

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5881**

A bill to amend 1996 IL 1, entitled
"Michigan gaming control and revenue act,"
by amending sections 2, 4, 4a, 4c, 4d, 5, 6, 6a, 6c, 7a, 7c, 8, 9,
9a, 9b, 9c, 12, 12a, 14, 18, 21, and 25 (MCL 432.202, 432.204,
432.204a, 432.204c, 432.204d, 432.205, 432.206, 432.206a, 432.206c,
432.207a, 432.207c, 432.208, 432.209, 432.209a, 432.209b, 432.209c,
432.212, 432.212a, 432.214, 432.218, 432.221, and 432.225),
sections 2, 4, 5, 6, 8, 9, and 14 as amended and sections 4a, 4c,
4d, 6a, 6c, 7a, 7c, 9a, 9b, 9c, 12a, 18, 21, and 25 as added by
1997 PA 69 and section 12 as amended by 2004 PA 306; and to repeal
acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1** Sec. 2. As used in this act:
- 2** (a) "Adjusted gross receipts" means the gross receipts less

1 winnings paid to wagerers.

2 (b) "Affiliate" means a person who, directly or indirectly,
3 through 1 or more intermediaries, controls ~~, is controlled by, or~~
4 ~~is under common control with; is in a partnership or joint venture~~
5 ~~relationship with; or is a co-shareholder of a corporation, a co-~~
6 ~~member of a limited liability company, or co-partner in a limited~~
7 ~~liability partnership with a person who holds or applies for a~~
8 casino license **LICENSEE** under this act.

9 (c) "Affiliated company" means any form of business
10 organization ~~which THAT~~ controls, ~~is controlled by or is under~~
11 ~~common control with; is in a partnership or joint venture~~
12 ~~relationship with; or is a co-shareholder of a corporation, a co-~~
13 ~~member of a limited liability company, or co-partner in a limited~~
14 ~~liability partnership with a person who holds or applies for a~~
15 casino license **LICENSEE** under this act.

16 (d) "Agent" means any person who is employed by any agency of
17 ~~the THIS~~ state, other than the board, the state police, or **THE**
18 **DEPARTMENT OF** attorney general, who is assigned to perform full-
19 time services on behalf of or for the benefit of the board
20 regardless of the title or position held by that person.

21 (e) "Applicant" means any person who applies for a license or
22 for registration under this act. ~~The term applicant AS USED~~ in
23 sections 4a(1)(a), ~~5(1), 5(2), 5(3), 5(4), 6(3), 6(4), 6(5), 6(9),~~
24 ~~7a(4), 7a(5), and 7a(11) shall include 5(1) TO (4), 6(3) TO (5) AND~~
25 ~~(9), AND 7A(4), (5), AND (11), APPLICANT INCLUDES~~ an affiliate,
26 affiliated company, ~~officer,~~ director, or managerial employee of
27 the applicant **WHO PERFORMS THE FUNCTION OF PRINCIPAL EXECUTIVE**

1 **OFFICER, PRINCIPAL OPERATIONS OFFICER, OR PRINCIPAL ACCOUNTING**
2 **OFFICER**, or a person who holds greater than ~~1%~~**5%** direct or
3 indirect interest in the applicant. As used in this subdivision,
4 affiliate and affiliated company do not include a partnership, a
5 joint venture relationship, a co-shareholder of a corporation, a
6 co-member of a limited liability company, or a co-partner in a
7 limited liability partnership that has ~~less than 1%~~**A 5% OR LESS**
8 direct interest in the applicant and is not involved in the casino
9 ~~or casino enterprise application~~ as defined in rules promulgated by
10 the board.

11 (f) "Board" means the Michigan gaming control board **CREATED**
12 **UNDER SECTION 4.**

13 (g) "Casino" means a building **OR BUILDINGS** in which gaming is
14 conducted.

15 (h) "Casino enterprise" means the buildings, facilities, or
16 rooms functionally or physically connected to a casino, including
17 but not limited to any bar, restaurant, hotel, cocktail lounge,
18 retail establishment, or arena or any other facility located in a
19 city under the control of a casino licensee. ~~or affiliated company.~~

20 (i) "Certified development agreement" means a development
21 agreement that has been certified by a city and submitted to the
22 ~~Michigan gaming control board.~~

23 (j) "Chairperson" means the chairperson of the board.

24 (k) "Cheat" means to alter the selection of criteria ~~which~~
25 **THAT** determine the result of a gambling game or the amount or
26 frequency of payment in a gambling game, in violation of this act
27 or rules promulgated under this act.

1 (l) "City" means a local unit of government other than a
2 county ~~which~~ **THAT** meets all of the following criteria:

3 (i) Has a population of at least 800,000 at the time a license
4 is issued.

5 (ii) Is located within 100 miles of any other state or country
6 in which gaming was permitted on December 5, 1996.

7 (iii) Had a majority of voters who expressed approval of
8 casino gaming in the city.

9 (m) "Company" means a sole proprietorship, corporation,
10 partnership, limited liability partnership, limited liability
11 company, trust, association, joint stock company, joint venture,
12 tribal corporation, or other form of business organization.

13 (n) "Compensation" means any money, thing of value, or
14 financial benefit conferred on or received by a person in return
15 for services rendered, or to be rendered, whether by that person or
16 another.

17 (o) "Conflict of interest" means a situation in which the
18 private interest of a member, employee or agent of the board may
19 influence the judgment of the member, employee, or agent in the
20 performance of his or her public duty under this act. A conflict of
21 interest includes, but is not limited to, **ANY OF** the following:

22 (i) Any conduct that would lead a reasonable person, knowing
23 all of the circumstances, to conclude that the member, employee, or
24 agent of the board is biased against or in favor of an applicant.

25 (ii) Acceptance of any form of compensation other than from
26 the board for any services rendered as part of the official duties
27 of the member, employee, or agent for the board.

1 (iii) Participation in any business being transacted with or
 2 before the board in which the member, employee, or agent of the
 3 board or his or her parent, spouse, or child has a financial
 4 interest.

5 (iv) Use of the position, title, or any related authority of
 6 the member, employee, or agent of the board in a manner designed
 7 for personal gain or benefit.

8 (v) Demonstration, through work or other action in the
 9 performance of the official duties of the member, employee, or
 10 agent of the board, of any preferential attitude or treatment of
 11 any person.

12 (p) "Control" means having a greater than 15% direct or
 13 indirect pecuniary interest in the casino gaming operation with
 14 respect to which the license is sought.

15 (q) "Department" means the department of treasury.

16 (r) "Development agreement" means a written agreement between
 17 a city and a person naming the person as the designated developer
 18 of a casino in the city and covering certain subjects including,
 19 but not limited to, ~~approval~~ **ALL OF THE FOLLOWING:**

20 (i) **APPROVAL** by the city of the location of the casino. ~~+~~
 21 ~~certification~~

22 (ii) **CERTIFICATION** by the city that the applicant has
 23 sufficient financial resources to construct and open the casino
 24 ~~which~~ **THAT** it proposes to develop. ~~+~~ ~~zoning~~

25 (iii) **ZONING** and site plan requirements. ~~+~~ ~~utility~~

26 (iv) **UTILITY** connection fees. ~~+~~ ~~infrastructure~~

27 (v) **INFRASTRUCTURE** improvements. ~~+~~ ~~requirements~~

- 1 (vi) **REQUIREMENTS** to utilize local businesses and small
 2 businesses as suppliers. ~~;~~ ~~employment~~
- 3 (vii) **EMPLOYMENT** issues. ~~;~~ ~~compulsive~~
- 4 (viii) **COMPULSIVE** gambling programs. ~~;~~ ~~insurance~~
- 5 (ix) **INSURANCE** requirements. ~~;~~ ~~conceptual~~
- 6 (x) **CONCEPTUAL** design approval. ~~;~~ ~~reimbursement~~
- 7 (xi) **REIMBURSEMENT** for predevelopment and infrastructure
 8 costs, traffic engineering, and other transportation costs. ~~;~~ ~~plans~~
- 9 (xii) **PLANS** for completion of destination attractions either
 10 within or outside the casino facility and ancillary development
 11 rights.

12 (s) "Disciplinary action" ~~is~~ **MEANS** an action by the board
 13 suspending or revoking a license ~~;~~ ~~OR~~ fining, excluding,
 14 reprimanding, or otherwise penalizing a person for violating this
 15 act or rules promulgated by the board.

16 (t) "Ex parte communication" means any communication, direct
 17 or indirect, regarding a licensing application, disciplinary
 18 action, or a contested case under this act other than communication
 19 that takes place during a meeting or hearing conducted under this
 20 act.

21 (u) "Financial interest" or "financially interested" means any
 22 interest in investments, awarding of contracts, grants, loans,
 23 purchases, leases, sales, or similar matters under consideration or
 24 consummated by the board. A member, employee, or agent of the board
 25 ~~will be~~ **IS** considered to have a financial interest in a matter
 26 under consideration if ~~any~~ **EITHER** of the following circumstances
 27 exist: **EXISTS:**

1 (i) He or she owns 1% or more of any class of outstanding
2 securities that are issued by a party to the matter under
3 consideration or consummated by the board.

4 (ii) He or she is employed by or is an independent contractor
5 for a party to the matter under consideration or consummated by the
6 board.

7 (v) "Gambling game" means any game played with cards, dice,
8 equipment or a machine, including any mechanical, electromechanical
9 or electronic device ~~which shall include~~ **INCLUDING** computers and
10 cashless wagering systems, for money, credit, or any representative
11 of value, including, but not limited to, faro, monte, roulette,
12 keno, bingo, fan tan, twenty one, blackjack, seven and a half,
13 klondike, craps, poker, chuck a luck, Chinese chuck a luck (dai
14 shu), wheel of fortune, chemin de fer, baccarat, pai gow, beat the
15 banker, panguingui, slot machine, any banking or percentage game,
16 or any other game or device approved by the board. ~~but~~ **GAMBLING**
17 **GAME** does not include games played with cards in private homes or
18 residences in which no person makes money for operating the game,
19 except as a player.

20 (w) "Gambling operation" **OR "CASINO GAMBLING OPERATION"** means
21 the conduct of ~~authorized gambling games in a casino.~~ **AUTHORIZED BY**
22 **THE BOARD.**

23 (x) "Gaming" **OR "CASINO GAMING"** means to deal, operate, carry
24 on, conduct, maintain or expose or offer for play any gambling game
25 or gambling operation.

26 (y) "Gross receipts" means the total of all ~~sums~~ **MONEY**
27 including valid or invalid checks, currency, ~~tokens,~~ coupons,

1 vouchers, or instruments of monetary value whether collected or
2 uncollected, received by a casino licensee from gaming, including
3 all entry fees assessed for tournaments or other contests, less a
4 deduction for uncollectible gaming receivables not to exceed the
5 uncollectible amounts owed as a result of wagers placed at or
6 through a gambling game or 4% of the total gross receipts,
7 whichever is less. ~~The A~~ licensee shall not receive the deduction
8 unless the licensee provides written proof to the state treasurer
9 of the uncollected gaming receivables and ~~had~~ complied with all
10 rules promulgated by the board regarding the issuance of credit and
11 the collection of amounts due under a credit extension.

12 (z) "Institutional investor" means any retirement fund
13 administered by a public agency for the exclusive benefit of
14 federal, state, or local public employees, an employee benefit
15 plan, or pension fund that is subject to the employee retirement
16 income security act of 1974, as amended, an investment company
17 registered under the investment company act of 1940, ~~title I of~~
18 ~~chapter 686, 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-3 and 80a-4 to~~ **15**
19 **USC 80A-1 TO** 80a-64, a collective investment trust organized by a
20 bank under part 9 of the rules of the comptroller of the currency,
21 a closed end investment trust, a chartered or licensed life
22 insurance company or property and casualty insurance company, a
23 chartered or licensed financial institution, an investment advisor
24 registered under the investment advisers act of 1940, ~~title II of~~
25 ~~chapter 686, 54 Stat. 847, 15 U.S.C.~~ **15 USC** 80b-1 to 80b-21, or any
26 other person as **DETERMINED BY** the board ~~may determine~~ for reasons
27 consistent with this act.

1 (aa) "Investigative hearing" means any hearing conducted by
 2 the board or its authorized representative to investigate and
 3 gather information or evidence regarding pending license
 4 applications, applicants, licensees, or alleged or apparent
 5 violations of this act or rules promulgated by the board.

6 ~~(bb) "Junket enterprise" means any person other than a casino~~
 7 ~~licensee or applicant who employs or otherwise engages in the~~
 8 ~~procurement or referral of persons who may participate in a junket~~
 9 ~~to a casino licensed under this act or casino enterprise whether or~~
 10 ~~not those activities occur within the state.~~

11 (BB) ~~(cc)~~ "Managerial employee" means a person who by virtue
 12 of the level of ~~their~~ **HIS OR HER** remuneration or otherwise holds a
 13 management, supervisory, or policy making position with any
 14 licensee under this act, **A** vendor, or the board.

15 (CC) ~~(dd)~~ "Member" means a board member appointed to the
 16 Michigan gaming control board under this act.

17 (DD) ~~(ee)~~ "Occupational license" means a license issued by the
 18 board to a person to perform **IN A CASINO OR A CASINO ENTERPRISE** an
 19 occupation ~~in a casino or casino enterprise which~~ **THAT DIRECTLY**
 20 **IMPACTS THE INTEGRITY OF GAMING AND THAT** the board has identified
 21 as requiring a license to engage ~~in casino gaming in~~
 22 Michigan. **PERFORM THE OCCUPATION IN A CASINO OR CASINO ENTERPRISE IN**
 23 **THIS STATE.**

24 (EE) ~~(ff)~~ "Person" means an individual, corporation, limited
 25 liability company, association, partnership, limited liability
 26 partnership, trust, ~~entity,~~ or other legal entity.

27 (FF) ~~(gg)~~ "Supplier" means a person who the board has

1 identified under rules promulgated by the board as requiring a
 2 license to provide casino licensees ~~or casino enterprises~~ with
 3 goods or services regarding the ~~realty, construction, maintenance,~~
 4 ~~or business of a proposed or existing casino~~ ~~, OR casino enterprise~~
 5 ~~, or related facility~~ on a regular or continuing basis. ~~7~~
 6 ~~including, but not limited to, junket enterprises, security~~
 7 ~~businesses, manufacturers, distributors, persons who service gaming~~
 8 ~~devices or equipment, garbage haulers, maintenance companies, food~~
 9 ~~purveyors, and construction companies.~~

10 (GG) ~~(hh)~~ "Vendor" means a person who is not licensed under
 11 this act who supplies any goods or services to a casino licensee or
 12 supplier licensee.

13 (HH) ~~(ii)~~ "Wagerer" means a person who plays a gambling game
 14 authorized under this act.

15 (II) ~~(jj)~~ "Winnings" means the total cash value of all
 16 property or ~~sums~~ **MONEY** including currency, tokens, or instruments
 17 of monetary value paid to wagerers as a direct result of wagers
 18 placed at or through a gambling game.

19 Sec. 4. (1) The Michigan gaming control board is created
 20 within the department of treasury. The board ~~shall have~~ **HAS** the
 21 powers and duties specified in this act and all other powers
 22 necessary and proper to fully and effectively execute and
 23 administer this act for the purpose of licensing, regulating, and
 24 enforcing the system of casino gambling established under this act.

25 (2) The board ~~shall consist~~ **CONSISTS** of 5 members, not more
 26 than 3 of whom ~~shall~~ **MAY** be members of the same political party, to
 27 be appointed by the governor with the advice and consent of the

1 senate. ~~7~~ ~~1 of whom~~ **THE GOVERNOR** shall be designated by the
2 ~~governor to be~~ **DESIGNATE 1 OF THE MEMBERS AS** chairperson. Each
3 member shall ~~MUST~~ be a resident of this state.

4 (3) The members shall be appointed for terms of 4 years. ~~7~~
5 ~~except of those who are first appointed, 1 member shall be~~
6 ~~appointed for a term of 2 years, 2 members shall be appointed for a~~
7 ~~term of 3 years and 2 members shall be appointed for a term of 4~~
8 ~~years. A member's term shall expire~~ **EXPIRES** on December 31 of the
9 last year of the member's term. ~~In the event of~~ **IF THERE IS** a
10 vacancy on the board, the governor shall appoint in like manner a
11 successor to fill the unexpired term.

12 (4) Each member ~~of the board shall~~ **MUST** be reimbursed for all
13 actual and necessary expenses and disbursements incurred in the
14 execution of official duties. **BEGINNING JANUARY 1, 2023, EACH**
15 **MEMBER MUST RECEIVE COMPENSATION IN THE AMOUNT OF \$1,000.00 FOR**
16 **EACH PUBLIC BOARD MEETING THAT HE OR SHE ATTENDS. BEGINNING JANUARY**
17 **1, 2023, THE CHAIRPERSON MUST RECEIVE \$1,250.00 FOR EACH PUBLIC**
18 **BOARD MEETING HE OR SHE ATTENDS, AND MUST BE REIMBURSED FOR ALL**
19 **ACTUAL AND NECESSARY EXPENSES AND DISBURSEMENTS.**

20 (5) A ~~board~~ member shall not hold any other public office for
21 which he or she shall ~~receive~~ **RECEIVES** compensation other than
22 necessary travel or other incidental expenses.

23 (6) A person who is not of good moral character or who has
24 been indicted or charged with, convicted of, pled guilty or nolo
25 ~~contendere~~ **CONTENDERE** to, or forfeited bail concerning a felony or a
26 misdemeanor involving gambling, theft, dishonesty, or fraud under
27 the laws of this state, any other state, or the United States or a

1 local ordinance in any state involving gambling, dishonesty, theft,
2 or fraud that substantially corresponds to a misdemeanor in that
3 state ~~shall~~**MUST** not be appointed or remain as a member. ~~of the~~
4 ~~board.~~

5 (7) Any member ~~of the board~~ may be removed by the governor for
6 neglect of duty, misfeasance, malfeasance, nonfeasance, or any
7 other just cause.

