

SENATE BILL No. 435

April 27, 2005, Introduced by Senators BARCIA, PRUSI and GOSCHKA and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

A bill to amend 1972 PA 382, entitled
"Traxler-McCauley-Law-Bowman bingo act,"
by amending sections 3, 3a, 5, 5b, 5c, 8, 10, 10a, and 11b (MCL
432.103, 432.103a, 432.105, 432.105b, 432.105c, 432.108, 432.110,
432.110a, and 432.111b), section 3 as amended by 1995 PA 275,
sections 3a, 5b, 5c, and 11b as added and sections 5, 10, and 10a
as amended by 1999 PA 108, and section 8 as amended by 1981 PA 229.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "Educational organization" means an organization
2 within this state that is organized not for pecuniary profit, whose
3 primary purpose is educational in nature and designed to develop
4 the capabilities of individuals by instruction in any public or
5 private elementary or secondary school that complies with the
6 ~~school code of 1976, Act No. 451 of the Public Acts of 1976, being~~

~~sections 380.1 to 380.1852 of the Michigan Compiled Laws~~ **REVISED**
SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852, or any private or
public college or university that is organized not for pecuniary
profit and that is approved by the state board of education.

(2) "Fraternal organization" means an organization within this
state, except a college fraternity or sorority, that is organized
not for pecuniary profit; that is a branch, lodge, or chapter of a
national or state organization; and that exists for the common
purpose, brotherhood, or other interests of its members.

(3) "Licensee" means a person or qualified organization
licensed ~~pursuant to~~ **UNDER** this act.

(4) "Member" means an individual who qualified for membership
in a qualified organization ~~pursuant to~~ **UNDER** its bylaws,
articles of incorporation, charter, rules, or other written
statement.

(5) "Person" means a natural person, firm, association,
corporation, or other legal entity.

(6) "Qualified organization" means a bona fide religious,
educational, service, senior citizens, fraternal, or veterans'
organization that operates without profit to its members and that
either has been in existence continuously as an organization for a
period of 5 years or is exempt from taxation ~~imposed by the single~~
~~business tax act, Act No. 228 of the Public Acts of 1975, being~~
~~sections 208.1 to 208.145 of the Michigan Compiled Laws~~ **UNDER 26**
USC 501(C). Qualified organization does not include a candidate
committee, political committee, political party committee, ballot
question committee, independent committee, or any other committee

1 as defined by, and organized ~~pursuant to~~ **UNDER**, the Michigan
2 campaign finance act, ~~Act No. 388 of the Public Acts of 1976,~~
3 ~~being sections 169.201 to 169.282 of the Michigan Compiled Laws~~
4 **1976 PA 388, MCL 169.201 TO 169.282.**

5 (7) "Religious organization" means any of the following:

6 (a) An organization, church, body of communicants, or group
7 that is organized not for pecuniary profit and that gathers in
8 common membership for mutual support and edification in piety,
9 worship, and religious observances.

10 (b) A society of individuals that is organized not for
11 pecuniary profit and that unites for religious purposes at a
12 definite place.

13 (c) A church related private school that is organized not for
14 pecuniary profit.

15 (8) "Senior citizens organization" means an organization
16 within this state that is organized not for pecuniary profit, that
17 consists of at least 15 members who are 60 years of age or older,
18 and that exists for their mutual support and for the advancement of
19 the causes of elderly or retired persons.

20 (9) "Service organization" means either of the following:

21 (a) A branch, lodge, or chapter of a national or state
22 organization that is organized not for pecuniary profit and that is
23 authorized by its written constitution, charter, articles of
24 incorporation, or bylaws to engage in a fraternal, civic, or
25 service purpose within the state.

26 (b) A local civic organization that is organized not for
27 pecuniary profit; that is not affiliated with a state or national

1 organization; that is recognized by resolution adopted by the local
2 governmental subdivision in which the organization conducts its
3 principal activities; whose constitution, charter, articles of
4 incorporation, or bylaws contain a provision for the perpetuation
5 of the organization as a nonprofit organization; whose entire
6 assets are ~~pledged to~~ **USED FOR** charitable purposes; and whose
7 constitution, charter, articles of incorporation, or bylaws contain
8 a provision that all assets, real property, and personal property
9 shall revert to the benefit of the local governmental subdivision
10 that granted the resolution upon dissolution of the organization.

