

MICHIGAN GAMING CONTROL AND REVENUE ACT (EXCERPT)
Initiated Law 1 of 1996

432.204c Disclosure of information.

Sec. 4c.

(1) Except as otherwise provided in this section, all information, records, interviews, reports, statements, memoranda, or other data supplied to or used by the board are subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, except for the following:

(a) All the information, records, interviews, reports, statements, correspondence, memoranda, documents, or other data supplied to, created by, or used by the board related to background investigations of applicants or licensees or involving trade secrets, internal controls, nonpublic financial data, surveillance footage, or surveillance or security measures of the licensees or applicants, or that the applicant, licensee, or board designates as confidential.

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

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

(d) Any information that would disclose employment schedules, travel schedules, vehicle information, or other information that might endanger the physical safety of board employees, or investigation information.

(2) Notwithstanding subsection (1)(a) or (c), the board shall, on written request from any person, provide the following information concerning an applicant or licensee, his or her products, services or gambling enterprises, and his or her business holdings if the board has the information in its possession:

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

(b) An identification of the applicant or licensee, including, if the applicant or licensee is not an individual, its state of incorporation or registration, its corporate officers, and the identity of its shareholders. If an applicant or licensee has a registration statement or a pending registration statement filed with the Securities and Exchange Commission, only the names of those persons or entities holding interest of 5% or more shall be provided.

(c) An identification of any business, including, if applicable, the state of incorporation or registration, in which an applicant or licensee or an applicant's or licensee's spouse, parent, or child has equity interest of more than 5%.

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

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

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

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

(h) A statement listing the names and titles of all public officials or officers of any city, state, or federal body, agency, or entity and relatives of the officials who, directly or indirectly, own any financial interest in, have any beneficial interest in, are the creditors of, or hold or have any other interest in, or any contractual or service relationship with, an applicant or licensee under this act.

(i) Whether an applicant or licensee or the spouse, parent, child, or spouse of a child of an applicant or licensee has made, directly or indirectly, any political contributions, or any loans, gifts, or other payments to any candidate or officeholder elected in this state, within 5 years prior to the date of filing the application, including the amount and the method of payment or to a committee established under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282. As used in this subdivision, "candidate" means:

(i) That term as defined in section 3 of the Michigan campaign finance act, 1976 PA 388, MCL 169.203.

(ii) The holder of any state, legislative, or local elective office.

(j) The name and business telephone number of any attorney, counsel, lobbyist agent as that term is defined in section 5 of 1978 PA 472, MCL 4.415, or any other person representing the applicant or licensee in matters before the board.

(k) A summary of the applicant's development agreement with the city, including the proposed location, the square footage of any proposed casino, the type of additional facilities, restaurants, or hotels proposed by the applicant, the expected economic benefit to the city, the anticipated or actual number of employees, any statement from the applicant regarding compliance with federal and state affirmative action guidelines, the projected or actual admissions, and the projected or actual adjusted gross receipts.

(l) A description of the product or service to be supplied by, or occupation to be engaged in by, the licensee.

(3) Except as otherwise provided in this subsection, all information, records, interviews, reports, statements, memoranda, or other data provided in a response to a request for proposals for development agreements issued by a city and all draft development agreements being negotiated by the city are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, including but not limited to any of the following:

(a) All information, records, interviews, reports, correspondence, statements, memoranda, documents, or other data supplied to, created by, or used by the city related to background investigations of applicants for a development agreement or involving trade secrets, internal controls, nonpublic financial data, surveillance, or security measures of the licensees or applicants, or that the applicant, licensee, or board designates as confidential.

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

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

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

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

(b) An identification of the person filing the response, including, if the person is not an individual, the state of incorporation or registration, the corporate officers, and the identity of all shareholders or participants. If the person filing a response has a registration statement or a pending registration statement filed with the Securities and Exchange Commission, the city shall only provide the names of those persons or entities holding interest of 5% or more.

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

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

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

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

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

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

(i) Whether a person filing a response or the spouse, parent, child, or spouse of a child of a person filing a response has made, directly or indirectly, any political contributions, or any loans, gifts, or other payments to any board member or any candidate as or officeholder elected in this state or to a committee established under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, within 5 years before the date of filing the application, including the amount and the method of payment. As used in this subdivision, "candidate" means:

(i) That term as defined in section 3 of the Michigan campaign finance act, 1976 PA 388, MCL 169.203.

(ii) The holder of any state, legislative, or local elective office.

(j) The name and business telephone number of the counsel representing the person filing a response.

(k) A summary of the development agreement proposal with the city, including the proposed location, the square footage of the proposed casino, the type of additional facilities, restaurants, or hotels proposed by the person filing a response, the expected economic benefit to the city, the anticipated or actual number of employees, any statement from the applicant regarding compliance with federal and state affirmative action guidelines, the projected or actual admissions, and the projected or actual adjusted gross receipts.

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

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

History: Add. 1997, Act 69, Imd. Eff. July 17, 1997 ;-- Am. 2019, Act 158, Imd. Eff. Dec. 20, 2019

Popular Name: Proposal E