit plan or pension fund that is subject
15 to the employee retirement income security act of 1974, Public Law
16 93-406.

17 (iii) An investment company registered under the investment
18 company act of 1940, 15 USC 80a-1 to 80a-64.

19 (iv) A collective investment trust organized by a bank under
20 12 CFR part 9.

21 (v) A closed end investment trust.

22 (vi) A chartered or licensed life insurance company or
23 property and casualty insurance company.

24 (vii) A chartered or licensed financial institution.

25 (viii) An investment advisor registered under the investment
26 advisers act of 1940, 15 USC 80b-1 to 80b-21.

27 (ix) Any other person that the division determines should be

1 considered to be an institutional investor for reasons consistent
2 with this act.

3 (h) "Internet" means the international computer network of
4 interoperable packet-switched data networks, inclusive of such
5 additional technological platforms as mobile, satellite, and other
6 electronic distribution channels approved by the division.

7 (i) "Internet game" means a game of skill or chance that is
8 offered for play through the internet in which a person wagers
9 money or something of monetary value for the opportunity to win
10 money or something of monetary value. For purposes of this
11 definition, free plays or extended playing time that is won on a
12 game of skill or chance that is offered through the internet is not
13 something of monetary value. Internet game includes gaming
14 tournaments conducted via the internet in which persons compete
15 against one another in 1 or more of the games authorized by the
16 division or in approved variations or composites as authorized by
17 the division.

18 (j) "Internet gaming" means operating, conducting, or offering
19 for play an internet game.

20 (k) "Internet gaming licensee" means a person that is issued
21 an internet gaming license from the division to conduct internet
22 gaming or is otherwise authorized to conduct internet gaming under
23 section 7.

24 (l) "Internet gaming platform" means an integrated system of
25 hardware, software, and servers through which an internet gaming
26 licensee conducts internet gaming under this act.

27 (m) "Internet gaming vendor" means a person that provides to

1 an internet gaming licensee goods, software, or services that
2 directly affect the wagering, play, and results of internet games
3 authorized, conducted, and played under this act, including goods,
4 software, or services necessary to the acceptance, operation,
5 administration, or control of internet wagers, internet games,
6 internet wagering accounts, or internet gaming platforms. Internet
7 gaming vendor does not include a person that provides to an
8 internet gaming licensee only such goods, software, or services
9 that it also provides to others for purposes not involving internet
10 gaming, including, but not limited to, a payment processor or a
11 geolocation service provider.

12 (n) "Internet wager" means money or something of monetary
13 value risked on an internet game authorized by this act.

14 (o) "Internet wagering" means the placing of wagers with an
15 internet gaming licensee at a casino using a computer network of
16 both federal and nonfederal interoperable packet switched data
17 networks through which the casino may offer authorized games to
18 authorized participants who have established a wagering account
19 with the casino and who are physically present in this state,
20 including on Indian lands located within this state.

21 (p) "Internet wagering account" means an electronic ledger in
22 which all of the following types of transactions relative to the
23 internet gaming platform are recorded:

24 (i) Deposits.

25 (ii) Withdrawals.

26 (iii) Amounts wagered.

27 (iv) Amounts paid on winning wagers.

1 (v) Service or other transaction-related charges authorized by
2 the authorized participant, if any.

3 (vi) Adjustments to the account.

4 (q) "Person" means an individual, partnership, corporation,
5 association, limited liability company, or other legal entity.

6 Sec. 4. (1) Internet gaming may be conducted only to the
7 extent that it is conducted in accordance with this act. A law that
8 is inconsistent with this act does not apply to internet gaming as
9 provided for by this act. This act does not apply to lottery games
10 offered by the bureau of state lottery.

11 (2) An internet wager received by an internet gaming licensee
12 is considered to be gambling or gaming that is conducted in the
13 licensee's casino located in this state, regardless of the
14 authorized participant's location at the time the participant
15 places the internet wager.

16 (3) An internet wager received by a federally recognized
17 Michigan Indian tribe is considered to be gambling or gaming that
18 is conducted wholly within that Indian tribe's casino on Indian
19 tribal lands located in this state, regardless of the authorized
20 participant's location at the time the participant places the
21 internet wager.

22 (4) All internet wagers placed in accordance with this act are
23 considered placed when received by the internet gaming licensee,
24 regardless of the authorized participant's location at the time the
25 participant places the wager. Any intermediate routing of
26 electronic data in connection with a wager does not affect the fact
27 that the wager is placed in the internet gaming licensee's casino.