11 (10) "Veterans' organization" means an organization within
12 this state, or a branch, lodge, or chapter within this state of a
13 state organization or of a national organization chartered by the
14 congress of the United States, that is organized not for pecuniary
15 profit, the membership of which consists of individuals who were
16 members of the armed services or forces of the United States.

17 Sec. 3a. (1) "Equipment" means the objects and mechanical or
18 electromechanical devices used to determine or assist in
19 determining the winners of prizes at events licensed under this
20 act.

21 (2) "Event" means each occasion of a bingo, millionaire party,
22 raffle, charity game, or numeral game licensed under this act.

23 (3) "Large bingo" means a series of bingo occasions that occur
24 on a regular basis during which the total value of all prizes
25 awarded through bingo at a single occasion does not exceed
26 ~~\$2,000.00~~ **\$5,000.00** and the total value of all prizes awarded for
27 1 game does not exceed ~~\$500.00~~ **\$1,000.00**, except that a prize

1 awarded through a Michigan progressive jackpot bingo game ~~shall~~
2 **IS** not ~~be~~ subject to these limitations.

3 (4) "Large raffle" means an event where the total value of all
4 prizes awarded through raffle drawings exceed \$500.00 per occasion.

5 (5) "Location" means a building, enclosure, part of a building
6 or enclosure, or a distinct portion of real estate that is used for
7 the purpose of conducting events licensed under this act. Location
8 also means all components or buildings that comprise 1
9 architectural entity or that serve a unified functional purpose.

10 (6) "Manufacturer" means a person licensed under section 11c
11 who manufactures numeral game tickets for sale to suppliers for use
12 in an event.

13 (7) "Michigan progressive jackpot" means a bingo game
14 conducted in conjunction with a licensed large bingo occasion,
15 where the value of the prize is carried forward to the next bingo
16 occasion if no player bingos in a predetermined number of allowable
17 calls. Michigan progressive jackpot may include bingo games
18 conducted by more than 1 licensee that are linked together for the
19 purpose of a common jackpot prize and consolation prize as
20 prescribed by the commissioner.

21 (8) "Millionaire party" means an event at which wagers are
22 placed upon games of chance customarily associated with a gambling
23 casino through the use of imitation money or chips that have a
24 nominal value equal to or greater than the value of the currency
25 for which they can be exchanged.

26 (9) "Numeral game" means the random resale of a series of
27 numeral game tickets by a qualified organization under a numeral

1 game license or in conjunction with a licensed millionaire party or
2 large raffle.

3 (10) "Numeral game ticket" means a paper strip on which
4 preprinted numerals are covered by folding the strip and banding
5 the folded strip with a separate piece of paper, if upon breaking
6 the paper strip that bands the ticket, the purchaser discovers
7 whether the ticket is a winning ticket and the purchaser may be
8 awarded a merchandise prize.

9 (11) "Occasion" means the hours of the day for which a license
10 is issued.

11 (12) "Principal officer" means the highest ranking officer of
12 the qualified organization according to its written constitution,
13 charter, articles of incorporation, or bylaws.

14 (13) "Prize" means anything of value, including, but not
15 limited to, money or merchandise that is given to a player for
16 attending or winning a game at an event. A nonmonetary item is
17 valued at its retail value. **PRIZE DOES NOT INCLUDE ADVERTISING**
18 **MATERIAL GIVEN AWAY BY A QUALIFIED ORGANIZATION IN ACCORDANCE WITH**
19 **RULES PROMULGATED UNDER THIS ACT.**

20 (14) "Single gathering" means 1 scheduled assembly or meeting
21 with a specified beginning and ending time that is conducted or
22 sponsored by the qualified organization. Single gathering does not
23 include the regular operating hours of a club or similar facility
24 and does not include a meeting conducted solely for the purpose of
25 conducting a raffle.

26 (15) "Small bingo" means a series of bingo occasions that
27 occur on a regular basis during which the total value of all prizes

1 awarded through bingo at a single occasion does not exceed \$300.00
2 and the total value of all prizes awarded for a single bingo game
3 does not exceed \$25.00.

