

SENATE BILL No. 68

January 27, 2009, Introduced by Senators GILBERT and KAHN and referred to the Committee on Families and Human Services.

A bill to amend 1996 IL 1, entitled "Michigan gaming control and revenue act," by amending section 3 (MCL 432.203), as amended by 1997 PA 69, and by adding section 9e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) Casino gaming is authorized to the extent that it
2 is conducted in accordance with this act.

3 (2) Except as provided in subsection (5) **AND SECTION 9E**, this
4 act does not apply to any of the following:

5 (a) The pari-mutuel system of wagering used or intended to be
6 used in connection with race meetings as authorized under the horse
7 racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.

8 (b) Lottery games authorized under the McCauley-Traxler-Law-
9 Bowman-McNeely lottery act, 1972 PA 239, MCL 432.1 to 432.47.

1 (c) Bingo or millionaire parties or any other activities
2 authorized under the Traxler-McCauley-Law-Bowman bingo act, 1972 PA
3 382, MCL 432.101 to 432.120.

4 (d) Gambling on Native American land and land held in trust by
5 the United States for a federally recognized Indian tribe on which
6 gaming may be conducted under the Indian gaming regulatory act,
7 Public Law 100-497, 102 Stat. 2467.

8 (e) Recreational card playing, bowling, redemption games, and
9 occasional promotional activities under sections 303a, 310a, 310b,
10 372, and 375 of the Michigan penal code, 1931 PA 328, MCL 750.303a,
11 750.310a, 750.310b, 750.372, and 750.375.

12 (3) Any other law that is inconsistent with this act does not
13 apply to casino gaming as provided for by this act.

14 (4) This act and rules promulgated by the board ~~shall~~ apply to
15 all persons who are licensed or otherwise participate in gaming
16 under this act.

17 (5) If a federal court or agency rules **THAT A STATE MAY**, or
18 federal legislation is enacted that allows a state to, regulate
19 gambling on Native American land or land held in trust by the
20 United States for a federally recognized Indian tribe, the
21 legislature shall enact legislation creating a new act consistent
22 with this act to regulate casinos that are operated on Native
23 American land or land held in trust by the United States for a
24 federally recognized Indian tribe. The legislation shall be passed
25 by a simple majority of members elected to and serving in each
26 house.

27 **SEC. 9E. (1) BEFORE PAYMENT OF WINNINGS OF \$1,000.00 OR MORE,**

1 A PERSON LICENSED TO OPERATE A CASINO UNDER THIS ACT SHALL
2 DETERMINE WHETHER THE DEPARTMENT OF TREASURY RECORDS SHOW THAT THE
3 WAGERER HAS A CURRENT SUPPORT ARREARAGE. THE DEPARTMENT OF TREASURY
4 SHALL PROVIDE EACH SUCH LICENSEE WITH A LIST OR COMPUTER ACCESS TO
5 A COMPILATION OF PERSONS KNOWN TO THE DEPARTMENT TO HAVE A CURRENT
6 SUPPORT ARREARAGE. THE INFORMATION SHALL BE UPDATED NOT LESS THAN
7 ONCE A MONTH. IF A SUPPORT ARREARAGE IS IDENTIFIED, THE LICENSEE
8 SHALL ASCERTAIN THE AMOUNT OWED FROM THE DEPARTMENT OF TREASURY AND
9 FIRST APPLY THE AMOUNT OF THE WINNINGS TO THE SUPPORT ARREARAGE,
10 AND THE EXCESS, IF ANY, SHALL BE PAID TO THE WAGERER.

11 (2) MONEY APPLIED TO PAY A SUPPORT ARREARAGE UNDER SUBSECTION
12 (1) SHALL BE PAID BY THE LICENSEE TO THE DEPARTMENT OF TREASURY,
13 WHICH SHALL PAY THE MONEY TO THE OFFICE OF THE FRIEND OF THE COURT
14 FOR THE APPROPRIATE JUDICIAL CIRCUIT OR TO THE STATE DISBURSEMENT
15 UNIT IN THE SAME MANNER AS IS PRESCRIBED FOR A PAYMENT PURSUANT TO
16 AN ORDER OF INCOME WITHHOLDING UNDER SECTION 9 OF THE SUPPORT AND
17 PARENTING TIME ENFORCEMENT ACT, 1982 PA 295, MCL 552.609.

18 (3) THE CHAIRPERSON SHALL ATTEMPT TO ENTER INTO AN AGREEMENT
19 WITH EACH INDIAN TRIBE THAT CONDUCTS GAMBLING GAMES IN THIS STATE
20 FOR THE TRIBE TO VOLUNTARILY WITHHOLD SUPPORT ARREARAGES FROM MONEY
21 WON BY INDIVIDUALS IN GAMBLING GAMES OPERATED BY THE TRIBE. A
22 VOLUNTARY AGREEMENT ENTERED INTO UNDER THIS SUBSECTION SHALL
23 REQUIRE THE WITHHOLDING AND PAYMENT OF MONEY WITHHELD TO BE
24 PERFORMED IN ESSENTIALLY THE SAME MANNER AS REQUIRED BY THIS
25 SECTION FOR LICENSEES UNDER THIS ACT.

26 (4) A LICENSEE, INDIAN TRIBE, OR EMPLOYEE OR AGENT OF THE
27 LICENSEE OR TRIBE THAT INCORRECTLY WITHHOLDS MONEY UNDER THIS

1 SECTION IS IMMUNE FROM LIABILITY TO THE WAGERER OR INDIVIDUAL WHO
2 WON THE MONEY, OTHER THAN PAYMENT OF THE MONEY WITHHELD IF THE
3 MONEY HAS NOT BEEN PAID TO THE DEPARTMENT OF TREASURY. THIS
4 SUBSECTION DOES NOT APPLY IF THE LICENSEE, TRIBE, EMPLOYEE, OR
5 AGENT KNEW THAT THE WITHHOLDING WAS IMPROPER OR ACTED IN A MANNER
6 THAT WAS GROSSLY NEGLIGENT.

7 (5) AS USED IN THIS SECTION:

8 (A) "GROSSLY NEGLIGENT" MEANS SO RECKLESS AS TO DEMONSTRATE A
9 SUBSTANTIAL LACK OF CONCERN FOR WHETHER AN INJURY WOULD RESULT.

10 (B) "OFFICE OF THE FRIEND OF THE COURT" MEANS AN AGENCY
11 CREATED IN SECTION 3 OF THE FRIEND OF THE COURT ACT, 1982 PA 294,
12 MCL 552.503.

13 (C) "STATE DISBURSEMENT UNIT" MEANS THAT TERM AS DEFINED IN
14 SECTION 2A OF THE FRIEND OF THE COURT ACT, 1982 PA 294, MCL
15 552.502A.

16 (D) "SUPPORT" MEANS THAT TERM AS DEFINED IN SECTION 2A OF THE
17 FRIEND OF THE COURT ACT, 1982 PA 294, MCL 552.502A.