1 (5) An internet gaming licensee's primary internet gaming
2 operation, including facilities, equipment, and personnel who are
3 directly engaged in the conduct of internet gaming activities, must
4 be located in a restricted area on the premises of the internet
5 gaming licensee's casino. Backup equipment used on a temporary
6 basis may be located outside the internet gaming licensee's casino,
7 as long as any wager is placed with the internet gaming licensee on
8 equipment that is physically located within the internet gaming
9 licensee's casino.

10 (6) Only an internet gaming licensee at its casino may
11 aggregate computers or other internet access devices in order to
12 enable multiple players to simultaneously play an internet game.
13 Except as provided in this subsection, a person shall not aggregate
14 computers or other internet access devices in a place of public
15 accommodation in this state, including a club or other association,
16 in order to enable multiple players to simultaneously play an
17 internet game.

18 Sec. 5. (1) The division of internet gaming is established in
19 the board. The division has the powers and duties specified in this
20 act and all other powers necessary to enable it to fully and
21 effectively execute this act to administer, regulate, and enforce
22 the system of internet gaming established by this act.

23 (2) The division has jurisdiction over every person licensed
24 by the division and may take enforcement action as provided in
25 section 9(2) against a person that is not licensed by the division
26 that offers internet gaming in this state.

27 (3) The division may enter into agreements with other

1 jurisdictions to facilitate, administer, and regulate
2 multijurisdictional internet gaming by internet gaming licensees
3 licensed by the division to the extent that entering into the
4 agreement is consistent with state and federal laws and if the
5 gaming under the agreement is conducted only in the United States.

6 (4) The division may permit an internet gaming licensee to
7 conduct internet wagering under this act on any amateur or
8 professional sporting event or contest, if that internet wagering
9 is not prohibited by federal law.

10 (5) For purposes of this act, the intermediate routing of
11 electronic data in connection with internet wagering, including
12 routing across state lines, does not determine the location or
13 locations in which the wager is initiated, received, or otherwise
14 made.

15 Sec. 6. (1) The division may issue an internet gaming license
16 only to an applicant that holds a casino license under the Michigan
17 gaming control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.
18 The division shall issue an internet gaming license to the
19 applicant described in this subsection after receiving the
20 application described in subsection (3) and the application fee if
21 the division determines that the internet gaming proposed by the
22 applicant complies with this act.

23 (2) An internet gaming license issued under this act is valid
24 for the 5-year period after the date of issuance and, if the
25 division determines that the licensee continues to meet the
26 eligibility standards under this act, is renewable for additional
27 5-year periods. An internet gaming licensee shall not conduct

1 internet gaming until 1 year after the date this act is enacted
2 into law.

3 (3) An applicant may apply to the division for an internet
4 gaming license to offer internet gaming as provided in this act.
5 Subject to subsection (4), the application must be made on forms
6 provided by the division and include the information required by
7 the division, including, but not limited to, all of the following:

8 (a) Detailed information regarding the ownership and
9 management of the applicant.

10 (b) Detailed personal information regarding the applicant.

11 (c) Financial information regarding the applicant.

12 (d) The gaming history and experience of the applicant in the
13 United States and other jurisdictions.

14 (4) An applicant does not need to provide any information in
15 an application under subsection (3) that the applicant has
16 previously provided to the division unless the division notifies
17 the applicant that the division cannot locate the previously
18 provided information.

19 (5) An initial application for an internet gaming license must
20 be accompanied by an application fee of \$100,000.00. The rules
21 promulgated under section 10 may include provisions for the refund
22 of an application fee, or the portion of an application fee that
23 has not been expended by the division in processing the
24 application, and the circumstances under which the fee will be
25 refunded.

26 (6) The division shall keep all information, records,
27 interviews, reports, statements, memoranda, or other data supplied

1 to or used by the division in the course of its review or
2 investigation of an application for an internet gaming license or a
3 renewal of an internet gaming license strictly confidential and
4 shall use that material only to evaluate the applicant for an
5 internet gaming license for the license or renewal. The materials
6 described in this subsection are exempt from disclosure under
7 section 13 of the freedom of information act, 1976 PA 442, MCL
8 15.243.

9 (7) An application under this section must be submitted and
10 considered in accordance with this act and any rules promulgated
11 under this act.