8 (8) The governor shall appoint the executive director of the
9 board to serve a 6-year term. ~~After the effective date of the act~~
10 ~~that added this subsection, the~~**THE** appointment of the executive
11 director ~~shall require~~**REQUIRES** the approval of the senate by a
12 record roll call vote. The executive director shall perform any and
13 all duties that the board ~~shall assign~~**ASSIGNS TO** him or her. The
14 executive director ~~shall~~**MUST** be reimbursed for all actual and
15 necessary expenses incurred by him or her in discharge of his or
16 her official duties. The executive director shall keep records of
17 all proceedings of the board and shall preserve all records, books,
18 documents, and other papers belonging to the board or entrusted to
19 its care. The executive director shall devote his or her full time
20 to the duties of the office and shall not hold any other office or
21 employment. A vacancy in the position of executive director ~~shall~~
22 **MUST** be filled as provided in this subsection for a new 6-year
23 term.

24 (9) The board shall employ **THE** personnel ~~as may be necessary~~
25 to carry out the functions of the board under this act.

26 (10) ~~A~~**THE GOVERNOR SHALL NOT APPOINT A** person ~~shall not be~~
27 ~~appointed to or employed by~~**THE BOARD AND** the board **SHALL NOT**

1 **EMPLOY A PERSON** if any of the following circumstances exist:

2 (a) During the ~~3 years~~ **1 YEAR** immediately preceding
3 appointment or employment, the person held any direct or indirect
4 interest in, or any employment by, a person who is licensed to
5 operate a casino under this act or in another jurisdiction, a
6 person who had an application to operate a casino pending before
7 the board or any other jurisdiction, or a casino enterprise.
8 However, the **BOARD MAY EMPLOY THE** person ~~may be employed by the~~
9 ~~board~~ if his or her interest in any casino licensee or casino
10 enterprise would not, in the opinion of the board, interfere with
11 the objective discharge of the person's employment obligations.
12 However, **THE BOARD SHALL NOT EMPLOY** a person ~~shall not be employed~~
13 ~~by the board~~ if his or her interest in the casino licensee or
14 casino enterprise constitutes a controlling interest in that casino
15 licensee or casino enterprise.

16 (b) The person or his or her spouse, parent, child, child's
17 spouse, sibling, or spouse of a sibling is a member of the board of
18 directors of or a person financially interested in any person
19 licensed as a casino licensee or casino supplier, any person who
20 has an application for a license pending before the board, or a
21 casino enterprise.

22 (11) Each member, ~~of the board,~~ the executive director, and
23 each ~~key~~ employee as determined by the board shall file with the
24 governor a financial disclosure statement listing all assets and
25 liabilities, property and business interests, and sources of income
26 of the member, executive director, ~~and each key~~ **OR** employee and ~~any~~
27 ~~of their spouses~~ **HIS OR HER SPOUSE, AND** affirming that **THE**

1 **CIRCUMSTANCES DESCRIBED IN SUBSECTION (10) DO NOT APPLY TO** the
2 member, executive director, ~~and key~~ **OR** employee. ~~are in compliance~~
3 ~~with subsection (10) (a) and (b) of this act.~~ The financial
4 disclosure statement ~~shall~~ **MUST** be under oath and ~~shall~~ be filed at
5 the time of employment and annually thereafter.

6 (12) Each employee of the board shall file with the board a
7 financial disclosure statement listing all assets and liabilities,
8 property and business interests, and sources of income of the
9 employee and his or her spouse. This subsection does not apply to
10 the executive director or a key employee.

11 (13) A member, ~~of the board,~~ executive director, or ~~key~~
12 ~~employee~~ **BOARD EMPLOYEE** shall not hold any direct or indirect
13 interest in, be employed by, or enter into a contract for services
14 with ~~an applicant, a person licensed by or registered with the~~
15 ~~board, or a casino enterprise~~ **A CASINO LICENSEE** for a period of ~~4~~ **2**
16 years after the date his or her ~~membership on the board~~ **OFFICE OR**
17 **EMPLOYMENT** terminates.

18 (14) An employee of the board shall not acquire any direct or
19 indirect interest in, be employed by, or enter into a contract for
20 services with any applicant, person licensed by the board, or
21 casino enterprise for a period of 2 years after the date his or her
22 employment with the board is terminated.

23 (15) A ~~board member, or a person employed by the board~~
24 **EXECUTIVE DIRECTOR, OR BOARD EMPLOYEE** shall not represent any
25 person or party other than ~~the~~ **THIS** state before or against the
26 board for a period of 2 years after the termination of his or her
27 office or employment with the board.

1 ~~———— (16) A business entity in which a former board member or~~
2 ~~employee or agent has an interest, or any partner, officer, or~~
3 ~~employee of the business entity shall not make any appearance or~~
4 ~~representation that is prohibited to that former member, employee,~~
5 ~~or agent. As used in this subsection, "business entity" means a~~
6 ~~corporation, limited liability company, partnership, limited~~
7 ~~liability partnership, association, trust, or other form of legal~~
8 ~~entity.~~

9 **(16)** ~~(17)~~—The board shall have **HAS** general responsibility for
10 the implementation of this act. The board's duties include, but are
11 not limited to, all of the following:

12 (a) Deciding in a reasonable period of time all casino license
13 applications. A casino license applicant shall have **HAS** the burden
14 to establish by clear and convincing evidence ~~their~~ **ITS** suitability
15 as to integrity, moral character, and reputation; personal and
16 business probity; financial ability and experience; responsibility;
17 and other criteria considered appropriate by the board. The
18 criteria considered appropriate by the board shall **MUST** not be
19 arbitrary, capricious, or contradictory to the expressed provisions
20 of this act.

21 (b) ~~To decide~~ **DECIDING** in reasonable order all license
22 applications. Except for casino license applicants granted a
23 hearing under section 6(7), any party aggrieved by an action of the
24 board denying, suspending, revoking, restricting, or refusing to
25 renew a license, or imposing a fine, may request a hearing before
26 the board. A request for a hearing shall **MUST** be made to the board
27 in writing within 21 days after service of notice of the action of

1 the board. Notice of the action of the board ~~shall~~**MUST** be served
2 either by personal delivery or by certified mail, postage prepaid,
3 to the aggrieved party. Notice served by certified mail ~~shall be~~**IS**
4 considered complete on the business day following the date of the
5 mailing.

6 (c) Conducting its public meetings in compliance with the open
7 meetings act, 1976 PA 267, MCL ~~15.231 to 15.246~~**15.261 TO 15.275**.

8 (d) Promulgating the rules ~~as may be~~ necessary to implement,
9 administer, and enforce this act. ~~All~~**THE** rules promulgated under
10 this act ~~shall~~**MUST** not be arbitrary, capricious, or contradictory
11 to the expressed provisions of this act. The rules may include, but
12 need not be limited to, rules that do 1 or more of the following:

13 (i) Govern, restrict, approve, or regulate the casino gaming
14 authorized in this act.

15 (ii) Promote the safety, security, and integrity of casino
16 gaming authorized in this act.

17 (iii) License and regulate persons participating in or
18 involved with casino gaming authorized in this act.

19 (e) Providing for the establishment and collection of all
20 license and registration fees and taxes imposed by this act and the
21 rules promulgated by the board.

22 (f) Providing for the levy and collection of penalties and
23 fines for the violation of this act and the rules promulgated by
24 the board.

25 (g) Being present through its inspectors, agents, auditors,
26 and the ~~Michigan~~**DEPARTMENT OF** state police or **DEPARTMENT OF**
27 attorney general at any time in any casino and related casino

1 enterprise for the purpose of certifying the revenue ~~thereof~~, **OF**
2 **THE LICENSEE**, receiving complaints from the public, and conducting
3 other investigations into the conduct of the gambling games and the
4 maintenance of the equipment as ~~from time to time~~ the board ~~may~~
5 ~~consider~~ **CONSIDERS** necessary and proper to assure compliance with
6 this act and the rules promulgated by the board and to protect and
7 promote the overall safety, security, and integrity of casino
8 gaming authorized in this act.

9 (h) Reviewing and ruling upon any complaint by a licensee
10 regarding any investigative procedures of ~~the~~ **THIS** state ~~which~~ **THAT**
11 are unnecessarily disruptive of gambling operations. The need to
12 inspect and investigate ~~shall be~~ **IS** presumed at all times. A
13 licensee ~~shall~~ **MUST** establish by clear and convincing evidence that
14 its operations were disrupted, the procedures had no reasonable law
15 enforcement or regulatory purposes, and the procedures were so
16 disruptive as to unreasonably inhibit gambling operations.

17 (i) Holding at least 1 public meeting each quarter of the
18 fiscal year. In addition, special meetings may be called by the
19 chairperson or any 2 ~~board~~ members upon 72 hours' written notice to
20 each member. Three members ~~of the board shall~~ constitute a quorum,
21 except ~~when~~ **THAT IN** making determinations on applications for
22 casino licenses, ~~when~~ 4 members ~~shall~~ constitute a quorum. Three
23 votes ~~shall be~~ **ARE** required in support of final determinations of
24 the board on applications for casino licenses. The board shall keep
25 a complete and accurate record of all its meetings and hearings.
26 Upon order of the board, 1 of the board members or a hearing
27 officer designated by the board may conduct any hearing provided

1 for under this act or by the rules promulgated by the board and may
2 recommend findings and decisions to the board. The board member or
3 hearing officer conducting the hearing ~~shall have~~ **HAS** all powers
4 and rights regarding the conduct of hearings granted to the board
5 under this act. The record made at the time of the hearing ~~shall~~
6 **MUST** be reviewed by the board, or a majority of the board, and the
7 findings and decision of the majority of the board ~~shall constitute~~
8 the order of the board. ~~in the case.~~

9 (j) Maintaining records ~~which~~ **THAT** are separate and distinct
10 from the records of any other state board. The **BOARD SHALL MAKE THE**
11 records ~~shall be~~ available for public inspection subject to the
12 limitations of this act, and ~~shall~~ **THE RECORDS MUST** accurately
13 reflect all board proceedings.

14 (k) Reviewing the patterns of wagering and wins and losses by
15 persons in casinos under this act and ~~make~~ **MAKING** recommendations
16 to the governor and the legislature in a written annual report to
17 the governor and the legislature and additional reports as
18 **REQUESTED BY** the governor. ~~may request.~~ The annual report ~~shall~~
19 **MUST** include a statement of receipts and disbursements by the
20 board, actions taken by the board, and any additional information
21 and recommendations that the board considers appropriate or that
22 the governor ~~may request.~~ **REQUESTS.**

23 Sec. 4a. (1) The board ~~shall have~~ **HAS** jurisdiction over and
24 shall supervise all gambling operations governed by this act. The
25 board ~~shall have~~ **HAS** all powers necessary and proper to fully and
26 effectively execute this act, including, but not limited to, the
27 authority to do all of the following:

1 (a) Investigate applicants and determine the eligibility of
2 applicants for licenses or registration and to grant licenses to
3 applicants in accordance with this act and the rules promulgated
4 under this act.

5 (b) Have jurisdiction over and supervise casino gambling
6 operations authorized by this act and all persons in casinos where
7 gambling operations are conducted under this act.

8 (c) Enter through its investigators, agents, auditors, and the
9 ~~Michigan~~**DEPARTMENT OF** state police at any time, without a warrant
10 and without notice to the licensee, the premises, offices, casinos,
11 casino enterprises, facilities, or other places of business of a
12 casino licensee or casino supplier licensee, where evidence of the
13 compliance or noncompliance with this act or rules promulgated by
14 the board is likely to be found, for the following purposes:

15 (i) To inspect and examine all premises ~~wherein~~**WHERE** casino
16 gaming or the business of gaming or the business of a supplier is
17 conducted, or where any records of the activities are prepared.

18 (ii) To inspect, examine, audit, impound, seize, or assume
19 physical control of, or summarily remove from the premises all
20 books, ledgers, documents, writings, photocopies, correspondence,
21 records, videotapes, including electronically stored records, money
22 receptacles, other containers and their contents, equipment in
23 which the records are stored, or other gaming related equipment and
24 supplies on or around the premises, including counting rooms.

25 (iii) To inspect the person, and inspect, examine, and seize
26 personal effects present in a casino facility licensed under this
27 act, of any holder of a license or registration issued ~~pursuant to~~

1 **UNDER** this act while that person is present in a licensed casino
2 facility.

3 (iv) To investigate and deter alleged violations of this act
4 or the rules promulgated by the board.

5 (v) This section is not intended to limit warrantless
6 inspections except in accordance with constitutional requirements.

7 (d) Investigate alleged violations of this act or rules
8 promulgated by the board and to take appropriate disciplinary
9 action against a licensee or any other person, ~~or holder of an~~
10 ~~occupational license for a violation,~~ or institute appropriate
11 legal action for enforcement, or both.

12 (e) Adopt standards for the licensing of all persons under
13 this act, as well as for electronic or mechanical gambling games or
14 gambling games, and to establish fees for the licenses.

15 (f) Adopt appropriate standards for all casino gaming
16 facilities and equipment.

17 (g) Require that all records of casino and supplier licensees,
18 including financial or other statements, ~~shall~~ be kept on the
19 premises of the casino licensee or supplier licensee in the manner
20 prescribed by the board.

21 (h) Require that each casino licensee involved in the
22 ownership or management of gambling operations submit to the board
23 an annual balance sheet, profit and loss statement, and a list of
24 the stockholders or other persons having a ~~1%~~ **5%** or greater
25 beneficial interest in the gambling activities of ~~each~~ **THE** licensee
26 in addition to any other information the board considers necessary
27 in order to effectively administer this act and all rules

1 promulgated by the board and orders and final decisions made under
2 this act.

3 (i) Conduct investigative and contested case hearings, issue
4 subpoenas for the attendance of witnesses and subpoenas duces tecum
5 for the production of books, ledgers, records, memoranda,
6 electronically retrievable data, and other pertinent documents and
7 to administer oaths and affirmations to the witnesses to exercise
8 and discharge the powers and duties of the board under this act.
9 The executive director or his or her designee is also authorized to
10 issue subpoenas and to administer oaths and affirmations to
11 witnesses.

12 (j) Prescribe a form to be used by any licensee involved in
13 the ownership or management of gambling operations as an
14 application for employment for prospective employees.

15 (k) Revoke or suspend licenses, impose fines and penalties as
16 the board considers necessary and in compliance with applicable
17 laws of ~~the~~**THIS** state regarding administrative procedures, and
18 review and decide applications for the renewal of licenses. The
19 board may suspend a casino license, without notice or hearing upon
20 a determination that the safety or health of patrons or employees
21 is jeopardized by continuing a casino's operation. If the board
22 suspends a license under this subdivision without notice or
23 hearing, a prompt postsuspension hearing ~~shall~~**MUST** be held to
24 determine if the suspension should remain in effect. The suspension
25 may remain in effect until the board determines that the cause for
26 suspension has been abated. The board may revoke the casino license
27 upon a determination that the owner has not made satisfactory

1 progress toward abating the hazard.

2 (l) In addition to a disassociated person, eject or exclude or
3 authorize the ejection or exclusion of a person from a casino if
4 the person violates this act, rules promulgated by the board, or **A**
5 final ~~orders~~**ORDER** of the board or ~~when~~**IF** the board determines
6 that the person's conduct or reputation is such that his or her
7 presence within the casino gambling facilities may compromise the
8 honesty and integrity of the gambling operations or ~~interferes~~
9 **INTERFERE** with the orderly conduct of the gambling operations.
10 However, the propriety of the ejection or exclusion is subject to a
11 subsequent hearing by the board.

12 (m) Suspend, revoke, or restrict licenses and require the
13 removal of a licensee or an employee of a licensee for a violation
14 of this act or a rule promulgated by the board or for engaging in a
15 fraudulent practice, and impose civil penalties of up to \$5,000.00
16 against individuals and up to \$10,000.00 or an amount equal to the
17 daily gross receipts, whichever is greater, against casino
18 licensees for each violation of this act, any rules promulgated by
19 the board, any order of the board, or for any other action ~~which~~
20 **THAT** the board determines is a detriment or impediment to casino
21 gambling operations.

22 (n) Disqualify a person under section 7c(5).

23 (o) In addition to the authority provided under subdivision
24 (m), revoke or suspend a casino license or impose any other
25 disciplinary action for any ~~any~~**EITHER** of the following reasons:

26 ~~—— (i) The casino licensee has violated the Michigan liquor~~
27 ~~control act, 1933 (Ex Sess) PA 8, MCL 436.1 to 436.57a, or rules~~

1 ~~promulgated under that act.~~

2 (i) ~~(ii)~~ At any time the licensee no longer meets the
3 eligibility requirements or suitability determination by the board
4 for a casino license under this act.

5 (ii) ~~(iii)~~ The failure to revoke or suspend the license would
6 undermine the public's confidence in the ~~Michigan~~ gaming industry
7 **IN THIS STATE.**

8 (p) Conduct periodic audits of casinos authorized under this
9 act.

10 (q) Establish minimum levels of insurance to be maintained by
11 licensees.

12 (r) Delegate the execution of any of its powers under this act
13 for the purpose of administering and enforcing this act and the
14 rules promulgated by the board. This subdivision does not apply to
15 the granting of casino licenses under section 6.

16 (s) Perform a background check, at the vendor's expense, of
17 any vendor using the same standards that the board uses in
18 determining whether to grant a supplier's license.

19 (t) Review the business practices of a casino licensee
20 including, but not limited to, the price and quality of goods and
21 services offered to patrons and take disciplinary action as the
22 board considers appropriate to prevent practices that undermine the
23 public's confidence in the ~~Michigan~~ gaming industry **IN THIS STATE.**

24 **(U) ENTER INTO AGREEMENTS WITH OTHER JURISDICTIONS TO**
25 **FACILITATE, ADMINISTER, AND REGULATE MULTIJURISDICTIONAL GAMING BY**
26 **CASINO LICENSEES IF THE GAMING UNDER THE AGREEMENT IS CONDUCTED**
27 **ONLY IN THE UNITED STATES.**

1 (V) ~~(u)~~ Review a licensee if that licensee is under review or
 2 is otherwise subject to discipline by a regulatory body in any
 3 other jurisdiction for a violation of a gambling law or regulation
 4 in that jurisdiction.

5 (W) ~~(v)~~ Take any other action as may be reasonable or
 6 appropriate to enforce this act and rules promulgated by the board.

