

# HOUSE BILL No. 5013

June 29, 2005, Introduced by Reps. Lemmons, III and Lemmons, Jr. and referred to the Committee on Government Operations.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by amending the title, as amended by 1991 PA 56, and by adding section 304a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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TITLE

An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; **TO PROVIDE FOR THE LICENSING OF CERTAIN PERSONS; TO PRESCRIBE THE POWERS AND DUTIES OF CERTAIN STATE AND LOCAL GOVERNMENTAL OFFICERS AND AGENCIES; TO REQUIRE THE**

1 PROMULGATION OF RULES; and to repeal ~~certain~~ acts and parts of  
2 acts. ~~inconsistent with or contravening any of the provisions of~~  
3 ~~this act.~~

4 SEC. 304A. (1) THIS CHAPTER DOES NOT APPLY TO ACTIVITIES  
5 RELATED TO OPERATING A SPORTS POOL AS ALLOWED UNDER THIS SECTION.

6 (2) THE BOARD MAY ISSUE A LICENSE TO A PERSON TO OPERATE A  
7 SPORTS POOL IN A CITY.

8 (3) A PERSON SHALL NOT OPERATE A SPORTS POOL UNDER THIS  
9 SECTION UNLESS THE PERSON DOES ALL OF THE FOLLOWING:

10 (A) OBTAINS AND MAINTAINS ANY LICENSE REQUIRED BY FEDERAL OR  
11 STATE LAW, REGULATION, OR RULE OR BY CITY ORDINANCE TO OPERATE THE  
12 SPORTS POOL.

13 (B) COMPLIES WITH ANY FEDERAL OR STATE LAW, REGULATION, OR  
14 RULE OR CITY ORDINANCE RELATING TO THE OPERATION OF THE SPORTS POOL  
15 OR TO ANY OTHER BUSINESS CONDUCTED BY THE PERSON RELATED TO THE  
16 OPERATION OF THE SPORTS POOL.

17 (4) THE BOARD SHALL PROMULGATE RULES TO IMPLEMENT THIS SECTION  
18 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,  
19 MCL 24.201 TO 24.328.

20 (5) AS USED IN THIS SECTION:

21 (A) "BOARD" MEANS THE MICHIGAN GAMING CONTROL BOARD CREATED IN  
22 SECTION 4 OF THE MICHIGAN GAMING CONTROL AND REGULATORY ACT, THE  
23 INITIATED LAW OF 1996, MCL 432.204.

24 (B) "CITY" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE  
25 MICHIGAN GAMING CONTROL AND REGULATORY ACT, THE INITIATED LAW OF  
26 1996, MCL 432.202.

27 (C) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,

1 ASSOCIATION, OR OTHER LEGAL ENTITY. PERSON INCLUDES A PERSON  
2 LICENSED TO OPERATE A CASINO UNDER THE MICHIGAN GAMING CONTROL AND  
3 REGULATORY ACT, THE INITIATED LAW OF 1996, MCL 432.201 TO 432.226.

4 (D) "SPORTING EVENT" DOES NOT INCLUDE A HORSE RACE.

5 (E) "SPORTS POOL" MEANS THE BUSINESS OF ACCEPTING WAGERS ON  
6 SPORTING EVENTS BY ANY SYSTEM OR METHOD OF WAGERING. SPORTS POOL  
7 INCLUDES PROVIDING INFORMATION, INCLUDING, BUT NOT LIMITED TO, THE  
8 FOLLOWING TYPES OF INFORMATION, TO AID THE PLACING OF WAGERS ON  
9 SPORTING EVENTS:

10 (i) A LINE, POINT SPREAD, OR ODDS.

11 (ii) ADVICE OR AN ESTIMATE OR PREDICTION REGARDING THE OUTCOME  
12 OF A SPORTING EVENT.

13 Enacting section 1. This amendatory act shall be submitted as  
14 provided by the Michigan election law, 1954 PA 116, MCL 168.1 to  
15 168.992, to the qualified electors of this state at the next  
16 general election held after the effective date of this amendatory  
17 act. This amendatory act does not take effect unless it is approved  
18 by both of the following at that election:

19 (a) A majority of the electors of this state voting in the  
20 election.

21 (b) A majority of the electors voting in the city where  
22 gambling as authorized under this amendatory act will take place.

23 Enacting section 2. If approved by the electors under enacting  
24 section 1, this amendatory act takes effect 45 days after the date  
25 of the official declaration of the vote.