4 (16) "Small raffle" means an event during which the total
5 value of all prizes awarded through raffle drawings does not exceed
6 \$500.00 during 1 occasion.

7 (17) "Special bingo" means a single or consecutive series of
8 bingo occasions during which the total value of all prizes awarded
9 through bingo at a single occasion does not exceed ~~-\$2,000.00~~
10 **\$5,000.00** and the total value of all prizes awarded for a single
11 bingo game does not exceed ~~-\$500.00~~ **\$1,000.00**.

12 (18) "Supplier" means a person licensed under this act to
13 rent, sell, or lease equipment or to sell charity game or numeral
14 game tickets to qualified organizations licensed under this act.

15 Sec. 5. (1) A large or small bingo license may be reissued
16 annually upon the submitting of an application for renewal provided
17 by the commissioner and upon the licensee's payment of the
18 appropriate fee. A small or large bingo license expires at 12
19 midnight on the last day of February.

20 (2) A qualified organization may hold more than 1 bingo
21 license.

22 (3) A small or large bingo license shall be valid for not more
23 than 1 day per week.

24 ~~—— (4) Not more than 10 bingo licenses shall be issued for a 7-~~
25 ~~day period at any 1 location.~~

26 ~~—— (5) Not more than 1 bingo license shall be issued to a~~
27 ~~qualified organization for any 1 day.~~

~~1 (6) Not more than 2 bingo licenses shall be issued for the~~
~~2 same day at any 1 location.~~

3 (4) ~~(7)~~ A special bingo license may be issued for up to 7
4 consecutive days.

5 (5) ~~(8)~~ A qualified organization may be issued up to 4
6 special bingo licenses per calendar year.

7 Sec. 5b. ~~(1)~~ All laws applying to the seating of persons
8 with disabilities apply at licensed bingo games.

9 ~~(2) A person may be chairperson for more than 1 bingo only if~~
~~10 the additional bingo licenses, for which the person will act as~~
~~11 chairperson, are granted to the same qualified organization.~~

12 Sec. 5c. (1) The value of a prize or consolation prize awarded
13 during a Michigan progressive jackpot bingo game is not subject to
14 the prize limitations of section 3a(3).

15 (2) The prize awarded to the winner of a Michigan progressive
16 jackpot bingo game may be a predetermined amount that shall not
17 exceed \$500.00 **OR 50% OF THE CARD SALES** on the first bingo
18 occasion.

19 (3) If a Michigan progressive jackpot prize is not won in the
20 predetermined number of allowable calls, the game shall be played
21 to its conclusion for a predetermined consolation prize that shall
22 not exceed \$100.00.

23 (4) If a Michigan progressive jackpot prize is not won in the
24 predetermined number of allowable calls, the entire prize amount
25 shall be carried forward to the next scheduled bingo occasion.

26 (5) When a Michigan progressive jackpot prize has been carried
27 forward from a previous bingo occasion, the new prize amount shall

1 include the entire amount carried forward, plus 50% of the card
2 sales for the Michigan progressive jackpot bingo game for the
3 current bingo occasion.

4 (6) No arrangement of numbers other than a coverall pattern
5 shall be required or allowed to win a Michigan progressive jackpot
6 bingo game.

7 (7) A Michigan progressive jackpot bingo game shall be played
8 only on bingo cards that are approved by the commissioner.

9 (8) All cards for the Michigan progressive jackpot bingo game
10 shall be sold by the licensee at a uniform price with no discount
11 for the purchase of more than 1 card.

12 ~~—— (9) All bingo cards used in the Michigan progressive jackpot~~
13 ~~bingo game shall be sold prior to the drawing of the first ball for~~
14 ~~that game.~~

15 (9) ~~—(10)—~~ Whenever a Michigan progressive jackpot bingo game
16 is conducted, the licensee shall post a notice and announce the
17 following information:

18 (a) The maximum number of allowable calls in which the player
19 must complete a coverall pattern in order to win a Michigan
20 progressive jackpot prize on that occasion.

21 (b) The prize amount offered to the winner of the Michigan
22 progressive jackpot game and the consolation prize for that bingo
23 occasion.