7 (2) The board may seek and shall receive the cooperation and
 8 assistance of the department of state police and department of
 9 attorney general in conducting background investigations of
 10 applicants and in fulfilling its responsibilities under this act.

11 Sec. 4c. (1) Except as otherwise provided in this section, all
 12 information, records, interviews, reports, statements, memoranda,
 13 or other data supplied to or used by the board ~~shall be~~ **ARE** subject
 14 to the freedom of information act, 1976 PA 442, MCL 15.231 to
 15 15.246, except for the following:

16 (a) ~~Unless presented during a public hearing, all~~ **ALL** the
 17 information, records, interviews, reports, statements,
 18 **CORRESPONDENCE**, memoranda, **DOCUMENTS**, or other data supplied to,
 19 created by, or used by the board related to background
 20 ~~investigation~~ **INVESTIGATIONS** of applicants or licensees ~~and to~~ **OR**
 21 **INVOLVING** trade secrets, internal controls, ~~and~~ **NONPUBLIC FINANCIAL**
 22 **DATA, SURVEILLANCE FOOTAGE, OR SURVEILLANCE OR** security measures of
 23 the licensees or applicants, **OR THAT THE APPLICANT, LICENSEE, OR**
 24 **BOARD DESIGNATES AS CONFIDENTIAL.**

25 (b) All information, records, interviews, reports, statements,
 26 memoranda, or other data supplied to or used by the board that have
 27 been received from another jurisdiction or local, state, or federal

1 agency under a promise of confidentiality or if the release of the
2 information is otherwise barred by the statutes, rules, or
3 regulations of that jurisdiction or agency or by an
4 intergovernmental agreement.

5 (c) All information provided in an application for license
6 required under this act.

7 **(D) ANY INFORMATION THAT WOULD DISCLOSE EMPLOYMENT SCHEDULES,**
8 **TRAVEL SCHEDULES, VEHICLE INFORMATION, OR OTHER INFORMATION THAT**
9 **MIGHT ENDANGER THE PHYSICAL SAFETY OF BOARD EMPLOYEES, OR**
10 **INVESTIGATION INFORMATION.**

11 (2) Notwithstanding subsection (1)(a) or (c), the board shall,
12 ~~upon~~**ON** written request from any person, provide the following
13 information concerning ~~the~~**AN** applicant or licensee, his or her
14 products, services or gambling enterprises, and his or her business
15 holdings if the board has the information in its possession:

16 (a) The name, business address, and business telephone number.

17 (b) An identification of ~~any~~**THE** applicant or licensee,
18 including, if ~~an~~**THE** applicant or licensee is not an individual,
19 its state of incorporation or registration, its corporate officers,
20 and the identity of its shareholders. If an applicant or licensee
21 has a registration statement or a pending registration statement
22 filed with the ~~securities and exchange commission,~~**SECURITIES AND**
23 **EXCHANGE COMMISSION**, only the names of those persons or entities
24 holding interest of 5% or more shall be provided.

25 ~~— (c) An identification of any business, including, if~~
26 ~~applicable, the state of incorporation or registration, in which an~~
27 ~~applicant or licensee or an applicant's or licensee's spouse,~~

1 ~~parent, or child has equity interest of more than 5%.~~

2 ~~—— (d) Whether an applicant or licensee has been indicted,~~
3 ~~convicted, pleaded guilty or nolo contendere, or forfeited bail~~
4 ~~concerning any criminal offense under the laws of any jurisdiction,~~
5 ~~either felony or misdemeanor, not including traffic violations,~~
6 ~~including the name and location of the court, the date, and~~
7 ~~disposition of the offense.~~

8 ~~—— (e) Whether an applicant or licensee has had any license or~~
9 ~~certification issued by a licensing authority in Michigan or any~~
10 ~~other jurisdiction denied, restricted, suspended, revoked, or not~~
11 ~~renewed and, if known by the board, a statement describing the~~
12 ~~facts and circumstances concerning the denial, restriction,~~
13 ~~suspension, revocation, or nonrenewal, including the name of the~~
14 ~~licensing authority, the date each action was taken, and the reason~~
15 ~~for each action.~~

16 ~~—— (f) Whether an applicant or licensee has ever filed, or had~~
17 ~~filed against it, a proceeding for bankruptcy or has ever been~~
18 ~~involved in any formal process to adjust, defer, suspend, or~~
19 ~~otherwise work out the payment of any debt, including the date of~~
20 ~~filing, the name and location of the court, the case, and number of~~
21 ~~the disposition.~~

22 ~~—— (g) Whether an applicant or licensee has filed, or been served~~
23 ~~with, a complaint or other notice filed with any public body~~
24 ~~regarding the delinquent payment of any tax required under federal,~~
25 ~~state, or local law, including the amount of the tax, type of tax,~~
26 ~~the taxing agency, and time periods involved.~~

27 ~~—— (h) A statement listing the names and titles of all public~~

1 ~~officials or officers of any city, state, or federal body, agency,~~
2 ~~or entity and relatives of the officials who, directly or~~
3 ~~indirectly, own any financial interest in, have any beneficial~~
4 ~~interest in, are the creditors of, or hold or have any other~~
5 ~~interest in, or any contractual or service relationship with, an~~
6 ~~applicant or licensee under this act.~~

7 ~~—— (i) Whether an applicant or licensee or the spouse, parent,~~
8 ~~child, or spouse of a child of an applicant or licensee has made,~~
9 ~~directly or indirectly, any political contributions, or any loans,~~
10 ~~gifts, or other payments to any candidate as defined in section 7b~~
11 ~~or officeholder elected in this state, within 5 years prior to the~~
12 ~~date of filing the application, including the amount and the method~~
13 ~~of payment or to a committee established under the Michigan~~
14 ~~campaign finance act, 1976 PA 388, MCL 169.201 to 169.282.~~

15 (C) ~~(j)~~—The name and business telephone number of any
16 attorney, counsel, lobbyist agent as **THAT TERM IS** defined in
17 section 5 of 1978 PA 472, MCL 4.415, or any other person
18 representing an ~~THE~~ applicant or licensee in matters before the
19 board.

20 (D) ~~(k)~~—A summary of the applicant's development agreement
21 with the city, including the applicant's proposed location, the
22 square footage of any proposed casino, the type of additional
23 facilities, restaurants, or hotels proposed by the applicant, the
24 expected economic benefit to the city, **THE** anticipated or actual
25 number of employees, any statement from the applicant regarding
26 compliance with federal and state affirmative action guidelines,
27 **THE** projected or actual admissions, and **THE** projected or actual

1 adjusted gross receipts.

2 (E) ~~(1)~~—A description of the product or service to be supplied
3 by, or occupation to be engaged in by, a ~~THE~~ licensee.

4 (3) Except as otherwise provided in this subsection, all
5 information, records, interviews, reports, statements, memoranda,
6 or other data provided in a response to a request for proposals for
7 development agreements issued by ~~the~~ **A** city and all draft
8 development agreements being negotiated by the city ~~shall be~~ **ARE**
9 exempt from disclosure under the freedom of information act, 1976
10 PA 442, MCL 15.231 to 15.246, including but not limited to any of
11 the following:

12 (a) ~~Unless presented during a public hearing, all~~ **ALL**
13 **INFORMATION**, records, interviews, reports, **CORRESPONDENCE**,
14 statements, memoranda, **DOCUMENTS**, or other ~~information~~ **DATA**
15 supplied to, created by, or used by the city related to background
16 ~~investigation~~ **INVESTIGATIONS** of applicants for a development
17 agreement ~~and to~~ **OR INVOLVING** trade secrets, internal controls, ~~and~~
18 **NONPUBLIC FINANCIAL DATA, SURVEILLANCE, OR** security measures of the
19 licensees or applicants, **OR THAT THE APPLICANT, LICENSEE, OR BOARD**
20 **DESIGNATES AS CONFIDENTIAL.**

21 (b) All records, interviews, reports, statements, memoranda,
22 or other information supplied to or used by the city that have been
23 received from another jurisdiction or local, state, or federal
24 agency under a promise of confidentiality or if the release of the
25 information is otherwise barred by the statutes, rules, or
26 regulations of that jurisdiction or agency or by an
27 intergovernmental agreement.

1 (c) All information provided in a response to a request for
2 proposals for development agreements.

3 (4) Notwithstanding subsection (3) (a) or (c), ~~the~~**A** city
4 shall, upon request, disclose the following information concerning
5 ~~the~~**A** response to a request for proposals for development
6 agreements:

7 (a) The name, business address, and business telephone number
8 of the person filing the response.

9 (b) An identification of a ~~THE~~ person filing a ~~THE~~ response,
10 including, if the person is not an individual, the state of
11 incorporation or registration, the corporate officers, and the
12 identity of all shareholders or participants. If a ~~THE~~ person
13 filing a response has a registration statement or a pending
14 registration statement filed with the ~~securities and exchange~~
15 ~~commission,~~ **SECURITIES AND EXCHANGE COMMISSION**, the city shall only
16 provide the names of those persons or entities holding interest of
17 5% or more.

18 ~~—— (c) An identification of any business, including, if~~
19 ~~applicable, the state of incorporation or registration, in which a~~
20 ~~person filing a response or his or her spouse, parent, or child has~~
21 ~~equity interest of more than 5%.~~

22 ~~—— (d) Whether a person filing a response has been indicted,~~
23 ~~convicted, pleaded guilty or nolo contendere, or forfeited bail~~
24 ~~concerning any criminal offense under the laws of any jurisdiction,~~
25 ~~either felony or misdemeanor, not including traffic violations,~~
26 ~~including the name and location of the court, the date, and~~
27 ~~disposition of the offense.~~

1 ~~—— (e) Whether a person filing a response has had any license or~~
2 ~~certification issued by a licensing authority in Michigan or any~~
3 ~~other jurisdiction denied, restricted, suspended, revoked, or not~~
4 ~~renewed and, if known by the city, a statement describing the facts~~
5 ~~and circumstances concerning the denial, restriction, suspension,~~
6 ~~revocation, or nonrenewal, including the name of the licensing~~
7 ~~authority, the date each action was taken, and the reason for each~~
8 ~~action.~~

9 ~~—— (f) Whether a person filing a response has ever filed, or had~~
10 ~~filed against it, a proceeding for bankruptcy or has ever been~~
11 ~~involved in any formal process to adjust, defer, suspend, or~~
12 ~~otherwise work out the payment of any debt, including the date of~~
13 ~~filing, the name and location of the court, the case, and number of~~
14 ~~the disposition.~~

15 ~~—— (g) Whether a person filing a response has filed, or been~~
16 ~~served with, a complaint or other notice filed with any public body~~
17 ~~regarding the delinquency in the payment of any tax required under~~
18 ~~federal, state, or local law, including the amount, type of tax,~~
19 ~~the taxing agency, and time periods involved.~~

20 ~~—— (h) A statement listing the names and titles of all public~~
21 ~~officials or officers of any city, state, or federal body, agency,~~
22 ~~or entity and relatives of the officials who, directly or~~
23 ~~indirectly, own any financial interest in, have any beneficial~~
24 ~~interest in, are the creditors of, or hold or have any interest in~~
25 ~~or have any contractual or service relationship with, a person~~
26 ~~filing a response.~~

27 ~~—— (i) Whether a person filing a response or the spouse, parent,~~

1 ~~child, or spouse of a child of a person filing a response has made,~~
2 ~~directly or indirectly, any political contributions, or any loans,~~
3 ~~gifts, or other payments to any board member or any candidate as~~
4 ~~defined in section 7b or officerholder elected in this state or to a~~
5 ~~committee established under the Michigan campaign finance act, 1976~~
6 ~~PA 388, MCL 169.201 to 169.282, within 5 years before the date of~~
7 ~~filing the application, including the amount and the method of~~
8 ~~payment.~~

9 (C) ~~(j)~~—The name and business telephone number of the counsel
10 representing a **THE** person filing a response.

11 (D) ~~(k)~~—A summary of the development agreement proposal with
12 the city, including the applicant's proposed location, the square
13 footage of any **THE** proposed casino, the type of additional
14 facilities, restaurants, or hotels proposed by the person filing a
15 response, the expected economic benefit to the city, **THE**
16 anticipated or actual number of employees, any statement from the
17 applicant regarding compliance with federal and state affirmative
18 action guidelines, **THE** projected or actual admissions, and **THE**
19 projected or actual adjusted gross receipts.

20 (E) ~~(l)~~—A description of the product or service to be supplied
21 by, or occupation to be engaged in by, a person filing a response.

22 (5) Notwithstanding the provisions of this section, the board
23 or ~~the~~ **A** city may cooperate with and provide all information,
24 records, interviews, reports, statements, memoranda, or other data
25 supplied to or used by the board to other jurisdictions or law
26 enforcement agencies.

27 Sec. 4d. (1) By January 31 of each year, each member of the

1 board shall prepare and file with the office of the board, a board
2 disclosure form in which the member does all of the following:

3 (a) Affirms that the member or the member's spouse, parent,
4 child, or child's spouse is not a member of the board of directors
5 of, financially interested in, or employed by a licensee or
6 applicant.

7 (b) Affirms that the member continues to meet any other
8 criteria for board membership under this act or the rules
9 promulgated by the board.

10 (c) Discloses any legal or beneficial interests in any real
11 property that is or that may be directly or indirectly involved
12 with gaming or gaming operations authorized by this act.

13 (d) Discloses any other information ~~as may be~~ required to
14 ensure that the integrity of the board and its work is maintained.

15 (2) By January 31 of each year, each employee of the board
16 shall prepare and file with the office of the board an employee
17 disclosure form in which the employee does all of the following:

18 (a) Affirms the absence of financial interests prohibited by
19 this act.

20 (b) Discloses any legal or beneficial interests in any real
21 property that is or that may be directly or indirectly involved
22 with gaming or gaming operations authorized by this act.

23 (c) Discloses whether the employee or the employee's spouse,
24 parent, child, or child's spouse is financially interested in or
25 employed by a supplier licensee or an applicant for a supplier's
26 license under this act.

27 (d) Discloses ~~such~~ **ANY** other matters ~~as may be~~ required to

1 ensure that the integrity of the board and its work is maintained.

2 (3) A member, employee, or agent of the board who becomes
3 aware that the member, employee, or agent of the board or his or
4 her spouse, parent, or child is a member of the board of directors
5 of, financially interested in, or employed by a licensee or an
6 applicant shall immediately provide detailed written notice ~~thereof~~
7 **OF THE MEMBERSHIP, FINANCIAL INTEREST, OR EMPLOYMENT** to the
8 chairperson.

9 (4) A member, employee, or agent of the board who has been
10 indicted, charged with, convicted of, pled guilty or nolo ~~contendere~~
11 **CONTENDERE** to, or forfeited bail concerning a misdemeanor involving
12 gambling, dishonesty, theft, or fraud or a local ordinance in any
13 state involving gambling, dishonesty, theft, or fraud that
14 substantially corresponds to a misdemeanor in that state, or a
15 felony under Michigan law, the laws of any other state, or the laws
16 of the United States, or any other jurisdiction shall immediately
17 provide detailed written notice of the conviction or charge to the
18 chairperson.

19 (5) Any member, employee, or agent of the board who is
20 negotiating for, or acquires by any means, any interest in any
21 person who is a licensee or an applicant, or any person affiliated
22 with such a person, shall immediately provide written notice of the
23 details of the interest to the chairperson. The member, employee,
24 or agent of the board shall not act on behalf of the board with
25 respect to that person.

26 (6) A member, employee, or agent of the board may not enter
27 into any negotiations for employment with any person or affiliate

1 of any person who is a licensee or an applicant, and shall
2 immediately provide written notice of the details of any such
3 negotiations or discussions to the chairperson. The member,
4 employee, or agent of the board shall not take any action on behalf
5 of the board with respect to that person.

6 (7) Any member, employee, or agent of the board who receives
7 an invitation, written or oral, to initiate a discussion concerning
8 employment or the possibility of employment with a person or
9 affiliate of a person who is a licensee or an applicant shall
10 immediately report that he or she received the invitation to the
11 chairperson. The member, employee, or agent of the board shall not
12 take action on behalf of the board with respect to the person.

13 (8) A licensee or applicant shall not knowingly initiate a
14 negotiation for or discussion of employment with a member,
15 employee, or agent of the board. A licensee or applicant who
16 initiates a negotiation or discussion about employment shall
17 immediately provide written notice of the details of the
18 negotiation or discussion to the chairperson as soon as he or she
19 becomes aware that the negotiation or discussion has been initiated
20 with a member, employee, or agent of the board.

21 (9) A member, employee, or agent of the board, or former
22 member, employee, or agent of the board, shall not disseminate or
23 otherwise disclose any material or information in the possession of
24 the board that the board considers confidential unless specifically
25 authorized to do so by the chairperson or the board.

26 (10) A member, employee, or agent of the board or a parent,
27 spouse, sibling, spouse of a sibling, child, or spouse of a child

1 of a member, employee, or agent of the board may not accept any
2 gift, gratuity, compensation, travel, lodging, or anything of
3 value, directly or indirectly, from any licensee or any applicant
4 or affiliate or representative of an applicant or licensee, unless
5 the acceptance conforms to a written policy or directive that is
6 issued by the chairperson or the board. Any member, employee, or
7 agent of the board who is offered or receives any gift, gratuity,
8 compensation, travel, lodging, or anything of value, directly or
9 indirectly, from any licensee or any applicant or affiliate or
10 representative of an applicant or licensee shall immediately
11 provide written notification of the details to the chairperson.

12 (11) A licensee or applicant, or affiliate or representative
13 of an applicant or licensee, may not, directly or indirectly, give
14 or offer to give any gift, gratuity, compensation, travel, lodging,
15 or anything of value to any member, employee, or agent of the board
16 which the member, employee, or agent of the board is prohibited
17 from accepting under subsection (10).

18 (12) A member, employee, or agent of the board shall not
19 engage in any conduct that constitutes a conflict of interest, and
20 shall immediately advise the chairperson in writing of the details
21 of any incident or circumstances that would present the existence
22 of a conflict of interest with respect to the performance of the
23 board-related work or duty of the member, employee, or agent of the
24 board.

