

HOUSE BILL NO. 5848

June 25, 2024, Introduced by Reps. McFall, Breen, Brenda Carter, Hope, Rheingans, Koleszar, Weiss, Hill, Glanville, Mentzer, Xiong, Conlin, Steckloff, Pohutsky, Fitzgerald, Witwer, Byrnes, Rogers and Coffia and referred to the Committee on Judiciary.

A bill to amend 1996 IL 1, entitled
"Michigan Gaming Control and Revenue Act,"
by amending section 7c (MCL 432.207c), as amended by 2019 PA 158.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7c. (1) Each local labor organization that directly
2 represents casino gaming employees shall register with the board
3 biennially and provide all of the following:

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

6 (b) The name and address of any international labor

organization with which it directly or indirectly maintains an affiliation or relationship.

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

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

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

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

(iv) Unless information is required under subdivision (d) (v), a brief description of the individual's duties and activities.

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

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

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

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

(iii) The individual's Social Security number.

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

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

(A) The individual's duties and activities.

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

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

(vi) Excluding minor traffic offenses, a detailed description of ~~all~~ **both** of the following:

(A) The individual's convictions, including any conviction that was expunged or set aside, sealed by court order, or for which

1 ~~he or she~~ **the individual** received a pardon.

2 (B) Any criminal offense for which ~~he or she~~ **the individual**
3 was charged or indicted but not convicted.

4 (vii) Whether ~~he or she~~ **the individual** was ever denied a
5 business, liquor, gaming, or professional license or had a
6 business, liquor, gaming, or professional license revoked.

7 (viii) Whether a court or governmental agency determined the
8 individual unsuitable to be affiliated with a labor organization
9 and the details of that determination.

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

14 (x) A photograph of the individual taken within the previous
15 60 days.

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

18 (e) A written certification under oath by the local labor
19 organization president, secretary, treasurer, or chief official
20 that the information provided under this subsection is complete and
21 accurate. The board shall prescribe the form for this
22 certification.

23 (2) A local labor organization may satisfy the information
24 requirements of subsection (1) by providing to the board copies of
25 reports filed with the United States Department of Labor under the
26 labor management reporting and disclosure act of 1959, Public Law
27 86-257, supplemented by any required information not contained in
28 those reports.

29 (3) If information required under subsection (1) for a

1 designated individual changes after registration or if the local
2 labor organization gains a designated individual after
3 registration, the local labor organization shall provide the board
4 with that new information or the information, photograph, and
5 fingerprints required under subsection (1) for the new designated
6 individual within 21 days after the information changes.

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

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

16 (a) Adjusting grievances for or negotiating or administering
17 the wages, hours, working conditions, or employment conditions of
18 casino gaming employees.

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

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

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

28 (a) ~~He or she~~ **The individual** has been indicted or charged
29 with, convicted of, pled guilty or nolo contendere to, or forfeited

1 bail in connection with a crime involving gambling, theft,
 2 dishonesty, ~~prostitution,~~ **commercial sexual activity**, or fraud
 3 under the laws of this state, any other state, or the United States
 4 or a local ordinance of a political subdivision of this state or
 5 another state. Disqualification must not be based only on crimes
 6 that involve soliciting or engaging ~~prostitution~~ **commercial sexual**
 7 **activity** services unless the individual is or has engaged in an
 8 ongoing pattern of that behavior. If the grounds for
 9 disqualification are criminal charges or indictment, at the
 10 individual's request, the board shall defer making a decision on
 11 disqualification while the charge or indictment is pending.

12 (b) ~~He or she~~ **The individual** intentionally or knowingly made
 13 or caused to be made a false or misleading statement in a document
 14 provided to the board or its agents or orally to a board member or
 15 agent in connection with an investigation.

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

25 (7) A designated individual shall report all information
 26 described in subsection (6) (a) to (c) concerning ~~him or her~~ **the**
 27 **designated individual** to the local labor organization. A local
 28 labor organization shall report all information described in
 29 subsection (6) (a) to (c) concerning its designated individuals of

1 which it has actual knowledge to the board.

2 (8) The board may waive any disqualification criterion under
3 subsection (6) or may rescind a disqualification under subsection
4 (5), if doing so is consistent with the public policy of this act
5 and based on a finding that the interests of justice require that
6 waiver or rescission.

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

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

28 (11) The board may petition the circuit court for the county
29 in which the disqualified individual resides or has ~~his or her~~ **the**

1 **disqualified individual's** principal place of business for an order
2 enforcing the terms of 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.

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

21 (15) This section must not be expanded or amplified by action
22 of the board or any other executive or administrative body. The
23 board and any other executive or administrative body do not have
24 authority to promulgate interpretive rules or rulings to implement
25 this section. The board and any other executive or administrative
26 body do not have authority under this section to require that a
27 local labor organization or an officer, agent, or principal
28 employee of a labor organization does either of the following:

29 (a) Qualify for or obtain a casino, occupational, or

1 supplier's license or any other license or permit required under
2 rules promulgated by the board.

3 (b) Ensure the compliance of any person or entity with the
4 licensing requirements under this act or under rules promulgated by
5 the board.

6 (16) As used in this section:

7 (a) "Casino gaming employee" means **all of** the following and
8 their supervisors:

9 (i) Individuals involved in operating a casino gaming pit,
10 including dealers, shills, clerks, and hosts.

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

13 (iii) Individuals involved in operating gambling games.

14 (iv) Individuals involved in operating and maintaining slot
15 machines, including mechanics, floorpersons, and change and payoff
16 persons.

17 (v) Individuals involved in security, including guards and
18 game observers.

19 (vi) Individuals with duties similar to those described in
20 subparagraphs (i) to (v). However, casino gaming employee does not
21 include an individual whose duties are related solely to nongaming
22 activities such as entertainment, hotel operation, maintenance, or
23 preparing or serving food and beverages.

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

27 (17) This act does not preclude employees from exercising
28 their legal rights to organize themselves into collective
29 bargaining units.

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.

3 Enacting section 2. This amendatory act does not take effect
4 unless Senate Bill No.____ or House Bill No. 5841 (request no.
5 04081'23) of the 102nd Legislature is enacted into law.