24 (c) The date the next bingo occasion will occur in that
25 particular progression if the jackpot is not awarded.

26 (10) ~~—(11)—~~ A Michigan progressive jackpot bingo game shall be
27 conducted in the following manner:

1 (a) On the first bingo occasion a player shall not be required
2 to obtain bingo in less than ~~50 numbers called~~ **THE NUMBER OF**
3 **ALLOWABLE CALLS AS PRESCRIBED BY THE COMMISSIONER** to win the
4 jackpot prize.

5 (b) The number of allowable calls required to win the jackpot
6 shall be increased by 1 number on each successive bingo occasion
7 **FOR THAT LICENSEE** in a particular progression.

8 (c) Once a Michigan progressive jackpot bingo game has been
9 started, the progressive jackpot prize shall be offered at each
10 successive bingo occasion for that licensee until the jackpot prize
11 has been won.

12 (d) A Michigan progressive jackpot progression shall only be
13 terminated or interrupted by 1 of the following:

14 (i) Determining a winner of the Michigan progressive jackpot
15 prize.

16 (ii) Expiration, suspension, revocation, or surrender of the
17 license to conduct bingo.

18 (iii) A previously announced scheduled interruption, such as a
19 legal holiday or other temporary closing.

20 (iv) A valid emergency condition under which the licensee is
21 unable to conduct the game.

22 **(11) —(12)—** Only 1 Michigan progressive jackpot bingo game
23 shall be in progress at 1 time per bingo occasion.

24 **(12) —(13)—** Prizes for a Michigan progressive jackpot bingo
25 game shall be awarded as follows:

26 (a) The Michigan progressive jackpot prize shall be awarded to
27 the player or players who complete the coverall pattern within the

1 predesignated number of allowable calls.

2 (b) A consolation prize shall be awarded on each bingo
3 occasion at which a Michigan progressive jackpot game is played,
4 except on the bingo occasion that the jackpot prize is won.

5 (c) The consolation prize shall be awarded to the player or
6 players who complete a coverall pattern on each bingo occasion,
7 regardless of the number of calls in excess of the predesignated
8 number of allowable calls required to win the Michigan progressive
9 jackpot bingo game.

10 (13) ~~—(14)—~~ The jackpot prize shall be awarded by a check
11 written from the licensee's financial account **OR IN THE MANNER**
12 **PRESCRIBED BY THE COMMISSIONER.**

13 (14) ~~—(15)—~~ Except as otherwise provided in this section, all
14 other provisions of this act or rules promulgated under this act
15 apply to the conduct of a Michigan progressive jackpot game.

16 (15) ~~—(16)—~~ If an organization's bingo license will expire or
17 is suspended, revoked, or surrendered before the last bingo
18 occasion of a particular progression, the jackpot prize shall be
19 awarded and the winner determined on the last authorized bingo
20 occasion regardless of the number of calls required to determine
21 the winner.

22 Sec. 8. All fees and revenue collected by the commissioner or
23 bureau under this act shall be paid into the state lottery fund.
24 All necessary expenses incurred by the bureau in the administration
25 and enforcement of **ANY ACTIVITY AUTHORIZED BY** this act and in the
26 initiation, implementation, and ongoing operation of ~~—charity—games~~
27 **ANY ACTIVITY AUTHORIZED BY THIS ACT** shall be financed from the

1 state lottery fund. The amount of these necessary expenses shall
2 not exceed the amount of revenues received from the sale of charity
3 game tickets and all fees collected under this act. ~~—, except that~~
4 ~~this limitation shall not apply before October 1, 1983.—~~ At the end
5 of each fiscal year all money, including interest, in the state
6 lottery fund which is attributable to fees and revenue collected
7 ~~pursuant to~~ **UNDER** this act but which has not been expended
8 ~~pursuant to~~ **UNDER** this section shall be deposited in the state
9 general fund.

10 Sec. 10. (1) Only a member of the qualified organization
11 shall participate in the management of an event.

12 (2) A person shall not receive any commission, salary, pay,
13 profit, or wage for participating in the management or operation of
14 bingo, a millionaire party, **A RAFFLE**, or a charity game except as
15 provided by rule promulgated under this act.