25 (13) A member, employee, or agent of the board who is
26 approached and offered a bribe in violation of section 118 of the
27 Michigan penal code, 1931 PA 328, MCL 750.118, or this act shall

1 immediately provide written account of the details of the incident
2 to the chairperson and to a law enforcement officer of a law
3 enforcement agency having jurisdiction.

4 (14) A member, employee, or agent of the board shall disclose
5 his or her past involvement with any casino interest in the past 5
6 years and shall not engage in political activity or politically
7 related activity during the duration of his or her appointment or
8 employment.

9 (15) A former member, employee, or agent of the board may
10 appear before the board as a fact witness about matters or actions
11 handled by the member, employee, or agent during his or her tenure
12 as a member, employee, or agent of the board. The member, employee,
13 or agent of the board shall not receive compensation for such an
14 appearance other than a standard witness fee and reimbursement for
15 travel expenses as established by statute or court rule.

16 (16) A licensee or applicant or any affiliate or
17 representative of an applicant or licensee shall not engage in ex
18 parte communications with a member of the board. A member of the
19 board shall not engage in any ex parte communications with a
20 licensee or an applicant or with any affiliate or representative of
21 an applicant or licensee.

22 (17) Any board member, licensee, or applicant or affiliate or
23 representative of a board member, licensee, or applicant who
24 receives any ex parte communication in violation of subsection
25 (16), or who is aware of an attempted communication in violation of
26 subsection (16), shall immediately report details of the
27 communication or attempted communication in writing to the

1 chairperson.

2 (18) Any member of the board who receives an ex parte
3 communication ~~which~~**THAT** attempts to influence that member's
4 official action shall disclose the source and content of the
5 communication to the chairperson. The chairperson may investigate
6 or initiate an investigation of the matter with the assistance of
7 the attorney general and **THE DEPARTMENT OF** state police to
8 determine if the communication violates subsection (16) or
9 subsection (17) or other state law. The disclosure under this
10 section and the investigation shall remain confidential. Following
11 an investigation, the chairperson shall advise the governor or the
12 board, or both, of the results of the investigation and may
13 recommend action as the chairperson considers appropriate.

14 (19) A new or current employee or agent of the board shall
15 obtain written permission from the executive director before
16 continuing outside employment held at the time the employee begins
17 to work for the board. ~~Permission~~**THE EXECUTIVE DIRECTOR** shall ~~be~~
18 ~~denied,~~**DENY PERMISSION**, or **REVOKE** permission previously granted,
19 ~~will be revoked,~~ if the nature of the work is considered to or ~~does~~
20 ~~create~~**CREATES** a possible conflict of interest or otherwise
21 interferes with the duties of the employee or agent for the board.

22 (20) An employee or agent of the board granted permission for
23 outside employment shall not conduct any business or perform any
24 activities, including solicitation, related to outside employment
25 on premises used by the board or during the employee's working
26 hours for the board.

27 (21) ~~Whenever~~**IF** the chairperson, as an employee of the board,

1 is required to file disclosure forms or report in writing the
2 details of any incident or circumstance ~~pursuant to~~ **UNDER** this
3 section, he or she shall ~~make such filings~~ **FILE THOSE DISCLOSURE**
4 **FORMS** or written reports ~~to~~ **WITH** the board.

5 (22) The chairperson shall report any action he or she has
6 taken or contemplates taking under this section with respect to an
7 employee or agent or former employee or former agent to the board
8 at the next meeting of the board. The board may direct the
9 executive director to take additional or different action.

10 (23) Except as follows, ~~no~~ **A** member, employee, or agent of the
11 board ~~may~~ **SHALL NOT** participate in or wager on any gambling game
12 conducted by any licensee or applicant or any affiliate of an
13 applicant or licensee in ~~Michigan~~ **THIS STATE** or in any other
14 jurisdiction:

15 (a) A member, employee, or agent of the board may participate
16 in and wager on a gambling game conducted by a licensee under this
17 act, to the extent authorized by the chairperson or board as part
18 of the person's surveillance, security, or other official duties
19 for the board.

20 (b) A member, employee, or agent of the board shall advise the
21 chairperson at least 24 hours in advance if he or she plans to be
22 present in a casino in this state or in another jurisdiction
23 operated by a licensee or applicant, or affiliate of a licensee or
24 an applicant, outside the scope of his or her official duties for
25 the board.

26 (24) Violation of this section by a licensee or applicant, or
27 affiliate or representative of a licensee or applicant, may result

1 in denial of the application of licensure or revocation or
2 suspension of license or other disciplinary action by the board.

3 (25) Violation of this section by a member of the board may
4 result in disqualification or constitute cause for removal under
5 section 4(7) or other disciplinary action as determined by the
6 board.

7 (26) A violation of this section by an employee or agent of
8 the board will not result in termination of employment if the board
9 determines that the conduct involved does not violate the purpose
10 of this act, or require other disciplinary action, including
11 termination of employment. However, employment will be terminated
12 as follows:

13 (a) If, after being offered employment or beginning employment
14 with the board, the employee or agent intentionally acquires a
15 financial interest in a licensee or an applicant, or affiliate or
16 representative of a licensee or applicant, employment with the
17 board ~~shall~~**MUST** be terminated.

18 (b) If a financial interest in a licensee or an applicant, or
19 affiliate or representative of a licensee or applicant, is acquired
20 by an employee or agent that has been offered employment with the
21 board, **OR IS** an employee of the board, ~~or the employee's or agent's~~
22 ~~spouse, parent, or child,~~ through no intentional action of the
23 employee or agent, the individual ~~shall have~~**HAS** up to 30 days to
24 divest or terminate the financial interest. Employment may be
25 terminated if the interest has not been divested after 30 days.

26 (c) Employment ~~shall~~**MUST** be terminated if the employee or
27 agent is a spouse, parent, child, or spouse of a child of a board

1 member.

2 (27) Violation of this section does not create a civil cause
3 of action.

4 (28) As used in this section:

5 (a) "Outside employment" includes, but is not limited to **ANY**
6 **OF**, the following:

7 (i) Operation of a proprietorship.

8 (ii) Participation in a partnership or group business
9 enterprise.

10 (iii) Performance as a director or corporate officer of any
11 for-profit corporation or banking or credit institution.

12 (b) "Political activity" or "politically related activity"
13 includes all of the following:

14 (i) Using his or her official authority or influence for the
15 purpose of interfering with or affecting the result of an election.

16 (ii) Knowingly soliciting, accepting, or receiving a political
17 contribution from any person.

18 (iii) Running for the nomination or as a candidate for
19 election to a partisan political office.

20 (iv) Knowingly soliciting or discouraging the participation in
21 any political activity of any person who is either of the
22 following:

23 (A) Applying for any compensation, grant, contract, ruling,
24 license, permit, or certificate pending before the board.

25 (B) The subject of or a participant in an ongoing audit,
26 investigation, or enforcement action being carried out by the
27 board.

1 Sec. 5. (1) A person may apply to the board for a casino
2 license to conduct a ~~casino~~ gambling operation as provided in this
3 act. The application ~~shall~~ **MUST** be made under oath on forms
4 provided by the board and ~~shall~~ contain information as prescribed
5 by the board, including but not limited to all of the following:

6 (a) The name, business address, business telephone number,
7 ~~social security~~ **SOCIAL SECURITY** number, and, where applicable, the
8 federal tax identification number of any applicant.

9 (b) The identity of every person having a greater than 1%
10 direct or indirect pecuniary interest in the applicant with respect
11 to which the license is sought. If the disclosed entity is a trust,
12 the application ~~shall~~ **MUST** disclose the names and addresses of the
13 beneficiaries; if a corporation, the names and addresses of all
14 stockholders and directors; if a partnership, the names and
15 addresses of all partners, both general and limited; if a limited
16 liability company, the names and addresses of all members.

17 (c) An identification of any business, including, if
18 applicable, the state of incorporation or registration, in which an
19 applicant or an applicant's spouse, parent, or child has an equity
20 interest of more than 5%. If an applicant is a corporation,
21 partnership, or other business entity, the applicant shall identify
22 any other corporation, partnership, or other business entity in
23 which it has an equity interest of 5% or more, including, if
24 applicable, the state of incorporation or registration. An
25 applicant ~~can~~ **MAY** comply with this subdivision by filing a copy of
26 the applicant's registration with the securities exchange
27 commission if the registration contains the information required by

1 this subdivision.

2 (d) Whether an applicant has been indicted **FOR**, charged **WITH**,
3 arrested **FOR**, **OR** convicted **OF**, pleaded guilty or nolo contendere
4 **TO**, forfeited bail concerning, or had expunged any criminal offense
5 under the laws of any jurisdiction, either felony or misdemeanor,
6 not including traffic violations, regardless of whether the offense
7 has been expunged, pardoned, or reversed on appeal or otherwise,
8 including the date, the name and location of the court, arresting
9 agency and prosecuting agency, the case caption, the docket number,
10 the offense, the disposition, and the location and length of
11 incarceration.

12 (e) Whether an applicant has ever applied for or has been
13 granted any license or certificate issued by a licensing authority
14 in ~~Michigan~~ **THIS STATE** or any other jurisdiction that has been
15 denied, restricted, suspended, revoked, or not renewed and a
16 statement describing the facts and circumstances concerning the
17 application, denial, restriction, suspension, revocation, or
18 nonrenewal, including the licensing authority, the date each action
19 was taken, and the reason for each action.

20 (f) Whether an applicant has ever filed or had filed against
21 it a civil or administrative action or proceeding in bankruptcy or
22 has ever been involved in any formal process to adjust, defer,
23 suspend, or otherwise work out the payment of any debt including
24 the date of filing, the name and location of the court, the case
25 caption, the docket number, and the disposition.

26 (g) Whether an applicant has filed, or been served with, a
27 complaint or other notice filed with any public body, regarding the

1 delinquency in the payment of, or a dispute over the filings
2 concerning the payment of, any tax required under federal, state,
3 or local law, including the amount, type of tax, the taxing agency,
4 and time periods involved.

5 ~~—— (h) A statement listing the names and titles of all public
6 officials or officers of any unit of government, and the spouses,
7 parents, and children of those public officials or officers who,
8 directly or indirectly, own any financial interest in, have any
9 beneficial interest in, are the creditors of or hold any debt
10 instrument issued by, or hold or have any interest in any
11 contractual or service relationship with, an applicant. As used in
12 this subdivision, public official or officer does not include a
13 person who would have to be listed solely because of his or her
14 state or federal military service.~~

15 ~~—— (i) Whether an applicant or the spouse, parent, child, or
16 spouse of a child of an applicant has made, directly or indirectly,
17 any political contribution, or any loans, donations, or other
18 payments to any candidate as defined in section 7b or officeholder
19 elected in this state or to a committee established under the
20 Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282,
21 within 5 years from the date of the filing of the application,
22 including the identity of the board member, candidate, or
23 officeholder, the date, the amount, and the method of payment.~~

24 **(H)** ~~(j)~~—The name and business telephone number of any
25 attorney, counsel, lobbyist agent as **THAT TERM IS** defined in
26 section 5 of 1978 PA 472, MCL 4.415, or any other person
27 representing an applicant in matters before the board.

1 (I) ~~(k)~~—A description of any proposed or approved casino
2 gaming operation and related casino enterprises, including the
3 economic benefit to the community, anticipated or actual number of
4 employees, any statement from an applicant regarding compliance
5 with federal and state affirmative action guidelines, projected or
6 actual admissions, projected or actual gross receipts, and
7 scientific market research.

8 (J) ~~(l)~~—Financial information in the manner and form
9 prescribed by the board.

10 (2) Information provided on the application ~~shall~~**MUST** be used
11 as a basis for a thorough background investigation ~~which~~**THAT** the
12 board shall conduct on each applicant. A false or incomplete
13 application is cause for denial of a license by the board.

14 (3) Applicants ~~shall~~**MUST** submit with their application all
15 required development agreements and documents, certifications,
16 resolutions, and letters of support from the governing body that
17 represents the municipality in which the applicant proposes to
18 operate a casino.

19 (4) Applicants ~~shall~~**MUST** consent in writing to being subject
20 to the inspections, searches, and seizures provided for in section
21 4a(1)(c)(i) to (v) and to disclosure to the board and its agents of
22 otherwise confidential records, including tax records held by any
23 federal, state, or local agency, or credit bureau or financial
24 institution, while applying for or holding a license under this
25 act.

26 (5) A nonrefundable application fee of \$50,000.00 ~~shall~~**MUST**
27 be paid at the time of filing to defray the costs associated with

1 the background investigation conducted by the board. If the costs
2 of the investigation exceed \$50,000.00, the applicant shall pay the
3 additional amount to the board. All information, records,
4 interviews, reports, statements, memoranda, or other data supplied
5 to or used by the board in the course of its review or
6 investigation of an application for a license under this act ~~shall~~
7 **MUST** only be disclosed in accordance with this act. The
8 information, records, interviews, reports, statements, memoranda,
9 or other data ~~shall~~**ARE** not ~~be~~ admissible as evidence, nor
10 discoverable in any action of any kind in any court or before any
11 tribunal, board, agency, or person, except for any action
12 considered necessary by the board.

13 Sec. 6. (1) The board shall issue a casino license to a person
14 who applies for a license, who pays the nonrefundable application
15 fee required under section 5(5) and a \$25,000.00 license fee for
16 the first year of operation, and who the board determines is
17 eligible and suitable to receive a casino license under this act
18 and the rules promulgated by the board. It is the burden of the
19 applicant to establish by clear and convincing evidence its
20 suitability as to character, reputation, integrity, business
21 probity, experience, and ability, financial ability and
22 responsibility, and other criteria ~~as may be~~ considered appropriate
23 by the board. The criteria considered appropriate by the board
24 ~~shall~~**MUST** not be arbitrary, capricious, or contradictory to the
25 expressed provisions of this act. A person is eligible to apply for
26 a casino license if all of the following criteria are met:

27 (a) The applicant proposes to locate the casino in a city

1 where the local legislative body enacted an ordinance approving
2 casino gaming that may include local ordinances governing casino
3 operations, occupational licensees, and suppliers ~~which~~**THAT** are
4 consistent with this act and rules promulgated by the board.

5 (b) The applicant entered into a certified development
6 agreement with the city where the local legislative body enacted an
7 ordinance approving casino gaming.

8 (c) The applicant or its affiliates or affiliated companies
9 has a history of, or a bona fide plan for, either investment or
10 community involvement in the city where the casino will be located.

11 (2) A city shall not certify or submit and have pending before
12 the board more than 3 certified development agreements. If an
13 applicant is denied a casino license by the board, the city may
14 then certify a development agreement with another applicant and
15 submit the certified development agreement to the board. Nothing in
16 this act ~~shall be construed to prevent~~**PREVENTS** the city from
17 entering into more than 3 development agreements.

18 (3) ~~No~~**THE BOARD SHALL NOT ISSUE** more than ~~three (3)~~**3**
19 licenses ~~shall be issued by the board in any city. A~~**THE BOARD**
20 **SHALL NOT ISSUE A** license ~~shall not be issued~~ for a casino to be
21 located on land held in trust by the United States for a federally
22 recognized Indian tribe. In evaluating the eligibility and
23 suitability of all applicants under the standards provided in this
24 act, the board shall establish and apply the standards to all
25 applicants in a consistent and uniform manner. ~~In the event that~~**IF**
26 more than ~~three (3)~~**3** applicants meet the standards for eligibility
27 and suitability provided for in subsections (4) and (5), **THE BOARD**

1 **SHALL FIRST ISSUE** licenses ~~shall first be issued~~ to those eligible
2 and suitable applicants ~~which~~ **THAT** submitted any casino gaming
3 proposal for voter approval ~~prior to~~ **BEFORE** January 1, 1995, in the
4 city in which the casino will be located and the voters approved
5 the proposal.

6 (4) An applicant is ineligible to receive a casino license if
7 any of the following circumstances exist:

8 (a) The applicant has been convicted of a felony under the
9 laws of this state, any other state, or the United States. **HOWEVER,**
10 **THE BOARD MAY WAIVE THE REQUIREMENTS UNDER THIS SUBDIVISION IF THE**
11 **CONVICTION OCCURRED MORE THAN 10 YEARS BEFORE THE APPLICANT APPLIES**
12 **FOR A LICENSE UNDER THIS SECTION AND THE BOARD IS CONVINCED OF BOTH**
13 **OF THE FOLLOWING:**

14 (i) **THAT THE APPLICANT DOES NOT POSE A THREAT TO THE INTEGRITY**
15 **OF GAMING.**

16 (ii) **THAT THE APPLICANT OTHERWISE MEETS THE REQUIREMENTS OF**
17 **THIS SECTION.**

18 (b) The applicant has been convicted of a misdemeanor
19 involving gambling, theft, dishonesty, or fraud in any state or a
20 local ordinance in any state involving gambling, dishonesty, theft,
21 or fraud that substantially corresponds to a misdemeanor in that
22 state. **HOWEVER, THE BOARD MAY WAIVE THE REQUIREMENTS UNDER THIS**
23 **SUBDIVISION IF THE CONVICTION OCCURRED MORE THAN 5 YEARS BEFORE THE**
24 **APPLICANT APPLIES FOR A LICENSE UNDER THIS SECTION AND THE BOARD IS**
25 **CONVINCED OF BOTH OF THE FOLLOWING:**

26 (i) **THAT THE APPLICANT DOES NOT POSE A THREAT TO THE INTEGRITY**
27 **OF GAMING.**

1 (ii) THAT THE APPLICANT OTHERWISE MEETS THE REQUIREMENTS OF
2 THIS SECTION.

3 (c) The applicant has submitted an application for a license
4 under this act that contains false information.

5 (d) The applicant is a member of the board.

6 (e) The applicant fails to demonstrate the applicant's ability
7 to maintain adequate liability and casualty insurance for its
8 proposed casino.