12 (8) An internet gaming licensee licensed by the division shall
13 pay a license fee of \$200,000.00 to the division at the time the
14 initial license is issued and \$100,000.00 each year after the
15 initial license is issued. The division shall deposit all
16 application and license fees paid under this act into the fund.

17 (9) An institutional investor that holds for investment
18 purposes only less than 30% of the equity of an applicant under
19 this section is exempt from the licensure requirements of this act.

20 Sec. 7. (1) A federally recognized Michigan Indian tribe may
21 conduct internet gaming if authorized by a compact the tribe has
22 entered into with this state under the Indian gaming regulatory
23 act, Public Law 100-497, or an amendment to the compact subject to
24 the terms of the compact or amendment, and requirements of
25 applicable federal law, including, but not limited to, the Indian
26 gaming regulatory act, Public Law 100-497, and the unlawful
27 internet gambling enforcement act of 2006, 31 USC 5361 to 5367.

1 (2) The governor may negotiate and enter into a compact, on
2 behalf of this state, with a federally recognized Indian tribe,
3 that expressly authorizes internet gaming under this act. The terms
4 of a compact under this subsection must address the following:

5 (a) The amount and manner of revenue sharing payments to be
6 made to this state related to internet gaming.

7 (b) The legal and equitable remedies and process by which this
8 state may enforce, in state and federal courts, the terms of the
9 compact including, but not limited to, the Indian tribe's agreement
10 to make revenue sharing payments to this state based on revenues
11 generated by the internet gaming conducted by the Indian tribe.

12 (c) The types of internet games to be offered for play and
13 that the tribe may only offer for play those internet games that
14 the division has authorized internet gaming licensees to play.

15 (d) The tribe's obligation to develop and utilize responsible
16 gaming programs similar to those described in section 12.

17 (e) The tribe's obligation to develop and utilize financial
18 standards for internet wagering, internet wagering accounts, and
19 internet gaming platforms, systems and software, and other
20 electronic components for internet gaming that are similar to the
21 standards promulgated by the division under section 10.

22 (f) The tribe's obligation to develop and utilize 1 or more
23 mechanisms designed to reasonably verify that an individual who
24 desires to wager over the internet gaming platform used by the
25 tribe is 21 years of age or older.

26 (g) The tribe's obligation to develop and utilize verification
27 mechanisms designed to detect and prevent the unauthorized use of

1 internet wagering accounts and to detect and prevent fraud, money
2 laundering, and collusion.

3 (h) The tribe's obligation to ensure that its internet gaming
4 platform provider, if not tribally owned, is licensed as an
5 internet gaming vendor under this act.

6 (i) The tribe's obligation to cease all internet gaming
7 operations if the tribe fails to comply with the requirements set
8 forth in its compact or amendment with respect to the revenue
9 sharing payments to be made to this state related to internet
10 gaming.

11 (j) The tribe's obligation to cease all internet gaming
12 operations if a court enters a judgment or order that has the
13 effect of invalidating or otherwise rendering inoperative section
14 6(1).

15 (k) The tribe's obligation to cease all internet gaming
16 operations if the tribe ceases operating its casino or the tribe
17 fails to offer class III games other than internet gaming at its
18 casino.

19 (3) This section does not prohibit this state and a tribe from
20 negotiating and including additional terms in a compact or
21 amendment to a compact under the Indian gaming regulatory act,
22 Public Law 100-497.

23 Sec. 8. (1) The division may issue an internet gaming vendor
24 license to a person to provide goods, software, or services to
25 internet gaming licensees. A person that is not licensed under this
26 section shall not provide goods, software, or services as an
27 internet gaming vendor to an internet gaming licensee.

1 (2) On application by an interested person, the division may
2 issue a provisional internet gaming vendor license to an applicant
3 for an internet gaming vendor license. A provisional license issued
4 under this subsection allows the applicant for the internet gaming
5 vendor license to conduct business with an internet gaming licensee
6 or applicant for an internet gaming license before the internet
7 gaming vendor license is issued to the applicant. A provisional
8 license issued under this subsection expires on the date provided
9 in the license by the division.

10 (3) An internet gaming vendor license issued under subsection
11 (1) is valid for the 5-year period after the date of issuance. An
12 internet gaming vendor license is renewable after the initial 5-
13 year period for additional 5-year periods if the division
14 determines that the internet gaming vendor continues to meet the
15 eligibility standards under this act.

