

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 2012-3

432.91 Transfer of powers and duties of lottery commissioner and bureau of state lottery related to licensing and regulation of millionaire parties under bingo act to executive director of Michigan gaming control board.

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department of state government shall be under the supervision of the Governor, unless otherwise provided in the Constitution; and

WHEREAS, efficient and proper regulation and licensing of charitable millionaire party gaming is of great concern to the people of the state of Michigan; and

WHEREAS, efficient and proper regulation of charitable millionaire party gaming can best be achieved through coordinated management of state policies, regulation, and functions; and

WHEREAS, the consolidation of state government functions related to gaming in this state will eliminate unnecessary duplication and facilitate more efficient coordination of policies, regulation, and functions related to charitable millionaire party gaming;

NOW THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Bureau of State Lottery" or "Bureau" means the bureau created under Section 5 of the McCauley-Traxler-Law-Bowman-McNeely Lottery Act, 1972 PA 239, MCL 432.1 *et seq.*

B. "Charitable Gaming" means those activities authorized under the Traxler-McCauley-Law-Bowman Bingo Act (Bingo Act), 1972 PA 382, MCL 432.101 *et seq.*

C. "Commissioner of the Bureau of State Lottery" or "Lottery Commissioner" means the position created under Section 5 of the McCauley-Traxler-Law-Bowman-McNeely Lottery Act, 1972 PA 239, MCL 432.1 *et seq.*

D. "Department of Treasury" means the principal department of state government created under Section 75 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.175.

E. "Executive Director of the Michigan Gaming Control Board" or "Executive Director" means the position created under Section 4 of the Michigan Gaming Control and Revenue Act, 1997 PA 69, MCL 432.201 *et seq.*

F. "Michigan Gaming Control Board" means the board created under Section 4 of the Michigan Gaming Control and Revenue Act, 1997 PA 69, MCL 432.201 *et seq.*

G. "Millionaire Party" means an event at which wagers are placed upon games of chance customarily associated with a gambling casino through the use of imitation money or chips that have a nominal value equal to or greater than the value of the currency for which they can be exchanged, as defined by MCL 432.103a(8).

II. TRANSFER OF MILLIONAIRE PARTY LICENSING AND REGULATION

A. All of the authority, powers, duties, functions, records, and property of the Lottery Commissioner and Bureau of State Lottery related to the licensing and regulation of millionaire parties under the Bingo Act and its promulgated rules, are transferred to the Executive Director of the Michigan Gaming Control Board.

B. The Executive Director of the Michigan Gaming Control Board shall perform all the functions and exercise the powers of the Lottery Commissioner and Bureau of State Lottery under the Bingo Act and rules relating to millionaire party regulation and licensing, including, but not limited to, possessing the final authority over contested cases and rule promulgation.

C. The Executive Director of the Michigan Gaming Control Board may delegate any power, duty, or function conferred on the Executive Director under this Order, or by other law, and the person to whom the power, duty, or function is delegated may perform the power, duty, or function at the time and to the extent it is delegated by the Executive Director.

D. The Executive Director of the Michigan Gaming Control Board may seek the guidance and opinion of

the Michigan Gaming Control Board regarding matters of licensing or regulation of millionaire parties.

E. With the exception of licensing and regulating millionaire parties, the Lottery Commissioner and Bureau of State Lottery shall retain all other authority, powers, duties, functions, records, and property related to the licensing and regulation of charitable gaming under the Bingo Act and its promulgated rules.

III. FUNDING FOR MILLIONAIRE PARTY LICENSING AND REGULATION

A. All fees collected by the Executive Director of the Michigan Gaming Control Board in connection with licensing under Section 4a of 1972 PA 382, MCL 432.104a, shall be remitted to the Lottery Commissioner for deposit in the state lottery fund.

B. All necessary expenses incurred by the Executive Director of the Michigan Gaming Control Board, the Lottery Commissioner, and the Bureau of State Lottery in performing the powers, duties, and functions described in Section II of this Order, and in the initiation, implementation, and ongoing operation of any power, duty, or function described in Sections II of this Order, including personnel, equipment, and new technology, shall be financed from the state lottery fund consistent with Section 8 of 1972 PA 382, MCL 432.108.

C. The amount of necessary expenses described in Section III.B. of this Order shall not exceed the amount of revenue received from licensing fees and the sale of charity game tickets in accordance with Section 8 of 1972 PA 382, MCL 432.108.

IV. FACILITATION AND IMPLEMENTATION OF TRANSFER

A. Internal organizational changes shall be made as may be administratively necessary to complete the realignment of responsibilities described in this Order.

B. Departments, agencies, and state officers within the executive branch of state government shall fully and actively cooperate with the Executive Director of the Michigan Gaming Control Board and the Lottery Commissioner in the implementation of this Order.

C. The Executive Director of the Michigan Gaming Control Board may request the assistance of other departments, agencies, and state officers with respect to personnel, budgeting, procurement, telecommunications, information systems, legal services, law enforcement services, licensing and regulation, human resources operations, and other issues related to implementation of this Order, and those departments and agencies shall provide the assistance requested.

D. The Lottery Commissioner shall make personnel from the Bureau of State Lottery who is familiar with the licensing and regulation of millionaire parties available to assist the Executive Director of the Michigan Gaming Control Board during the transition period.

E. The Director of the Department of Treasury shall make personnel from its human resources operations familiar with personnel, employment, payroll, classification, disciplinary, and grievance matters available to assist the Executive Director of the Michigan Gaming Control Board during the transition period.

F. All rules, orders, contracts, and agreements related to the assigned functions that were lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, expired, or terminated.

G. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

H. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective 60 days after the filing of this order.

History: 2012, E.R.O. No. 2012-3, Eff. June 11, 2012.

Compiler's note: Executive Reorganization Order No. 2012-3 was promulgated April 11, 2012 as Executive Order No. 2012-4, Eff. June 11, 2012.