9 (f) The applicant holds an elective office ~~of a governmental~~
10 ~~unit of this state, another state, or the federal government, or is~~
11 ~~a member of or~~ **IN THE CITY OR COUNTY WHERE THE CASINO IS LOCATED,**
12 **STATE ELECTIVE OFFICE, OR FEDERAL ELECTIVE OFFICE, OR IS** employed
13 by a **CITY OR COUNTY WHERE THE CASINO IS LOCATED OR BY A** gaming
14 regulatory body of a governmental unit in this state, another
15 state, or the federal government. ~~, or is employed by a~~
16 ~~governmental unit of this state.~~ This section does not apply to an
17 elected officer of or **AN** employee of a federally recognized Indian
18 tribe or to an elected precinct delegate. **AS USED IN THIS**
19 **SUBDIVISION, "STATE ELECTIVE OFFICE" MEANS THAT TERM AS DEFINED IN**
20 **SECTION 12 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL**
21 **169.212.**

22 (g) The applicant or affiliate owns more than a 10% ownership
23 interest in any entity holding a casino license issued under this
24 act.

25 (h) The board concludes that the applicant lacks the requisite
26 suitability as to integrity, moral character, and reputation;
27 personal and business probity; financial ability and experience;

1 responsibility; or means to develop, construct, operate, or
2 maintain the casino proposed in the certified development
3 agreement.

4 (i) The applicant fails to meet other criteria considered
5 appropriate by the board. The criteria considered appropriate by
6 the board ~~shall~~**MUST** not be arbitrary, capricious, or contradictory
7 to the expressed provisions of this act.

8 (5) In determining whether to grant a casino license to an
9 applicant, the board shall also consider all of the following:

10 (a) The integrity, moral character, and reputation; personal
11 and business probity; financial ability and experience; and
12 responsibility of the applicant and of any other person or means to
13 develop, construct, operate, or maintain a casino that either:

14 (i) Controls, directly or indirectly, the applicant.

15 (ii) Is controlled, directly or indirectly, by the applicant
16 or by a person who controls, directly or indirectly, the applicant.

17 (b) The prospective total revenue to be derived by the state
18 from the conduct of casino gambling.

19 (c) The financial ability of the applicant to purchase and
20 maintain adequate liability and casualty insurance and to provide
21 an adequate surety bond.

22 (d) The sources and total amount of the applicant's
23 capitalization to develop, construct, maintain, and operate the
24 proposed casino.

25 (e) Whether the applicant has adequate capitalization to
26 develop, construct, maintain, and operate for the duration of a
27 license the proposed casino in accordance with the requirements of

1 this act and rules promulgated by the board and to responsibly pay
2 off its secured and unsecured debts in accordance with its
3 financing agreement and other contractual obligations.

4 (f) The extent and adequacy of any compulsive gambling
5 programs that the applicant will adopt and implement if licensed.

6 (g) The past and present compliance of the applicant and its
7 affiliates or affiliated companies with casino or casino-related
8 licensing requirements, casino-related agreements, or compacts with
9 ~~the state of Michigan~~ **THIS STATE** or any other jurisdiction.

10 (h) Whether the applicant has been indicted, charged,
11 arrested, convicted, pleaded guilty or nolo contendere, forfeited
12 bail concerning, or had expunged any criminal offense under the
13 laws of any jurisdiction, either felony or misdemeanor, not
14 including traffic violations, regardless of whether the offense has
15 been expunged, pardoned, or reversed on appeal or otherwise.

16 (i) Whether the applicant has filed, or had filed against it,
17 a proceeding for bankruptcy or has ever been involved in any formal
18 process to adjust, defer, suspend, or otherwise work out the
19 payment of any debt.

20 (j) Whether the applicant has been served with a complaint or
21 other notice filed with any public body regarding a payment of any
22 tax required under federal, state, or local law that has been
23 delinquent for 1 **YEAR** or more. ~~years.~~

24 (k) The applicant has a history of noncompliance with the
25 casino licensing requirements of any jurisdiction.

26 (l) The applicant has a history of noncompliance with any
27 regulatory requirements in this state or any other jurisdiction.

1 (m) Whether at the time of application the applicant is a
2 defendant in litigation involving its business practices.

3 (n) Whether awarding a license to an applicant would undermine
4 the public's confidence in the ~~Michigan~~ gaming industry **IN THIS**
5 **STATE.**

6 (o) Whether the applicant meets other standards for ~~the~~
7 ~~issuance of~~ **ISSUING** a casino license ~~which~~ **THAT** the board may
8 promulgate by rule. The rules promulgated under this subdivision
9 ~~shall~~ **MUST** not be arbitrary, capricious, or contradictory to the
10 expressed provisions of this act.

11 (6) Each applicant ~~shall~~ **MUST** submit with its application, on
12 forms provided by the board, a photograph and 2 sets of
13 fingerprints for each person having a greater than ~~1%~~ **5%** direct or
14 indirect pecuniary interest in the casino, and each person who is
15 ~~an officer,~~ **A** director ~~,~~ **or IS A** managerial employee of the
16 applicant **WHO PERFORMS THE FUNCTION OF PRINCIPAL EXECUTIVE OFFICER,**
17 **PRINCIPAL OPERATION OFFICER, OR PRINCIPAL ACCOUNTING OFFICER.**

18 (7) The board shall review all applications for casino
19 licenses and shall inform each applicant of the board's decision.
20 ~~Prior to~~ **BEFORE** rendering its decision, the board shall provide a
21 public investigative hearing at which the applicant for a license
22 ~~shall have~~ **HAS** the opportunity to present testimony and evidence to
23 establish its suitability for a casino license. Other testimony and
24 evidence may be presented at the hearing, but the board's decision
25 ~~shall~~ **MUST** be based on the whole record before the board and is not
26 limited to testimony and evidence submitted at the public
27 investigative hearing.

1 (8) A license ~~shall be~~ **IS** issued for a 1-year period. All
2 licenses are renewable annually upon payment of the license fee and
3 upon the transmittal to the board of an annual report to include
4 information required under rules promulgated by the board.

5 (9) All applicants and licensees ~~shall~~ **MUST** consent to
6 inspections, searches, and seizures and the providing of
7 handwriting exemplar, fingerprints, photographs, and information as
8 authorized in this act and in rules promulgated by the board.

9 (10) Applicants and licensees ~~shall be~~ **ARE** under a continuing
10 duty to provide information requested by the board and to cooperate
11 in any investigation, inquiry, or hearing conducted by the board.

12 (11) Failure to provide information requested by the board to
13 assist in any investigation, inquiry, or hearing of the board, or
14 failure to comply with this act or rules promulgated by the board,
15 may result in denial, suspension, or, upon reasonable notice,
16 revocation of a license.

17 Sec. 6a. (1) If in the review of an application submitted
18 under this act the board identifies a deficiency that would require
19 denial, the board shall ~~notify~~ **GIVE WRITTEN NOTICE OF THE**
20 **DEFICIENCY TO** the applicant. ~~and the city in writing of the~~
21 ~~deficiency.~~

22 (2) The board shall provide ~~the~~ **AN** applicant a reasonable
23 period of time to correct ~~the~~ **A** deficiency.

24 Sec. 6c. (1) Unless the board determines that an institutional
25 investor ~~may be found~~ **IS** unqualified, an institutional investor
26 holding either under 10% of the equity securities or debt
27 securities of a casino licensee's affiliate or affiliated company

1 ~~which~~ **THAT** is related in any way to the financing of the casino
2 licensee, if the securities represent a percentage of the
3 outstanding debt of the affiliate or affiliated company not
4 exceeding 20%, or a percentage of any issue of the outstanding debt
5 of the affiliate or affiliated company not exceeding 50%, shall be
6 granted a waiver of the eligibility and suitability requirements of
7 section 6 if ~~such securities are those of a publicly traded~~
8 ~~corporation and its holdings of such~~ **THOSE** securities were
9 purchased for investment purposes only and, if requested by the
10 board, **THE INVESTOR** files with the board a certified statement that
11 it has no intention of influencing or affecting the affairs of the
12 issuer, the casino licensee, or its affiliate or affiliated
13 company.

14 (2) The board may grant a waiver under this section to an
15 institutional investor holding a higher percentage of securities as
16 allowed in subsection (1), upon a showing of good cause and if the
17 conditions specified in subsection (1) are met.

18 (3) An institutional investor granted a waiver under this
19 section that subsequently intends to influence or affect the
20 affairs of the issuer ~~shall~~ **MUST** provide notice to the board and
21 file an application for a determination of eligibility and
22 suitability before taking any action that may influence or affect
23 the affairs of the issuer.

24 (4) Notwithstanding any provisions of this act, an
25 institutional investor may vote on all matters that are put to the
26 vote of the outstanding security holders of the issuer.

27 (5) If an institutional investor changes its investment intent

1 or if the board finds that the institutional investor ~~may be found~~
2 **IS** unqualified, no action other than divestiture of the security
3 holdings shall be taken until there has been compliance with this
4 act.

5 (6) The casino licensee or an affiliate or affiliated company
6 of the casino licensee shall immediately notify the board of any
7 information concerning an institutional investor holding its equity
8 or debt securities ~~which~~ **THAT** may impact the eligibility and
9 suitability of the institutional investor for a waiver under this
10 section.

11 (7) If the board finds that an institutional investor holding
12 any security of an affiliate or affiliated company of a casino
13 licensee that is related in any way to the financing of the casino
14 licensee fails to comply with the requirements of this section, or
15 if at any time the board finds that, by reason of the extent or
16 nature of its holdings, an institutional investor is in a position
17 to exercise a substantial impact upon the controlling interests of
18 a casino licensee, the board may take any necessary action to
19 protect the public interest, including requiring this institutional
20 investor to satisfy the eligibility and suitability requirements
21 under section 6.

22 Sec. 7a. (1) The board may issue a supplier's license to a
23 person who applies for a license and pays a nonrefundable
24 application fee set by the board, if the board determines that the
25 applicant is eligible and suitable for a supplier's license and the
26 applicant pays a \$5,000.00 annual license fee. It is the burden of
27 the applicant to establish by clear and convincing evidence its

1 suitability as to integrity, moral character, and reputation;
2 personal and business probity; financial ability and experience;
3 responsibility; and other criteria considered appropriate by the
4 board. All applications ~~shall~~**OF A DIRECTOR OR MANAGERIAL EMPLOYEE**
5 **OF THE APPLICANT WHO PERFORMS THE FUNCTION OF PRINCIPAL EXECUTIVE**
6 **OFFICER, PRINCIPAL OPERATIONS OFFICER, OR PRINCIPAL ACCOUNTING**
7 **OFFICER MUST** be made under oath.

8 (2) A person who holds a supplier's license is authorized to
9 sell or lease, and to contract to sell or lease, equipment and
10 supplies to any licensee involved in the ownership or management of
11 gambling operations.

12 (3) Gambling supplies and equipment ~~shall~~**MUST** not be
13 distributed unless supplies and equipment conform to standards
14 adopted in rules promulgated by the board.

15 (4) An applicant is ineligible to receive a supplier's license
16 if any of the following circumstances exist:

17 (a) The applicant has been convicted of a felony under the
18 laws of this state, any other state, or the United States. **THE**
19 **BOARD MAY WAIVE THE REQUIREMENTS IN THIS SUBDIVISION IF THE**
20 **CONVICTION OCCURRED MORE THAN 10 YEARS BEFORE THE APPLICANT APPLIES**
21 **FOR A LICENSE UNDER THIS SECTION AND THE BOARD IS CONVINCED OF BOTH**
22 **OF THE FOLLOWING:**

23 (i) **THAT THE APPLICANT DOES NOT POSE A THREAT TO THE INTEGRITY**
24 **OF GAMING.**

25 (ii) **THAT THE APPLICANT OTHERWISE MEETS THE REQUIREMENTS OF**
26 **THIS SECTION.**

27 (b) The applicant has been convicted of a misdemeanor

1 involving gambling, theft, fraud, or dishonesty in any state or a
2 local ordinance in any state involving gambling, dishonesty, theft,
3 or fraud that substantially corresponds to a misdemeanor in that
4 state. **THE BOARD MAY WAIVE THE REQUIREMENTS IN THIS SUBDIVISION IF**
5 **THE CONVICTION OCCURRED MORE THAN 5 YEARS BEFORE THE APPLICANT**
6 **APPLIES FOR A LICENSE UNDER THIS SECTION AND THE BOARD IS CONVINCED**
7 **OF BOTH OF THE FOLLOWING:**

8 (i) **THAT THE APPLICANT DOES NOT POSE A THREAT TO THE INTEGRITY**
9 **OF GAMING.**

10 (ii) **THAT THE APPLICANT OTHERWISE MEETS THE REQUIREMENTS OF**
11 **THIS SECTION.**

12 (c) The applicant has submitted an application for license
13 under this act ~~which~~ **THAT** contains false information.

14 (d) The applicant is a member of the board.

15 (e) The applicant holds an elective office ~~of a governmental~~
16 ~~unit of this state, another state, or the federal government, or is~~
17 ~~a member of or~~ **IN THE CITY OR COUNTY WHERE THE CASINO IS LOCATED,**
18 **STATE ELECTIVE OFFICE, OR FEDERAL ELECTIVE OFFICE, OR IS** employed
19 by a **CITY OR COUNTY WHERE THE CASINO IS LOCATED OR BY A** gaming
20 regulatory body of a governmental unit in this state, another
21 state, or the federal government. ~~, or is employed by a~~
22 ~~governmental unit of this state.~~ This subdivision does not apply to
23 an elected officer of or **AN** employee of a federally recognized
24 Indian tribe or ~~an elected~~ **TO A** precinct delegate. **AS USED IN THIS**
25 **SUBDIVISION, "STATE ELECTIVE OFFICE" MEANS THAT TERM AS DEFINED IN**
26 **SECTION 12 OF THE MICHIGAN CAMPAIGN FINANCE ACT, 1976 PA 388, MCL**
27 **169.212.**

1 ~~— (f) The applicant owns more than a 10% ownership interest in~~
2 ~~any entity holding a casino license issued under this act.~~

3 (F) ~~(g)~~—The board concludes that the applicant lacks the
4 requisite suitability as to integrity, moral character, and
5 reputation; personal and business probity; financial ability and
6 experience; and responsibility.

7 (G) ~~(h)~~—The applicant fails to meet other criteria considered
8 appropriate by the board. The **BOARD SHALL NOT APPLY** criteria
9 ~~considered appropriate by the board shall not be~~ **THAT ARE**
10 arbitrary, capricious, or contradictory to the expressed provisions
11 of this act.

12 (5) In determining whether to grant a supplier's license to an
13 applicant, the board shall consider all of the following:

14 (a) The applicant's past and present compliance with casino
15 licensing requirements of this state or any other jurisdiction
16 pertaining to casino gaming or any other regulated activities.

17 (b) The integrity, moral character, and reputation; personal
18 and business probity; financial ability and experience; and
19 responsibility of the applicant. ~~or an affiliate of the applicant.~~

20 (c) Whether the applicant has been indicted **FOR**, charged **WITH**,
21 arrested **FOR**, convicted **OF**, pleaded guilty or nolo contendere **TO**,
22 forfeited bail concerning, or had expunged any criminal offense
23 under the laws of any jurisdiction, either felony or misdemeanor,
24 not including traffic violations, regardless of whether the offense
25 has been expunged, pardoned, or reversed on appeal or otherwise.

26 (d) Whether the applicant has filed, or had filed against it,
27 a proceeding for bankruptcy or has ever been involved in any formal

1 process to adjust, defer, suspend, or otherwise work out the
2 payment of any debt.

3 (e) Whether the applicant has been served with a complaint or
4 other notice filed with any public body regarding a payment of any
5 tax required under federal, state, or local law that has been
6 delinquent for 1 **YEAR** or more. ~~years.~~

7 (f) Whether the applicant has a history of noncompliance with
8 the casino licensing requirements of any jurisdiction.

9 (g) Whether the applicant has a history of noncompliance with
10 any regulatory requirements in this state or any other
11 jurisdiction.

12 (h) Whether at the time of application the applicant is a
13 defendant in litigation involving its business practices.

14 (i) Whether awarding a license to ~~an~~**THE** applicant would
15 undermine the public's confidence in the ~~Michigan~~ gaming industry
16 **IN THIS STATE.**

17 (j) Whether the applicant meets other standards for ~~the~~
18 ~~issuance of~~**ISSUING** a supplier's license ~~that~~**CONTAINED IN A RULE**
19 **PROMULGATED BY** the board. ~~may promulgate by rule.~~ The ~~rules~~
20 ~~promulgated~~**BOARD SHALL NOT PROMULGATE A RULE** under this
21 subdivision ~~shall not be~~**THAT IS** arbitrary, capricious, or
22 contradictory to the expressed provisions of this act.

23 (6) ~~Any~~**A** person ~~, including a junket enterprise,~~ that
24 supplies equipment, devices, supplies, or services to a licensed
25 casino shall first obtain a supplier's license. A supplier shall
26 furnish to the board a list of all equipment, devices, and supplies
27 offered for sale or lease to casino licensees licensed under this

1 act.

2 (7) A supplier shall keep books and records of its business
3 activities with a casino operator, including its furnishing of
4 equipment, devices, supplies, and services to gambling operations
5 separate and distinct from any other business that the supplier
6 ~~might operate. A supplier shall file a quarterly return with the~~
7 ~~board listing all sales, leases, and services.~~ **OPERATES.** A supplier
8 shall permanently affix its name to all its equipment, devices, and
9 supplies for gambling operations. Any supplier's equipment,
10 devices, or supplies that are used by any person in an unauthorized
11 gambling operation ~~shall be~~ **ARE** forfeited to ~~the~~ **THIS** state.

12 (8) A casino licensee who owns its own equipment, devices, and
13 supplies is not required to obtain a supplier's license.

14 (9) Any gambling equipment, devices, and supplies provided by
15 any licensed supplier may be either repaired in the casino or
16 removed from the casino to a ~~licensed area.~~ **AN AREA APPROVED BY THE**
17 **BOARD.**

18 (10) A **SUPPLIER'S** license ~~shall be~~ issued **UNDER THIS SECTION**
19 **IS VALID** for a ~~1-year~~ period **OF 1 YEAR FROM THE DATE THE LICENSE IS**
20 **ISSUED.** All licenses are renewable annually upon payment of the
21 license fee and the transmittal to the board of an annual report to
22 include information required under rules promulgated by the board.

