

SENATE BILL No. 1077

April 19, 2012, Introduced by Senator CASPERSON and referred to the Committee on Regulatory Reform.

A bill to amend 1972 PA 382, entitled
"Traxler-McCauley-Law-Bowman bingo act,"
by amending sections 3 and 12 (MCL 432.103 and 432.112), section 3
as amended by 2009 PA 41 and section 12 as amended by 1999 PA 108.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Educational organization" means an organization within
3 this state that is organized not for pecuniary profit, whose
4 primary purpose is educational in nature and designed to develop
5 the capabilities of individuals by instruction in any public or
6 private elementary or secondary school that complies with the
7 revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or any
8 private or public college or university that is organized not for
9 pecuniary profit and that is approved by the state board of

1 education.

2 (b) "Fraternal organization" means an organization within this
3 state, ~~except~~ **OTHER THAN** a college fraternity or sorority, that ~~is~~
4 **MEETS ALL OF THE FOLLOWING CRITERIA:**

5 (i) **IS** organized not for pecuniary profit. ~~that is~~

6 (ii) **IS** a branch, lodge, or chapter of a national or state
7 organization ~~and that exists~~ **OR, IF NOT A BRANCH, LODGE, OR**
8 **CHAPTER OF A NATIONAL OR STATE ORGANIZATION, IS EXEMPT FROM**
9 **TAXATION UNDER 26 USC 501(C).**

10 (iii) **EXISTS** for the common purpose, brotherhood, or other
11 interests of its members.

12 (c) "Licensee" means a person or qualified organization
13 licensed under this act.

14 (d) "Member" means an individual who qualified for membership
15 in a qualified organization under its bylaws, articles of
16 incorporation, charter, rules, or other written statement.

17 (e) "Michigan national guard" and "military" mean those terms
18 as defined in section 105 of the Michigan military act, 1967 PA
19 150, MCL 32.505.

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

22 (g) "Qualified organization" means, subject to subdivision

23 (h), either of the following:

24 (i) A bona fide religious, educational, service, senior
25 citizens, fraternal, or veterans' organization that operates
26 without profit to its members and that either has been in existence
27 continuously as an organization for a period of 5 years or is

1 exempt from taxation under 26 USC 501(c).

2 (ii) Only for the purpose of conducting a small raffle or a
3 large raffle under this act, a component of the military or the
4 Michigan national guard whose members are in active service or
5 active state service.

6 (h) "Qualified organization" does not include a candidate
7 committee, political committee, political party committee, ballot
8 question committee, independent committee, or any other committee
9 as defined by, and organized under, the Michigan campaign finance
10 act, 1976 PA 388, MCL 169.201 to 169.282.

11 (i) "Religious organization" means any of the following:

12 (i) An organization, church, body of communicants, or group
13 that is organized not for pecuniary profit and that gathers in
14 common membership for mutual support and edification in piety,
15 worship, and religious observances.

16 (ii) A society of individuals that is organized not for
17 pecuniary profit and that unites for religious purposes at a
18 definite place.

19 (iii) A church related private school that is organized not for
20 pecuniary profit.

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

26 (k) "Service organization" means either of the following:

27 (i) A branch, lodge, or chapter of a national or state

1 organization that is organized not for pecuniary profit and that is
2 authorized by its written constitution, charter, articles of
3 incorporation, or bylaws to engage in a fraternal, civic, or
4 service purpose within the state.

5 (ii) A local civic organization that is organized not for
6 pecuniary profit; that is not affiliated with a state or national
7 organization; that is recognized by resolution adopted by the local
8 governmental subdivision in which the organization conducts its
9 principal activities; whose constitution, charter, articles of
10 incorporation, or bylaws contain a provision for the perpetuation
11 of the organization as a nonprofit organization; whose entire
12 assets are used for charitable purposes; and whose constitution,
13 charter, articles of incorporation, or bylaws contain a provision
14 that all assets, real property, and personal property shall revert
15 to the benefit of the local governmental subdivision that granted
16 the resolution upon dissolution of the organization.

17 (l) "Veterans' organization" means an organization within this
18 state, or a branch, lodge, or chapter within this state of a state
19 organization or of a national organization chartered by the
20 congress of the United States, that is organized not for pecuniary
21 profit, the membership of which consists of individuals who were
22 members of the armed services or armed forces of the United States.
23 Veterans' organization includes an auxiliary of a veterans'
24 organization that is a national organization chartered by the
25 congress of the United States.

26 Sec. 12. (1) The bureau shall enforce and supervise the
27 administration of this act. The commissioner shall employ personnel

1 as necessary to implement this act.

2 (2) THE BUREAU SHALL NOT, BY RULE OR OTHERWISE, REQUIRE A
3 FRATERNAL ORGANIZATION TO DO ANYTHING THAT IS NOT SPECIFICALLY
4 REQUIRED UNDER THIS ACT. THE BUREAU MAY SELECT FRATERNAL
5 ORGANIZATIONS THAT ARE NOT A BRANCH, LODGE, OR CHAPTER OF A
6 NATIONAL OR STATE ORGANIZATION TO AUDIT TO ENSURE THAT THE
7 ORGANIZATIONS ARE IN COMPLIANCE WITH THIS ACT.