16 (4) A person may apply to the division to become an internet
17 gaming vendor licensee as provided in this act and the rules
18 promulgated under this act.

19 (5) Subject to subsection (6), an application under this
20 section must be made on forms provided by the division and include
21 the information required by the division, including, but not
22 limited to, all of the following:

23 (a) Detailed information regarding the ownership and
24 management of the applicant.

25 (b) Detailed personal information regarding the applicant.

26 (c) Financial information regarding the applicant.

27 (d) The gaming history and experience of the applicant.

1 (6) If the applicant is licensed as a supplier under the
2 Michigan gaming control and revenue act, 1996 IL 1, MCL 432.201 to
3 432.226, the applicant does not need to provide any information
4 that it has previously provided to the division unless the division
5 notifies the applicant that the division cannot locate the
6 previously provided information.

7 (7) An application under this section must be accompanied by a
8 nonrefundable application fee in an amount to be determined by the
9 division, not to exceed \$5,000.00.

10 (8) The division shall keep all information, records,
11 interviews, reports, statements, memoranda, or other data supplied
12 to or used by the division in the course of its review or
13 investigation of an application for licensure as an internet gaming
14 vendor strictly confidential and use the materials only to evaluate
15 an applicant for licensure. The materials described in this
16 subsection are exempt from disclosure under section 13 of the
17 freedom of information act, 1976 PA 442, MCL 15.243.

18 (9) An internet gaming vendor shall pay a license fee of
19 \$5,000.00 to the division at the time an initial license is issued
20 to the vendor and \$2,500.00 each year after the initial license is
21 issued. An internet gaming platform provider shall pay a license
22 fee of \$100,000.00 to the division at the time the initial license
23 is issued to the provider and \$50,000.00 each year after the
24 initial license is issued.

25 (10) The division shall deposit all application and license
26 fees paid under this act into the fund.

27 (11) An institutional investor that holds for investment

1 purposes only less than 30% of the equity of an applicant under
2 this section is exempt from the licensure requirements of this act.

3 Sec. 9. (1) Except for internet gaming conducted by an Indian
4 tribe under a compact described in section 7, the division has
5 jurisdiction over and shall supervise all internet gaming
6 operations governed by this act. The division may do anything
7 necessary or desirable to effectuate this act, including, but not
8 limited to, all of the following:

9 (a) Develop qualifications, standards, and procedures for
10 approval and licensure by the division of internet gaming licensees
11 and internet gaming vendors.

12 (b) Decide promptly and in reasonable order all license
13 applications and approve, deny, suspend, revoke, restrict, or
14 refuse to renew internet gaming and internet gaming vendor
15 licenses. A party aggrieved by an action of the division denying,
16 suspending, revoking, restricting, or refusing to renew a license
17 may request a contested case hearing before the division. A request
18 for hearing under this subdivision must be made to the division in
19 writing within 21 days after service of notice of the action by the
20 division.

21 (c) Conduct all hearings pertaining to violations of this act
22 or rules promulgated under this act.

23 (d) Provide for the establishment and collection of all
24 license fees and taxes imposed by this act and the rules
25 promulgated under this act and the deposit of the fees and taxes
26 into the fund.

27 (e) Develop and enforce testing and auditing requirements for

1 internet gaming platforms, internet wagering, and internet wagering
2 accounts.

3 (f) Develop and enforce requirements for responsible gaming
4 and player protection, including privacy and confidentiality
5 standards and duties.

6 (g) Develop and enforce requirements for accepting internet
7 wagers.

8 (h) Adopt by rule a code of conduct governing division
9 employees that ensures, to the maximum extent possible, that
10 persons subject to this act avoid situations, relationships, or
11 associations that may represent or lead to an actual or perceived
12 conflict of interest.

13 (i) Develop and administer civil fines for internet gaming
14 licensees licensed by the division and internet gaming vendor
15 licensees that violate this act or the rules promulgated under this
16 act. A fine imposed under this subdivision must not exceed
17 \$5,000.00 per violation.

18 (j) Audit and inspect, on reasonable notice, books and records
19 relevant to internet gaming operations, internet wagers, internet
20 wagering accounts, internet games, or internet gaming platforms,
21 including, but not limited to, the books and records regarding
22 financing and accounting materials held by or in the custody of an
23 internet gaming licensee or internet gaming vendor licensee.