23 (11) All applicants and licensees ~~shall~~ **MUST** consent to
24 inspections, searches, and seizures provided for in section
25 4a(1)(c)(i) to (v) and to the disclosure to the board and its
26 agents of confidential records, including tax records, held by any
27 federal, state, or local agency, credit bureau, or financial

1 institution and to provide handwriting exemplars, photographs,
2 fingerprints, and information as authorized in this act and in
3 rules promulgated by the board.

4 (12) Applicants and licensees ~~shall be under~~ **HAVE** a continuing
5 duty to provide information requested by the board and to cooperate
6 in any investigation, inquiry, or hearing conducted by the board.

7 (13) Failure to provide information requested by the board to
8 assist in any investigation, inquiry, or hearing of the board, or
9 failure to comply with this act or rules promulgated by the board,
10 may result in denial, suspension, or, upon reasonable notice,
11 revocation of a license.

12 Sec. 7c. (1) Each local labor organization that directly
13 represents casino gaming employees shall register with the board
14 ~~annually~~ **BIENNIALY** and provide all of the following:

15 (a) The local labor organization's name, address, and
16 telephone number.

17 (b) The name and address of any international labor
18 organization with which it directly or indirectly maintains an
19 affiliation or relationship.

20 (c) All of the following information for the designated
21 individuals and other personnel of the local labor organization:

22 (i) The individual's full name and any known alias or
23 nickname.

24 (ii) The individual's business address and telephone number.

25 (iii) The individual's title or other designation in the local
26 labor organization.

27 (iv) Unless information is required under subdivision (d) (v),

1 a brief description of the individual's duties and activities.

2 (v) The individual's annual compensation, including salary,
3 allowances, reimbursed expenses, and other direct or indirect
4 disbursements.

5 (d) All of the following additional information for each
6 designated individual of the local labor organization:

7 (i) The individual's home address and telephone number.

8 (ii) The individual's date and place of birth.

9 (iii) The individual's ~~social security~~ **SOCIAL SECURITY** number.

10 (iv) The date he or she was hired by or first consulted with
11 or advised the local labor organization.

12 (v) A detailed description of all of the following:

13 (A) The individual's duties and activities.

14 (B) Whether he or she performed the same or similar activities
15 previously on a labor organization's behalf.

16 (C) The individual's prior employment or occupational history.

17 (vi) Excluding minor traffic offenses, a detailed description
18 of all of the following:

19 (A) The individual's convictions, including any conviction
20 that was expunged or set aside, sealed by court order, or for which
21 he or she received a pardon.

22 (B) Any criminal offense for which he or she was charged or
23 indicted but not convicted.

24 (vii) Whether he or she was ever denied a business, liquor,
25 gaming, or professional license or had ~~such a~~ **BUSINESS, LIQUOR,**
26 **GAMING, OR PROFESSIONAL** license revoked.

27 (viii) Whether a court or governmental agency determined the

1 individual unsuitable to be affiliated with a labor organization
2 and the details of that determination.

3 (ix) Whether the individual was ever subpoenaed as a witness
4 before a grand jury, legislative committee, administrative body,
5 crime commission, or similar agency and the details relating to
6 that subpoena.

7 (x) A photograph of the individual taken within the previous
8 60 days.

9 (xi) For the local labor organization's first filing, a
10 complete set of the individual's fingerprints.

11 (e) A written certification under oath by the local labor
12 organization president, secretary, treasurer, or chief official
13 that the information provided under this subsection is complete and
14 accurate. The board shall prescribe the form for this
15 certification.

16 (2) A local labor organization may satisfy the information
17 requirements of subsection (1) by providing to the board copies of
18 reports filed with the United States ~~department of labor~~ **DEPARTMENT**
19 **OF LABOR** under the labor management reporting and disclosure act of
20 1959, Public Law 86-257, supplemented by any required information
21 not contained in those reports.

22 (3) If information required under subsection (1) for a
23 designated individual changes after registration or if the local
24 labor organization gains a designated individual after
25 registration, the local labor organization shall provide the board
26 with that new information or the information, photograph, and
27 fingerprints required under subsection (1) for the new designated

1 individual within 21 days **AFTER THE INFORMATION CHANGES.**

2 (4) Notwithstanding section 4c, information provided by a
3 local labor organization to the board under this section is exempt
4 from disclosure under the freedom of information act, 1976 PA 442,
5 MCL 15.231 to 15.246.

6 (5) Upon finding by clear and convincing evidence that grounds
7 for disqualification under subsection (6) exist, the board may
8 disqualify an officer, agent, or principal employee of a local
9 labor organization registered or required to be registered under
10 this section from performing any of the following functions:

11 (a) Adjusting grievances for or negotiating or administering
12 the wages, hours, working conditions, or employment conditions of
13 casino gaming employees.

14 (b) Soliciting, collecting, or receiving from casino gaming
15 employees any dues, assessments, levies, fines, contributions, or
16 other charges within this state for or on behalf of the local labor
17 organization.

18 (c) Supervising, directing, or controlling other officers,
19 agents, or employees of the local labor organization in performing
20 functions described in subdivisions (a) and (b).

21 (6) An individual may be disqualified under subsection (5) for
22 lacking good moral character only if any of the following apply:

23 (a) He or she has been indicted or charged with, convicted of,
24 pled guilty or nolo contendere to, or forfeited bail in connection
25 with a crime involving gambling, theft, dishonesty, prostitution,
26 or fraud under the laws of this state, any other state, or the
27 United States or a local ordinance of a political subdivision of

1 this state or another state. Disqualification ~~cannot~~ **MUST NOT** be
2 based only on crimes that involve soliciting or engaging
3 prostitution services unless the individual is or has engaged in an
4 ongoing pattern of that behavior. If the grounds for
5 disqualification are criminal charges or indictment, at the
6 individual's request, the board shall defer making a decision on
7 disqualification while the charge or indictment is pending.

8 (b) He or she intentionally or knowingly made or caused to be
9 made a false or misleading statement in a document provided to the
10 board or its agents or orally to a board member or agent in
11 connection with an investigation.

12 (c) He or she engages in criminal or unlawful activities in an
13 occupational manner or context for economic gain, or is an
14 associate or member of a group of individuals who operate together
15 in that fashion, and this behavior creates a reasonable belief that
16 the behavior adversely affects gambling operations and the public
17 policy underlying this act. In making a determination under this
18 subdivision, the board may consider findings or identifications by
19 the attorney general or department of state police that an
20 individual is within this category.

21 (7) A designated individual shall report all information
22 described in subsection (6) (a) to (c) concerning him or her to the
23 local labor organization. A local labor organization shall report
24 all information described in subsection (6) (a) to (c) concerning
25 its designated individuals of which it has actual knowledge to the
26 board.

27 (8) The board may waive any disqualification criterion under

1 subsection (6) or may rescind a disqualification under subsection
2 (5), if doing so is consistent with the public policy of this act
3 and based on a finding that the interests of justice ~~se~~require

4 **THAT WAIVER OR RESCISSION.**

5 (9) The board shall give written notice to an individual it
6 proposes to disqualify and to the affected labor organization,
7 stating the reason for the proposed disqualification and describing
8 any supporting evidence in the board's possession. Within 30 days
9 after receiving the written notice of proposed disqualification,
10 the respondent may file with the board a written request for a
11 hearing, ~~which shall~~**THAT MUST** take place promptly. The board shall
12 conduct the hearing in conformity with the contested case
13 procedures set forth in the administrative procedures act of 1969,
14 1969 PA 306, MCL 24.201 to 24.328. A person aggrieved by a final
15 disqualification has the right to appeal to the circuit court for
16 the county in which the person resides or has his or her principal
17 place of business to have the disqualification set aside based on
18 any ground set forth in section 106 of the administrative
19 procedures act of 1969, 1969 PA 306, MCL 24.306.

20 (10) Not later than January 31 of the calendar year after
21 disqualification and each year after that unless the
22 disqualification is rescinded or reversed, the disqualified
23 individual shall provide the board with a sworn statement that he
24 or she did not perform the functions described in subsection (5)
25 during the previous year.

26 (11) The board may petition ~~in~~ the circuit court for the
27 county in which the disqualified individual resides or has his or

1 her principal place of business for an order enforcing the terms of
2 the disqualification.

3 (12) A local labor organization that is registered or required
4 to be registered under this section or any officer, agent, or
5 principal employee of that organization shall not personally hold
6 any financial interest in a casino licensee employing casino gaming
7 employees represented by the organization or person.

8 (13) This section does not prohibit a local labor organization
9 from conducting training for or operating a school to train casino
10 gaming employees, or from entering into an agreement or arrangement
11 with a casino licensee, supplier, or vendor to provide for the
12 training of casino gaming employees. A local labor organization
13 that conducts ~~such~~ training **OF CASINO GAMING EMPLOYEES** or operates
14 ~~such~~ a school **TO TRAIN CASINO GAMING EMPLOYEES** or does not
15 otherwise qualify as a supplier is not subject to the contribution
16 prohibitions ~~of~~ **UNDER** section 7b.

17 (14) This section does not deny, abridge, or limit in any way
18 the legitimate rights of casino gaming employees to form, join, or
19 assist labor organizations, to bargain collectively through
20 representatives of their own choosing, or to engage in other
21 concerted activities for the purpose of collective bargaining or
22 other mutual aid and protection or the free exercise of any other
23 rights they may have as employees under the laws of the United
24 States or this state.

25 (15) This section shall not be expanded or amplified by action
26 of the board or any other executive or administrative body. The
27 board and any other executive or administrative body do not have

1 authority to promulgate interpretive rules or rulings to implement
2 this section. The board and any other executive or administrative
3 body do not have authority under this section to require that a
4 local labor organization or an officer, agent, or principal
5 employee of a labor organization does either of the following:

6 (a) Qualify for or obtain a casino, occupational, or
7 supplier's license or any other license or permit required under
8 rules promulgated by the board.

9 (b) Ensure the compliance of any person or entity with the
10 licensing requirements under this act or under rules promulgated by
11 the board.

12 (16) As used in this section:

13 (a) "Casino gaming employee" means the following and their
14 supervisors:

15 (i) Individuals involved in operating a casino gaming pit,
16 including dealers, shills, clerks, **AND** hosts. ~~and junket~~
17 ~~representatives.~~

18 (ii) Individuals involved in handling money, including
19 cashiers, change persons, count teams, and coin wrappers.

20 (iii) Individuals involved in operating gambling games.

21 (iv) Individuals involved in operating and maintaining slot
22 machines, including mechanics, floorpersons, and change and payoff
23 persons.

24 (v) Individuals involved in security, including guards and
25 game observers.

26 (vi) Individuals with duties similar to those described in
27 subparagraphs (i) to (v). However, casino gaming employee does not

1 include an individual whose duties are related solely to nongaming
2 activities such as entertainment, hotel operation, maintenance, or
3 preparing or serving food and beverages.

4 (b) "Designated individual" means an officer, agent, principal
5 employee, or individual performing a function described in
6 subsection (5).

7 (17) ~~Nothing in this~~ **THIS** act shall ~~DOES NOT~~ preclude
8 employees from exercising their legal rights to organize themselves
9 into collective bargaining units.

10 Sec. 8. (1) The board may issue an occupational license to an
11 applicant after all of the following have occurred:

12 (a) The applicant has paid a nonrefundable application fee set
13 by the board.

14 (b) The board has determined that the applicant is eligible
15 for an occupational license ~~pursuant to~~ **UNDER** rules promulgated by
16 the board.

17 (c) The applicant has paid the biennial license fee in an
18 amount ~~to be~~ established by the board.

19 (2) ~~It is the burden of the~~ **THE** applicant ~~to~~ **SHALL** establish
20 by clear and convincing evidence the applicant's eligibility and
21 suitability as to integrity, moral character, and reputation;
22 personal probity; financial ability and experience; responsibility;
23 and other criteria ~~as may be~~ considered appropriate by the board.
24 The **BOARD SHALL NOT APPLY** criteria ~~considered appropriate by the~~
25 ~~board shall not be~~ **THAT ARE** arbitrary, capricious, or contradictory
26 to the expressed provisions of this act. All applications ~~shall~~
27 **MUST** be made under oath.

1 (3) To be eligible for an occupational license, an applicant
2 ~~shall:~~**MUST MEET ALL OF THE FOLLOWING:**

3 (a) Be at least 21 years of age if the applicant will perform
4 any function involved in gaming by patrons.

5 (b) Be at least 18 years of age if the applicant will perform
6 only nongaming functions.

7 (c) Not have been convicted of a felony under the laws of this
8 state, any other state, or the United States. **THE BOARD MAY WAIVE**
9 **THE REQUIREMENTS IN THIS SUBDIVISION IF THE CONVICTION OCCURRED**
10 **MORE THAN 10 YEARS BEFORE THE APPLICANT APPLIES FOR A LICENSE UNDER**
11 **THIS SECTION AND THE BOARD IS CONVINCED OF BOTH OF THE FOLLOWING:**

12 (i) **THAT THE APPLICANT DOES NOT POSE A THREAT TO THE INTEGRITY**
13 **OF GAMING.**

14 (ii) **THAT THE APPLICANT OTHERWISE MEETS THE REQUIREMENTS OF**
15 **SUBSECTION (2).**

16 (d) Not have been convicted of a misdemeanor involving
17 gambling, dishonesty, theft, or fraud in any state or any violation
18 of a local ordinance in any state involving gambling, dishonesty,
19 theft, or fraud that substantially corresponds to a misdemeanor in
20 that state. **THE BOARD MAY WAIVE THE REQUIREMENTS IN THIS**
21 **SUBDIVISION IF THE CONVICTION OCCURRED MORE THAN 5 YEARS BEFORE THE**
22 **APPLICANT APPLIES FOR A LICENSE UNDER THIS SECTION AND THE BOARD IS**
23 **CONVINCED OF BOTH OF THE FOLLOWING:**

24 (i) **THAT THE APPLICANT DOES NOT POSE A THREAT TO THE INTEGRITY**
25 **OF GAMING.**

26 (ii) **THAT THE APPLICANT OTHERWISE MEETS THE REQUIREMENTS OF**
27 **SUBSECTION (2).**

1 (4) Each application for an occupational license ~~shall~~**MUST** be
2 on a form prescribed by the board and ~~shall~~ contain all information
3 required by the board. The applicant shall set forth in the
4 application whether he or she has been issued prior gambling
5 related licenses; whether he or she has been licensed in any other
6 state under any other name, and, if so, the name under which the
7 license was issued and his or her age at the time the license was
8 issued; and whether or not a permit or license issued to him or her
9 in any other state has been suspended, restricted, or revoked, and,
10 if so, the cause and the duration of each ~~action~~**SUSPENSION,**
11 **RESTRICTION, OR REVOCATION.**

12 (5) Each applicant shall submit with his or her application,
13 on a form provided by the board, 2 sets of his or her fingerprints
14 and a photograph. The board shall charge each applicant an
15 application fee set by the board to cover all actual costs of
16 administering the act relative to costs generated by each licensee
17 and all background checks.

18 (6) The board may, in its discretion, deny an occupational
19 license to a person who is or does any of the following:

20 (a) The applicant fails to disclose or states falsely any
21 information requested in the application.

22 (b) The applicant is a member of the board.

23 (c) The applicant has a history of noncompliance with the
24 casino licensing requirements of any jurisdiction.

25 (d) Whether the applicant has been indicted **FOR,** charged **WITH,**
26 arrested **FOR,** convicted **OF,** pleaded guilty or nolo contendere **TO,**
27 forfeited bail concerning, or had expunged any criminal offense

1 under the laws of any jurisdiction, either felony or misdemeanor,
2 not including traffic violations, regardless of whether the offense
3 has been expunged, pardoned, or reversed on appeal or otherwise.

4 (e) The applicant has filed, or had filed against it, a
5 proceeding for bankruptcy or has ever been involved in any formal
6 process to adjust, defer, suspend, or otherwise work out the
7 payment of any debt.

8 (f) The applicant has a history of noncompliance with any
9 regulatory requirements in this state or any other jurisdiction.

10 (g) The applicant has been served with a complaint or other
11 notice filed with any public body regarding a payment of any tax
12 required under federal, state, or local law that has been
13 delinquent for 1 **YEAR** or more. ~~years.~~

14 (h) The applicant is employed by a governmental unit **OF THIS**
15 **STATE.**

16 ~~—— (i) The applicant or affiliate owns more than a 10% ownership~~
17 ~~interest in any entity holding a casino license issued under this~~
18 ~~act.~~

19 **(I)** ~~(j)~~—The board concludes that the applicant lacks the
20 requisite suitability as to integrity, moral character, and
21 reputation; personal probity; financial ability and experience; or
22 responsibility.

23 **(J)** ~~(k)~~—The applicant fails to meet any other criteria that
24 the board considers appropriate. The **BOARD SHALL NOT APPLY** criteria
25 ~~considered appropriate by the board shall not be~~ **THAT ARE**
26 arbitrary, capricious, or contradictory to the expressed provisions
27 of this act.

1 **(K)** ~~(l)~~—The applicant is unqualified to perform the duties
2 required of the license.

3 **(l)** ~~(m)~~—The applicant has been found guilty of a violation of
4 this act.

5 **(M)** ~~(n)~~—The applicant has had a prior gambling related license
6 or license application suspended, restricted, revoked, or denied
7 for just cause in any other jurisdiction.

8 (7) The board may suspend, revoke, or restrict any
9 occupational licensee for any of the following:

10 (a) Violation of this act.

11 (b) Violation of any ~~of the rules~~ **RULE** promulgated by the
12 board.

13 (c) Any cause ~~which,~~ **THAT**, if known to the board, would have
14 disqualified the applicant from receiving the license.

15 (d) Default in the payment of any obligation or debt due to
16 ~~the state of Michigan.~~ **THIS STATE.**

17 (e) Any other just cause.

18 (8) A license issued ~~pursuant to~~ **UNDER** this section ~~shall be~~
19 **IS** valid for a period of 2 years from the date ~~of issuance.~~ **THE**
20 **LICENSE IS ISSUED.**

21 (9) All applicants and licensees ~~shall~~ **MUST** consent to the
22 inspections, searches, and seizures of their person and personal
23 effects as provided in section 4a(1)(c)(i) to (v) and the providing
24 of handwriting exemplars, photographs, fingerprints, and
25 information as authorized in this act and in rules promulgated by
26 the board.