16 (3) Except by special permission of the commissioner, a
17 licensee shall conduct bingo or a millionaire party only with
18 equipment that it owns, uses under a bureau-approved rental
19 contract, or is purchasing or renting at a reasonable rate from a
20 supplier.

21 (4) A licensee shall not advertise bingo except to the extent
22 and in the manner permitted by rule promulgated under this act. If
23 the commissioner permits a licensee to advertise bingo, the
24 licensee shall indicate in the advertisement the purposes for which
25 the net proceeds will be used by the licensee.

26 (5) The holder of a millionaire party license shall not
27 advertise the event, except to the extent and in the manner

1 permitted by rule promulgated under this act. If the commissioner
2 permits a licensee to advertise the event, the licensee shall
3 indicate in the advertising the purposes for which the net proceeds
4 will be used by the licensee. ~~—, and shall give notice of the~~
5 ~~\$500.00 personal limitation on winnings required by section 10a(e).~~

6 Sec. 10a. All of the following apply in the conduct of a
7 millionaire party:

8 (a) A person less than 18 years of age shall not be permitted
9 to wager.

10 (b) A wager may not be placed on a contest other than a game
11 of chance taking place at the location and during the time period
12 approved for the event, and in no event shall a wager be placed
13 upon an athletic event or upon a game involving personal skill.

14 (c) The licensee under the millionaire party license shall be
15 responsible for insuring that the requirements of this section are
16 met.

17 (d) A qualified organization shall not receive more than
18 \$15,000.00 in exchange for imitation money or chips in 1 day of a
19 millionaire party.

20 ~~—— (e) A person participating in a millionaire party shall not be~~
21 ~~awarded prizes having an aggregate value greater than \$500.00 per~~
22 ~~day. The value of raffle, charity game, and numeral game prizes~~
23 ~~awarded at the millionaire party is not subject to the limitations~~
24 ~~of this section. A notice of personal limitation on winnings shall~~
25 ~~be given to the participant or posted at the location of the event.~~

26 Sec. 11b. (1) Each applicant for a license or renewal of a
27 license to operate as a supplier of equipment, charity game

1 tickets, or numeral game tickets to qualified organizations
2 licensed under this act shall submit a written application to the
3 bureau on a form prescribed by the commissioner.

4 (2) The applicant shall pay an annual license fee of \$300.00
5 at the time of the application.

6 (3) A supplier's license expires at 12 midnight on September
7 30 of each year.

8 (4) The commissioner shall require suppliers authorized to
9 sell charity game tickets, numeral game tickets, or both, to post a
10 performance bond of not less than \$50,000.00 and not greater than
11 ~~\$500,000.00~~ **\$1,000,000.00**.

12 (5) A supplier shall remit to the bureau an amount equal to
13 the qualified organization's purchase price of the charity game
14 tickets less an amount that shall not be less than the sum of \$.008
15 for each ticket sold plus 1.0% of the total resale value for all
16 charity game tickets sold.

17 (6) For each numeral game sold, the supplier shall issue to
18 the licensed organization an invoice listing the manufacturer and
19 serial number of each game.

20 (7) The fee collected by a supplier from the qualified
21 organization for each game of numeral tickets sold shall be \$5.00
22 per 1,000 tickets or any portion of 1,000 tickets.

23 (8) The fees collected by the supplier for each numeral game
24 sold shall be remitted to the bureau by the fifteenth day of the
25 month following the month in which the numeral game is sold. A late
26 fee of 25% of the amount due may be assessed by the commissioner
27 against any supplier who fails to remit the fees by the required

1 filing date.

2 (9) A supplier shall only display, offer for sale, sell, or
3 otherwise make available to a qualified organization numeral game
4 tickets that have been obtained from a manufacturer.

5 (10) A person who is directly or indirectly connected to the
6 sale, rental, or distribution of bingo or millionaire party
7 equipment, or the sale of charity game tickets or numeral game
8 tickets, or a person residing in the same household as the supplier
9 shall not be involved directly or indirectly with the rental or
10 leasing of a facility used for an event.

11 (11) A supplier shall submit to the bureau a report as
12 required by the commissioner regarding the sale or rental of
13 equipment and the sale of charity game tickets and numeral game
14 tickets.