24 (k) Acquire or lease real property and make improvements to
25 the property and acquire by lease or by purchase personal property,
26 including, but not limited to, any of the following:

27 (i) Computer hardware.

1 (ii) Mechanical, electronic, and online equipment and
2 terminals.

3 (iii) Intangible property, including, but not limited to,
4 computer programs, software, and systems.

5 (2) The division may investigate, issue cease and desist
6 orders, and obtain injunctive relief against a person that is not
7 licensed by the division that offers internet gaming in this state.

8 (3) The division shall keep all information, records,
9 interviews, reports, statements, memoranda, and other data supplied
10 to or used by the division in the course of any investigation of a
11 person licensed under this act strictly confidential and shall use
12 that material only for investigative purposes. The materials
13 described in this subsection are exempt from disclosure under
14 section 13 of the freedom of information act, 1976 PA 442, MCL
15 15.243.

16 Sec. 10. The division shall promulgate rules governing the
17 licensing, administration, and conduct of internet gaming necessary
18 to carry out this act within 1 year after the effective date of
19 this act. The promulgation of emergency rules does not satisfy the
20 requirement for the promulgation of rules to allow a person to
21 conduct internet gaming under this act. The division shall
22 promulgate the rules pursuant to the administrative procedures act
23 of 1969, 1969 PA 306, MCL 24.201 to 24.328. The rules may include
24 only things expressly authorized by this act, including all of the
25 following:

26 (a) The types of internet games to be offered, which must
27 include, but need not be limited to, poker.

1 (b) The qualifications, standards, and procedures for approval
2 and licensure by the division of internet gaming licensees and
3 internet gaming vendor licensees consistent with this act.

4 (c) Requirements to ensure responsible gaming.

5 (d) Technical and financial standards for internet wagering,
6 internet wagering accounts, and internet gaming platforms, systems,
7 and software or other electronic components for internet gaming.

8 (e) Procedures for conducting contested case hearings under
9 this act.

10 (f) Procedures and requirements for the acceptance, by an
11 internet gaming licensee licensed by the division, of internet
12 wagers initiated or otherwise made by persons located in other
13 jurisdictions.

14 (g) Requirements for multijurisdictional agreements entered
15 into by the division with other jurisdictions, including
16 qualifications, standards, and procedures for approval by the
17 division of vendors providing internet gaming platforms in
18 connection with the agreements.

19 Sec. 11. (1) An internet gaming licensee licensed by the
20 division must provide 1 or more mechanisms on the internet gaming
21 platform that the licensee uses that are designed to reasonably
22 verify that an authorized participant is 21 years of age or older
23 and that internet wagering is limited to transactions that are
24 initiated and received or otherwise made by an authorized
25 participant located in this state or a jurisdiction in the United
26 States in which internet gaming is legal.

27 (2) An individual who wishes to place an internet wager under

1 this act must satisfy the verification requirements under
2 subsection (1) before he or she may establish an internet gaming
3 account or make an internet wager on an internet game offered by an
4 internet gaming licensee licensed by the division.

5 (3) An internet gaming licensee licensed by the division shall
6 include mechanisms on the internet gaming platform the licensee
7 uses that are designed to detect and prevent the unauthorized use
8 of internet wagering accounts and to detect and prevent fraud,
9 money laundering, and collusion.

10 (4) An internet gaming licensee licensed by the division shall
11 not knowingly authorize any of the following individuals to
12 establish an internet gaming account or knowingly allow them to
13 wager on internet games offered by the internet gaming licensee,
14 except if required and authorized by the division for testing
15 purposes or to otherwise fulfill the purposes of this act:

16 (a) An individual who is less than 21 years old.

17 (b) An individual whose name appears in the division's
18 responsible gaming database.

19 Sec. 12. (1) The division may develop responsible gaming
20 measures, including a statewide responsible gaming database
21 identifying individuals who are prohibited from establishing an
22 internet wagering account or participating in internet gaming
23 offered by an internet gaming licensee licensed by the division.
24 The executive director of the board may place an individual's name
25 in the responsible gaming database if any of the following apply:

26 (a) The individual has been convicted in any jurisdiction of a
27 felony, a crime of moral turpitude, or a crime involving gaming.

1 (b) The individual has violated this act or another gaming-
2 related law.

3 (c) The individual has performed an act or has a notorious or
4 unsavory reputation such that the individual's participation in
5 internet gaming under this act would adversely affect public
6 confidence and trust in internet gaming.