27 (10) An applicant or licensee ~~shall be under~~ **HAS** a continuing

1 duty to provide information requested by the board and to cooperate
2 in any investigation, inquiry, or hearing conducted by the board.

3 (11) Failure to provide information requested by the board, to
4 assist in any investigation, inquiry, or hearing of the board, or
5 to comply with this act or rules of the board may result in denial,
6 suspension, or, upon reasonable notice, revocation of a license.

7 Sec. 9. (1) ~~Minimum~~ **THE BOARD SHALL SET MINIMUM** and maximum
8 wagers on games. ~~shall be set by the board.~~

9 (2) Employees of the board, the department of state police,
10 and the department of attorney general may inspect any casino at
11 any time, without notice, ~~for the purpose of determining~~ **TO**
12 **DETERMINE** whether this act or rules promulgated by the board are
13 being complied with.

14 (3) Employees of the board, the department of state police,
15 and the department of attorney general, and their authorized agents
16 ~~shall~~ have the right to be present, at any time, in the casino or
17 on adjacent facilities under the control of the licensee.

18 (4) Gambling equipment and supplies customarily used in
19 conducting casino gambling ~~shall~~ **MUST** be purchased or leased only
20 from suppliers who are licensed under this act.

21 (5) Persons licensed under this act shall **NOT** permit ~~no~~ **ANY**
22 form of wagering on gambling games except as permitted by this act.

23 (6) ~~Wagers may be received only from a person present in a~~
24 ~~licensed casino.~~ A person present in a licensed casino shall not
25 place or attempt to place a wager on behalf of another person who
26 is not present in the casino.

27 (7) Wagering ~~shall~~ **MUST** not be conducted with money or other

1 negotiable currency **UNLESS OTHERWISE APPROVED BY THE BOARD.**

2 (8) All ~~tokens, chips, or electronic cards used to make wagers~~
3 ~~shall **MUST** be purchased from a licensed owner in the casino.~~

4 **LICENSEE.** The ~~tokens, chips, or electronic cards may be purchased~~
5 by means of an agreement under which the owner extends credit to
6 the patron. ~~Such tokens, **THE** chips, or electronic cards may be used~~
7 ~~only while in a casino and only for the purpose of making wagers on~~
8 ~~gaming **GAMBLING** games.~~

9 (9) A person ~~under age **WHO IS LESS THAN 21 shall **YEARS OLD IS****~~

10 not ~~be~~ permitted in an area of a casino where gaming is being
11 conducted, except for a person ~~at least 18 years of age **OR OLDER**~~
12 who is an employee of the gaming operation. An employee ~~under the~~
13 ~~age of **WHO IS LESS THAN 21 YEARS OLD** shall not perform any function~~
14 involved in gambling by the patrons. A person ~~under age **WHO IS LESS**~~
15 ~~**THAN 21 shall **YEARS OLD IS****~~ not ~~be~~ permitted to make a wager under
16 this act.

17 (10) ~~Managerial employees of casino licensees pursuant to this~~
18 ~~act shall be under an affirmative duty to **A MANAGERIAL EMPLOYEE OF**~~
19 ~~**A CASINO LICENSEE SHALL** report to the board, and the Michigan~~
20 ~~**DEPARTMENT OF** state police, in writing, within 24 hours, illegal or~~
21 ~~suspected illegal activity or activity ~~which **THAT** is in violation~~~~
22 ~~of this act or of rules promulgated by the board.~~

23 (11) In addition to the requirements of this section, gambling
24 ~~shall **MUST** be conducted in accordance with the rules promulgated by~~
25 ~~the board.~~

26 (12) Unless approved by the city, a casino ~~shall **MUST** not be~~
27 located within 1,000 feet of any of the following:

1 (a) A church or other place of worship.

2 (b) A school, college, or university.

3 (c) A financial institution or a branch of a financial
4 institution.

5 (d) A pawnshop.

6 (13) As used in ~~subsection (12)~~, **THIS SECTION**, "financial
7 institution" means a state or nationally chartered bank, a state or
8 federally chartered savings and loan association, a state or
9 federally chartered savings bank, a state or federally chartered
10 credit union, or any entity that provides check-cashing services.

11 (14) A casino licensee shall not employ an individual **WHO HAS**
12 **BEEN CONVICTED OF A FELONY IN THE PREVIOUS 5 YEARS** as a managerial
13 employee ~~who has been convicted of a felony in the previous 5 years~~
14 ~~to work in~~ a casino.

15 Sec. 9a. (1) A person who holds a casino license shall not
16 install, own, or operate or allow another person to install, own,
17 or operate an electronic funds transfer terminal on the premises of
18 the casino that is less than 50 feet from any game in the casino.

19 (2) A person who holds a casino license shall not install,
20 own, or operate or allow another person to install, own, or operate
21 on the premises of the casino a game that is played with a device
22 that allows a player to operate the game by transferring funds
23 electronically from a credit or debit card.

24 (3) As used in this section, "electronic funds transfer
25 terminal" means an information processing device used for the
26 purpose of executing deposit account transactions between financial
27 institutions and their customers by either the direct transmission

1 of electronic impulses or the recording of electronic impulses for
2 delayed processing. The fact that a device is used for other
3 purposes does not prevent it from being an electronic funds
4 transfer terminal **EXCEPT A PLAYER'S MOBILE OR OTHER PERSONAL DEVICE**
5 **IS NOT AN ELECTRONIC FUNDS TRANSFER TERMINAL.**

6 Sec. 9b. (1) ~~A~~**EXCEPT AS PROVIDED IN SECTION 12, A** person who
7 holds a casino license **ISSUED UNDER THIS ACT** shall not televise or
8 allow any other person to televise simulcast horse races on the
9 premises of the casino.

10 (2) As used in this section, "simulcast" means the live
11 transmission of video and audio signals conveying a horse race held
12 either in or outside of this state.

13 Sec. 9c. (1) A person who holds a casino license issued
14 ~~pursuant to~~**UNDER** this act shall conspicuously post at each
15 entrance and exit of the casino, on each electronic funds transfer
16 terminal, and at each credit location a visually prominent sign on
17 which is printed a toll-free compulsive gaming helpline number.

18 (2) A person who holds a casino license **ISSUED UNDER THIS ACT**
19 shall include a toll-free compulsive gaming helpline number on all
20 of its printed advertisement and promotional materials.

21 Sec. 12. (1) ~~A~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS**
22 **(15) AND (16), A** wagering tax is imposed on the adjusted gross
23 receipts received by ~~the~~**A CASINO** licensee from gaming authorized
24 under this act at the rate of 18%. If a city exercises either of
25 the options in subsection (4), the tax rate under this subsection
26 ~~shall be~~**IS** 8.1% and **MUST BE** deposited in the state school aid fund
27 to provide additional funds for K-12 classroom education. If ~~the~~**A**

1 city rescinds or is otherwise unable to exercise 1 of the options
2 in subsection (4), the tax rate under this subsection ~~shall be IS~~
3 18%. A tax rate of 18% imposed under this subsection ~~shall cover~~
4 **COVERS** any period for which the city does not or is unable to
5 exercise 1 of the options in subsection (4).

6 (2) The state casino gaming fund is created in the department.
7 ~~of treasury.~~ The fund shall be administered by the department in
8 accordance with this act. Except as provided in sections 12a and
9 13, the taxes imposed under this section plus all other fees,
10 fines, and charges imposed by ~~the THIS~~ state ~~shall UNDER THIS ACT~~
11 **MUST** be deposited into the state casino gaming fund. ~~The A CASINO~~
12 **LICENSEE SHALL REMIT THE** wagering tax ~~is to be remitted daily by~~
13 ~~the holder of a casino license to the department of treasury DAILY~~
14 by electronic wire transfer of funds. The ~~state DEPARTMENT~~ shall
15 remit the city's portion of the wagering tax to the city daily by
16 electronic wire transfer of funds as provided by this act.

17 (3) If the ~~state imposes a~~ wagering tax **IMPOSED** under
18 subsection (1) ~~equal to IS~~ 18% of adjusted gross receipts, money in
19 the state casino gaming fund that is not from a tax imposed under
20 subsections (5) to (8) ~~shall MUST~~ be allocated as follows:

21 (a) 55% to the city in which a casino is located for use in
22 connection with the following:

23 (i) The hiring, training, and deployment of street patrol
24 officers.

25 (ii) Neighborhood and downtown economic development programs
26 designed to create local jobs.

27 (iii) Public safety programs such as emergency medical

1 services, fire department programs, and street lighting.

2 (iv) Anti-gang and youth development programs.

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

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

7 (vii) The costs of capital improvements.

8 (viii) Road repairs and improvements.

9 (b) 45% to the state to be deposited in the state school aid
10 fund **ESTABLISHED BY SECTION 11 OF ARTICLE IX OF THE STATE**
11 **CONSTITUTION OF 1963** to provide additional funds for K-12 classroom
12 education.

13 (4) A city in which a **CASINO** licensee is located may do 1 of
14 the following:

15 (a) In the development agreement into which the city is
16 entitled to enter, include a provision that requires the licensee
17 located in the city to pay the city a payment equal to 9.9% of the
18 adjusted gross receipts received by the licensee from gaming
19 authorized under this act.

20 (b) By ordinance, levy, assess, and collect an excise tax upon
21 licensees located in the city at a rate of 9.9% of the adjusted
22 gross receipts received by the licensee from gaming authorized
23 under this act.

24 (5) Subject to subsections (6) to (8), a wagering tax in
25 addition to the tax imposed in subsection (1) is imposed on the
26 adjusted gross receipts received by a licensee from gaming
27 authorized under this act at the rate of 6%. Money from the tax

1 imposed under this subsection that has been deposited in the state
2 casino gaming fund ~~shall~~**MUST** be allocated 1/3 to the city in which
3 the licensee's casino is located for use in connection with the
4 purposes listed in subsection (3)(a), 7/12 to the general fund, and
5 1/12 to the Michigan agriculture equine industry development fund.
6 The city may collect its share of the tax under this subsection
7 directly using 1 of the methods in subsection (4). For a period
8 during which the licensee is paying the city's share of the tax
9 under this subsection directly to the city under either of the
10 methods in subsection (4), the payment to the state casino gaming
11 fund under this subsection ~~shall be~~**IS** 4% and ~~shall~~**MUST** be
12 allocated 7/8 to the general fund and 1/8 to the Michigan
13 agriculture equine industry development fund.

14 (6) Subject to subsections (7) and (8), and unless an act of
15 God, a war, a disaster, or an act of terrorism directly and
16 substantially impacts the ability of ~~the~~**A CASINO** licensee to
17 complete construction of its casino and casino enterprise, if a
18 casino licensee is not fully operational by each of the following
19 dates, the tax on the **CASINO** licensee under subsection (5) ~~shall be~~
20 **IS** as follows:

21 (a) July 1, 2009, 7%, allocated 1/2 to the general fund, 1/14
22 to the Michigan agriculture equine industry development fund, and
23 3/7 to the city in which the licensee's casino is located.

24 (b) July 1, 2010, 8%, allocated 7/16 to the general fund, 1/16
25 to the Michigan agriculture equine industry development fund, and
26 1/2 to the city in which the licensee's casino is located.

27 (c) July 1, 2011, 9%, allocated 7/18 to the general fund, 1/18

1 to the Michigan agriculture equine industry development fund, and
2 5/9 to the city in which the licensee's casino is located.

3 (7) Subject to subsection (8), and irrespective of whether
4 there has been an increase under subsection (6), after a casino
5 licensee has been fully operational for 30 consecutive days, the
6 **CASINO** licensee may apply to the board for certification under this
7 subsection. If the board determines that a **CASINO** licensee that
8 makes an application under this subsection has been fully
9 operational and in compliance with its development agreement that
10 is in existence on July 1, 2004 or a subsequent original
11 development agreement, for at least 30 consecutive days, the board
12 shall certify the **CASINO** licensee under this subsection, and the
13 tax imposed on the **CASINO** licensee under subsection (5), as
14 adjusted, if applicable, by subsection (6), shall be, retroactive
15 to the first day of the 30 consecutive day period that the **CASINO**
16 licensee was fully operational, reduced to 1% and ~~shall~~**MUST** be
17 allocated entirely to the city where the licensee operates its
18 casino.

19 (8) If the McCauley-Traxler-Law-Bowman-McNeely lottery act,
20 1972 PA 239, MCL 432.1 to 432.47, is amended to allow the operation
21 of video lottery at horse racetracks in this state, and if video
22 lottery is being conducted at horse racetracks in this state, the
23 **CASINO** licensee is no longer obligated to pay the wagering tax
24 under subsections (5) to (7).

25 (9) Notwithstanding section 9b, if the McCauley-Traxler-Law-
26 Bowman-McNeely lottery act, 1972 PA 239, MCL 432.1 to 432.47, is
27 amended to allow the operation of video lottery at horse racetracks

1 in this state, and if video lottery is being conducted at horse
2 racetracks in this state, a casino licensee may, after obtaining
3 approval from the board, apply to the racing commissioner for
4 authorization to simulcast horse races under the horse racing law
5 of 1995, 1995 PA 279, MCL 431.301 to 431.336. A casino licensee
6 that is authorized under this subsection ~~shall display and allow~~
7 ~~wagering on simulcast horse races only at the licensee's casino and~~
8 shall comply with all applicable provisions of the horse racing law
9 of 1995, 1995 PA 279, MCL 431.301 to 431.336, rules promulgated
10 under that act, and the written permit to conduct simulcasting and
11 any related order issued to the **CASINO** licensee by the racing
12 commissioner. Simulcasting and wagering under this subsection are
13 under the primary control of the racing commissioner, and the
14 racing commissioner may revoke or suspend the authorization of or
15 take other disciplinary action against the **CASINO** licensee for
16 failing to comply with a law, rule, permit, or order as required by
17 this subsection. However, the simulcasting and wagering under this
18 subsection is part of the licensee's casino operation under this
19 act and subject to the same control by the board as are other parts
20 of the licensee's casino operation. The board may take disciplinary
21 action under section 4a against a casino licensee for failure to
22 comply with a law, rule, permit, or order as required by this
23 subsection.

24 (10) A casino licensee is entitled to the same commission from
25 money wagered on horse races simulcast by the licensee as a race
26 meeting licensee is entitled to receive from wagering on simulcast
27 horse races under the horse racing law of 1995, 1995 PA 279, MCL

1 431.301 to 431.336. The same taxes, fees, and other deductions
2 ~~shall~~**MUST** be subtracted and paid from the licensee's commission as
3 are subtracted and paid from a race meeting licensee's commission
4 under the horse racing law of 1995, 1995 PA 279, MCL 431.301 to
5 431.336.

6 (11) Payments to a city under 1 of the methods in subsection
7 (4) ~~shall~~**MUST** be made in a manner, at those times, and subject to
8 reporting requirements and penalties and interest for delinquent
9 payment as may be provided for in the development agreement if the
10 payment is required under a development agreement, or by ordinance
11 if the payment is required for a tax levied by the city. Payments
12 required under the method described in subsection (4)(a) may be in
13 addition to any other payments ~~which~~**THAT** may be required in the
14 development agreement for the conveyance of any interest in
15 property, the purchase of services, or the reimbursement of
16 expenses. Payments to a city under the method described in
17 subsection (4) ~~shall~~**MUST** be used by the city for the purposes
18 listed in subsection (3)(a).

19 (12) Approval by the city of a development agreement or
20 adoption of an ordinance approving either casino gaming or the levy
21 of a local excise tax does not constitute the granting of a
22 franchise or license by the city for purposes of any statutory,
23 charter, or constitutional provision.

24 (13) The taxes imposed under this section and any tax imposed
25 under section 13(2) ~~shall~~**MUST** be administered by the department of
26 treasury in accordance with 1941 PA 122, MCL 205.1 to 205.31, and
27 this act. In case of conflict between the provisions of 1941 PA

House Bill No. 5881 as amended December 20, 2018

1 122, MCL 205.1 to 205.31, and this act, the provisions of this act
2 prevail.

3 (14) Funds from this act ~~shall~~**MUST** not be used to supplant
4 existing state appropriations or local expenditures.

5 (15) IF INTERNET GAMING IS AUTHORIZED AND REGULATED BY ANOTHER
6 LAW OF THIS STATE, ANY TAXES, PAYMENTS, AND FEES RELATING TO
7 INTERNET WAGERS RECEIVED BY A CASINO LICENSEE AND INTERNET GAMING
8 ARE SUBJECT TO THAT OTHER LAW OF THIS STATE AND NO OTHER TAX,
9 PAYMENT, OR FEE MAY BE IMPOSED BY AGREEMENT OR OTHERWISE ON A
10 CASINO LICENSEE OR A POLITICAL SUBDIVISION OF THIS STATE FOR
11 INTERNET WAGERS RECEIVED BY A CASINO LICENSEE OR INTERNET GAMING.<< THIS
12 SUBSECTION DOES NOT IMPAIR THE CONTRACTUAL RIGHTS UNDER AN EXISTING
13 DEVELOPMENT AGREEMENT BETWEEN A CITY AND A CASINO LICENSEE.>>

14 (16) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (15), AND IN
15 LIEU OF THE TAXES AND FEES OTHERWISE IMPOSED UNDER THIS ACT, A
16 WAGERING TAX OF 8% IS IMPOSED ON THE ADJUSTED GROSS RECEIPTS
17 RECEIVED BY A CASINO LICENSEE FROM SPORTS BETTING OR INTERNET
18 GAMING AND NO OTHER TAX OR FEE MAY BE IMPOSED BY AGREEMENT OR
19 OTHERWISE ON A CASINO LICENSEE BY THIS STATE OR A POLITICAL
20 SUBDIVISION OF THIS STATE FOR SPORTS BETTING OR INTERNET GAMING.<< THIS
21 SUBSECTION DOES NOT IMPAIR THE CONTRACTUAL RIGHTS UNDER AN EXISTING
22 DEVELOPMENT AGREEMENT BETWEEN A CITY AND A CASINO LICENSEE.>>

23 (17) NOTWITHSTANDING SUBSECTIONS (15) AND (16), IF A CASINO
24 LICENSEE PROVIDES A WAGERER WITH A DEVICE TO CONDUCT INTERNET
25 GAMING WHILE AT THE CASINO, THE 19% WAGERING TAX OTHERWISE PROVIDED
26 UNDER THIS SECTION IS IMPOSED ON THE ADJUSTED GROSS RECEIPTS
27 RECEIVED BY THE CASINO LICENSEE FROM THE WAGERER'S INTERNET GAMING
ON THE DEVICE.

28 (18) ~~(15)~~As used in this section:

29 (a) "Fully operational" means that a certificate of occupancy
30 has been issued to the casino licensee for the operation of a hotel

1 with not fewer than 400 guest rooms and, after issuance of the
2 certificate of occupancy, the casino licensee's casino, casino
3 enterprise, and 400-guest-room hotel have been opened and made
4 available for public use at their permanent location and maintained
5 in that status.

6 (b) "Michigan agriculture equine industry development fund"
7 means the Michigan agriculture equine industry development fund
8 created in section 20 of the horse racing law of 1995, 1995 PA 279,
9 MCL 431.320.

10 Sec. 12a. (1) In addition to application and license fees
11 described in this act, all regulatory and enforcement costs,
12 compulsive gambling programs, casino-related programs and
13 activities, casino-related legal services provided by the attorney
14 general, and the casino-related expenses of the department of state
15 police ~~shall~~**MUST** be paid by casino licensees as provided by this
16 section.

17 (2) The total annual assessment for the first year in which
18 any casino licensee under this act begins operating a casino in
19 this state ~~shall be~~**IS** \$25,000,000.00.

20 (3) The total annual assessment required under this subsection
21 ~~shall~~**MUST** be adjusted each year by multiplying the annual
22 assessment for the immediately preceding year by the Detroit
23 ~~consumer price index~~**CONSUMER PRICE INDEX** for the immediately
24 preceding year. As used in this subsection, "Detroit ~~consumer price~~
25 ~~index~~**CONSUMER PRICE INDEX**" means the annual consumer price index
26 for Detroit consumers as defined and reported by the United States
27 ~~department~~**DEPARTMENT** of labor, ~~bureau~~**LABOR, BUREAU** of labor

1 ~~statistics.~~ **LABOR STATISTICS.**

2 (4) On or before the date ~~the~~ **A** casino licensee begins
3 operating ~~the~~ **ITS** casino and annually on that date thereafter, ~~each~~
4 **THE** casino licensee shall pay to the state treasurer an equal share
5 of the total annual assessment required under this section. ~~In no~~
6 ~~event shall a~~ **A** casino's assessment **MUST NOT** exceed 1/3 of the
7 total annual assessment required under this section.

8 (5) From the amount collected under subsection (4),
9 \$2,000,000.00 ~~shall~~ **MUST** be deposited in the compulsive gaming
10 prevention fund.

11 (6) The state services fee fund is created in the department
12 ~~of treasury and shall be administered by the~~ department **SHALL**
13 **ADMINISTER THE STATE SERVICES FEE FUND** in accordance with this act.

14 (7) Except as provided in subsections (5) and (8), all ~~funds~~
15 **MONEY** collected under this section ~~shall~~ **MUST** be deposited in the
16 state services fee fund. Distributions from the fund ~~shall~~ **MUST** be
17 made by the legislature through the appropriations process.

18 (8) The balance of the state services fee fund ~~shall~~ **MUST** not
19 exceed \$65,000,000.00. If the ~~funds~~ **MONEY** collected under this
20 section would cause the balance to exceed the limitation of this
21 subsection, the surplus ~~funds~~ **MONEY MUST** be credited in equal
22 shares against each casino licensee's annual assessment made under
23 **THIS** section. ~~12a.~~

24 (9) The ~~funds~~ **MONEY** collected under this section and deposited
25 in the state services fee fund ~~shall~~ **DOES** not revert to the general
26 fund at the close of the fiscal year but ~~shall remain~~ **REMAINS** in
27 the fund.

1 Sec. 14. Within ~~30~~**90** days after the end of ~~each quarter~~ of
 2 each fiscal year each casino licensee shall transmit to the board
 3 and to the city **IN WHICH THE LICENSEE'S CASINO IS LOCATED** an audit
 4 of the financial condition of the licensee's total operations. ~~All~~
 5 ~~audits shall~~**AN AUDIT UNDER THIS SECTION MUST** be conducted by a
 6 certified public accountant in a manner and form prescribed by the
 7 board. ~~Each~~**THE** certified public accountant shall ~~shall~~**THAT PERFORMS THE**
 8 **AUDIT MUST** be registered in ~~the~~**THIS** state of ~~Michigan~~ under
 9 article 7 of the occupational code, 1980 PA 299, MCL ~~339.701 to~~
 10 ~~339.715.~~**339.720 TO 339.736**. The **LICENSEE SHALL PAY THE**
 11 compensation for ~~each~~**THE** certified public accountant ~~shall be paid~~
 12 directly ~~by the licensee~~ to the certified public accountant.

13 Sec. 18. (1) A person is guilty of a felony punishable by
 14 imprisonment for not more than 10 years or a fine of not more than
 15 \$100,000.00, or both, and ~~shall be~~**IS** barred from receiving or
 16 maintaining a license **UNDER THIS ACT** for doing any of the
 17 following:

18 (a) Conducting a gambling operation ~~where~~**IN WHICH** wagering is
 19 used or to be used without a license issued by the board.

20 (b) Conducting a gambling operation ~~where~~**IN WHICH** wagering is
 21 permitted other than in the manner specified in section 9.

22 (c) Knowingly making a false statement on an application for
 23 ~~any~~**A** license ~~provided in~~**UNDER** this act or a written document
 24 provided under oath in support of a proposal for a development
 25 agreement.

26 (d) Knowingly providing false testimony to the board or its
 27 authorized representative while under oath.

1 (e) Willfully failing to report, pay, or truthfully account
2 for ~~any~~**A** license fee or tax imposed by this act or willfully
3 ~~attempt~~**ATTEMPTING** in any way to evade or defeat the license fee,
4 tax, or payment. A person convicted under this ~~subsection shall~~
5 **SUBDIVISION IS** also ~~be~~ subject to a penalty of 3 times the amount
6 of the licensee fee or tax not paid.

7 (f) Making a political contribution in violation of section
8 7b. ~~of this act.~~

9 (2) A person commits a felony punishable by imprisonment for
10 not more than 10 years or a fine of not more than \$100,000.00, or
11 both, and, in addition, ~~shall be~~**IS** barred for life from a gambling
12 operation under the jurisdiction of the board if the person does
13 any of the following:

14 (a) Offers, promises, or gives anything of value or benefit to
15 a person who is connected with a licensee or affiliated company,
16 including, but not limited to, an officer or employee of a casino
17 licensee or holder of an occupational license pursuant to an
18 agreement or arrangement or with the intent that the offer,
19 promise, or thing of value or benefit will influence the actions of
20 the person to whom the offer, promise, or gift was made in order to
21 affect or attempt to affect the outcome of a gambling game, or to
22 influence official action of a member of the board.

23 (b) Solicits or knowingly accepts or receives a promise of
24 anything of value or benefit while the person is employed by or
25 connected with a licensee, including, but not limited to, an
26 officer or employee of a casino licensee or holder of an
27 occupational license, pursuant to an understanding or arrangement

1 or with the intent that the promise or thing of value or benefit
2 will influence the actions of the person to affect or attempt to
3 affect the outcome of a gambling game.

4 (c) Offers, promises, or gives anything of value or benefit to
5 a member, employee, or agent of the board or an official of ~~any~~**A**
6 state or local agency or governmental body with the intent that the
7 offer, promise, or thing of value or benefit will influence the
8 official action of the person to whom the offer, promise, or gift
9 was made pertaining to a city development agreement, or
10 administering, licensing, regulating, or enforcing this act.

11 (d) Solicits or knowingly accepts or receives a promise of
12 anything of value or benefit while the person is a member,
13 employee, or agent of the board, or an official of any state or
14 local agency or governmental body, pursuant to an understanding or
15 arrangement or with the intent that the promise or thing of value
16 or benefit will influence the official action of the member,
17 employee, or agent of the board or official of the state or local
18 governmental body pertaining to a city development agreement, or
19 enforcing this act.

20 (e) Except as otherwise provided by the board, uses or
21 possesses with the intent to use a device ~~to assist in doing~~**THAT**
22 **DOES** any of the following:

23 (i) ~~Projecting~~**PROJECTS** the outcome of a gambling game.

24 (ii) ~~Keeping~~**KEEPS** track of the cards played in a gambling
25 game.

26 (iii) ~~Analyzing~~**ANALYZES** the probability of the occurrence of
27 an event relating to a gambling game.

1 (iv) ~~Analyzing~~ **ANALYZES** the strategy for playing or betting to
2 be used in a gambling game.

3 (f) Cheats at a gambling game.

4 (g) Manufactures, sells, or distributes cards, chips, dice, a
5 game, or a device that is intended to be used to violate this act.

6 (h) Alters or misrepresents the outcome of a gambling game on
7 which wagers have been made after the outcome is determined but
8 before it is revealed to the players.

9 (i) Places a bet after acquiring knowledge, not available to
10 all players, of the outcome of the gambling game that is the
11 subject of the bet or to aid a person in acquiring the knowledge
12 for the purpose of placing a bet contingent on that outcome.

13 (j) Claims, collects, takes, or attempts to claim, collect, or
14 take money or anything of value in or from ~~the~~ **A** gambling ~~games,~~
15 **GAME**, with intent to defraud, without having made a wager
16 contingent on winning ~~a~~ **THE** gambling game, or claims, collects, or
17 takes an amount of money or thing of value of greater value than
18 the amount won.

19 (k) Uses counterfeit chips ~~or tokens~~ in a gambling game.

20 (l) Possesses a key or device designed for the purpose of
21 opening, entering, or affecting the operation of a gambling game,
22 drop box, or an electronic or mechanical device connected with the
23 gambling game or for removing coins, ~~tokens,~~ chips, or other
24 contents of a gambling game. This subdivision does not apply to a
25 ~~gambling~~ **CASINO** licensee or employee of a ~~gambling~~ **CASINO** licensee
26 acting in furtherance of the employee's employment.

27 (3) A person, or an affiliate of a person, is guilty of a

1 misdemeanor punishable by imprisonment for not more than 1 year in
2 a county jail or a \$10,000.00 fine, or both, for doing any of the
3 following:

4 (a) Knowingly making a wager if the person is under 21 years
5 of age or permitting a person under 21 years **OF AGE** to make a
6 wager.

7 (b) Willfully failing to appear before or provide an item to
8 the board at the time and place specified in a subpoena or summons
9 issued by the board or executive director.

10 (c) Willfully refusing, without just cause, to testify or
11 provide items in answer to a subpoena, subpoena duces tecum or
12 summons issued by the board or executive director.

13 (d) Conducting or permitting a person who is not licensed
14 ~~pursuant to~~ **UNDER** this act to conduct activities required to be
15 licensed under the casino, occupational, and suppliers licensee
16 provisions in this act or in rules promulgated by the board.

17 (e) Knowingly violates or aids or abets in ~~the~~ violation of
18 the provisions of section 7b. ~~of this act.~~

19 (f) Leasing, pledging, borrowing, or loaning money against a
20 casino, supplier, or occupational license.

21 (4) The possession of more than 1 of the devices described in
22 subsection (2)(e) permits a rebuttable presumption that the
23 possessor intended to use the devices for cheating.

24 (5) An action to prosecute ~~any~~ **A** crime described in this
25 section may, in the discretion of the attorney general or county
26 prosecuting attorney, be tried in the county in which the crime
27 occurred or in ~~the county of~~ Ingham **COUNTY**.

1 Sec. 21. ~~When~~ **IF** the board is authorized or required by law to
2 consider some aspect of criminal history record information for the
3 purpose of carrying out its statutory powers and responsibilities,
4 the board shall, in the form and manner required by the department
5 of state police and the ~~federal bureau of investigation,~~ **FEDERAL**
6 **BUREAU OF INVESTIGATION**, cause to be conducted a criminal history
7 record investigation to obtain any information currently or
8 subsequently contained in the files of the department of state
9 police or the ~~federal bureau of investigation.~~ **FEDERAL BUREAU OF**
10 **INVESTIGATION**. The department of state police shall provide all
11 criminal record information requested by the board for any person
12 who is an applicant for or a holder of a license **UNDER THIS ACT**.

13 Sec. 25. (1) The board shall create a list of disassociated
14 persons. The board shall, with the assistance of casino licensees,
15 inform each patron of the list of disassociated persons and explain
16 how the patron may add his or her name to the list.

17 (2) The board may add an individual's name to the list of
18 disassociated persons if the individual has notified the board in
19 writing of his or her pledge not to visit a casino in this state by
20 filing an application for placement on the list of disassociated
21 persons with the board.

22 (3) The board shall create and make available an application
23 for placement on the list of disassociated persons. The application
24 ~~shall~~ **MUST** include all of the following information about the
25 individual who is applying:

26 (a) Full name and all aliases.

27 (b) Physical description including height, weight, hair and

1 eye color, skin color, and any other noticeable physical
2 characteristics.

3 (c) Occupation.

4 (d) Current home and work addresses and phone numbers.

5 (e) Social ~~security~~**SECURITY** number.

6 (f) Date of birth.

7 (g) Statement that the individual believes he or she is a
8 problem gambler and is seeking treatment.

9 (h) A photograph suitable for the board and casino licensees
10 to use to identify the individual.

11 (i) Other information that the board considers necessary.

12 (4) An individual's name ~~shall~~**MUST** be placed on the list of
13 disassociated persons after all of the following have occurred:

14 (a) The individual has submitted an application to be placed
15 on the list of disassociated persons to the ~~Michigan gaming control~~
16 board.

17 (b) The application has been verified by a representative of
18 the board.

19 (c) The individual has signed an affidavit in which he or she
20 affirms that he or she wishes to be placed on the list of
21 disassociated persons and authorizing the board to release the
22 contents of his or her application to all casino licensees in this
23 state.

24 (d) The individual signs a form releasing ~~the~~**THIS** state, ~~of~~
25 ~~Michigan,~~ the board, and the casino licensees from any injury the
26 individual suffers as a consequence of placing his or her name on
27 the list of disassociated persons.

1 (e) The individual signs a form stating that he or she
2 understands and authorizes all of the following:

3 (i) That a criminal complaint for trespassing will be filed
4 against him or her if he or she is found on the premises of a
5 casino in this state and he or she will be immediately removed from
6 the casino premises.

7 (ii) That if he or she enters a casino and wins any money, the
8 board will confiscate the winnings.

9 (5) An individual who has his or her name placed on the list
10 of disassociated persons ~~shall~~**MUST** remain on the list for the
11 remainder of his or her life.

12 (6) After an application has been submitted to the board, the
13 chairperson of the board shall file a notice of placement on the
14 list of disassociated persons with the board at the next closed
15 session. Information contained in an application under subsection
16 (4) is exempt from disclosure under section 4c of this act and is
17 not open for public inspection. The information ~~shall~~**MUST** be
18 disclosed to the board, each casino licensee in this state, the
19 department of attorney general, and the department of state police.

20 (7) The list of disassociated persons ~~shall~~**MUST** be provided
21 to each casino licensee, the department of attorney general, and
22 the department of state police.

23 (8) Each casino licensee in this state shall submit to the
24 board a plan for disseminating the information contained in the
25 applications for placement on the list of disassociated persons.
26 The board shall approve the plan. The plan ~~shall~~**MUST** be designed
27 to safeguard the confidentiality of the information but ~~shall~~**MUST**

1 include dissemination to all of the following:

2 (a) The general casino manager or the managerial employee who
3 has responsibility over the entire casino operations.

4 (b) All security and surveillance personnel.

5 (c) The department of state police.

6 (9) ~~A~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A**
7 casino licensee shall not extend credit, offer check cashing
8 privileges, **OR** offer coupons **TO, OR** market its services, or send
9 advertisements to, or otherwise solicit the patronage **IN THE CASINO**
10 of, those persons whose names are on the list of disassociated
11 persons. **A CASINO LICENSEE MAY MARKET OR ADVERTISE ITS SERVICES,**
12 **OTHER THAN BY DIRECT MAIL, FOR THE CASINO LICENSEE'S NONGAMING**
13 **AMENITIES, SUCH AS HOTELS, RESTAURANTS, AND EVENT CENTERS.**

14 (10) The casino licensee shall keep a computer record of each
15 individual whose name is on the list of disassociated persons. If a
16 casino licensee identifies a person **WHOSE NAME IS ON THE LIST OF**
17 **DISASSOCIATED PERSONS** on the premises of a casino, the licensee
18 shall immediately notify the board, a representative of the board,
19 or a representative of the department of state police who is on the
20 premises of the casino. ~~After the licensee confirms that the~~
21 ~~individual has filed an affidavit under this section, the licensee~~
22 ~~shall do all of the following:~~

23 ~~—— (a) Immediately remove the individual from the casino~~
24 ~~premises.~~

25 ~~—— (b) Report the incident to the prosecutor for the county in~~
26 ~~which the casino is located.~~

27 (11) A casino licensee who violates this act is subject to

1 disciplinary action by the board.

2 (12) The board shall promulgate rules to implement and
3 administer this act.

4 (13) An individual who has placed his or her name on the list
5 of disassociated persons who enters a casino in this state is
6 guilty of criminal trespassing punishable by imprisonment for not
7 more than 1 year, a fine of not more than \$1,000.00, or both.

8 (14) This act does not create any right or cause of action on
9 behalf of the individual whose name is placed on the list of
10 disassociated persons against ~~the~~**THIS** state, ~~of Michigan,~~ the
11 board, or a casino licensee.

12 (15) Any winnings collected by the board under this act ~~shall~~
13 **MUST** be deposited into the compulsive gaming prevention fund.

14 Enacting section 1. Sections 8a and 10 of the Michigan gaming
15 control and revenue act, 1996 IL 1, MCL 432.208a and 432.210, are
16 repealed.

17 Enacting section 2. This amendatory act does not take effect
18 unless House Bill No. 4926 of the 99th Legislature is enacted into
19 law.