7 (d) The individual's name is on a valid and current exclusion
8 list maintained by this state or another jurisdiction in the United
9 States.

10 (2) The division may promulgate rules for the establishment
11 and maintenance of the responsible gaming database.

12 (3) An internet gaming licensee, in a format specified by the
13 division, may provide the division with names of individuals to be
14 included in the responsible gaming database.

15 (4) An internet gaming licensee licensed by the division
16 shall, on the internet gaming platform used by the licensee,
17 display in a clear, conspicuous, and accessible manner the number
18 of the toll-free compulsive gambling hotline maintained by this
19 state and offer responsible gambling services and technical
20 controls to participants, consisting of both temporary and
21 permanent self-exclusion for all internet games offered and the
22 ability for participants to establish their own periodic deposit
23 and internet wagering limits and maximum playing times.

24 (5) An authorized participant may voluntarily prohibit himself
25 or herself from establishing an internet wagering account with an
26 internet gaming licensee licensed by the division. The division may
27 incorporate the voluntary self-exclusion list into the responsible

1 gaming database and maintain both the self-exclusion list and the
2 responsible gaming database in a confidential manner.

3 (6) The self-exclusion list and responsible gaming database
4 established under this section are exempt from disclosure under
5 section 13 of the freedom of information act, 1976 PA 442, MCL
6 15.243.

7 Sec. 13. (1) A person shall not do any of the following:

8 (a) Offer internet gaming for play in this state if the person
9 is not an internet gaming licensee.

10 (b) Knowingly make a false statement on an application for a
11 license to be issued under this act.

12 (c) Knowingly provide false testimony to the board or an
13 authorized representative of the board while under oath.

14 (2) A person that violates subsection (1) is guilty of a
15 felony punishable by imprisonment for not more than 10 years or a
16 fine of not more than \$100,000.00, or both.

17 (3) The division shall not issue a license under this act to a
18 person that violates subsection (1).

19 (4) The attorney general or a county prosecuting attorney
20 shall bring an action to prosecute a violation of subsection (1),
21 in the attorney general's or prosecuting attorney's discretion, in
22 the county in which the violation occurred or in Ingham County.

23 Sec. 14. (1) A person that receives an internet gaming license
24 from the division is subject to a tax of 10% on the gross gaming
25 revenue received by the internet gaming licensee from internet
26 gaming conducted under this act.

27 (2) An internet gaming licensee that is subject to subsection

1 (1) shall pay the tax under subsection (1) on a monthly basis. The
2 payment for a month is due on the tenth day of the following month.

3 (3) The tax imposed under this section must be allocated as
4 follows:

5 (a) Fifty-five percent to the city in which the internet
6 gaming licensee's casino is located, for use in connection with the
7 following:

8 (i) The hiring, training, and deployment of street patrol
9 officers in that city.

10 (ii) Neighborhood and downtown economic development programs
11 designed to create jobs in that city.

12 (iii) Public safety programs such as emergency medical
13 services, fire department programs, and street lighting in that
14 city.

15 (iv) Anti-gang and youth development programs in that city.

16 (v) Other programs that are designed to contribute to the
17 improvement of the quality of life in that city.

18 (vi) Relief to the taxpayers of the city from 1 or more taxes
19 or fees imposed by the city.

20 (vii) The costs of capital improvements in that city.

21 (viii) Road repairs and improvements in that city.

22 (b) Forty-five percent to the state to be deposited in the
23 fund.

24 Sec. 15. (1) The internet gaming fund is created in the state
25 treasury.

26 (2) The state treasurer may receive money or other assets
27 required to be paid into the fund under this act or from any other

1 source for deposit into the fund. The state treasurer shall direct
2 the investment of the fund. The state treasurer shall credit to the
3 fund interest and earnings from fund investments.

4 (3) The board is the administrator of the fund for auditing
5 purposes.

6 (4) The board shall expend money from the fund, on
7 appropriation, for all of the following:

8 (a) Each year, \$1,000,000.00 to the compulsive gaming
9 prevention fund created in section 3 of the compulsive gaming
10 prevention act, 1997 PA 70, MCL 432.253.

11 (b) The board's costs of regulating and enforcing internet
12 gaming under this act.

13 Enacting section 1. This act takes effect 90 days after the
14 date it is enacted into law.

15 Enacting section 2. This act does not take effect unless House
16 Bill No. 4927 of the 99th Legislature is enacted into law.