SUBSTITUTE FOR

HOUSE BILL NO. 4926

A bill to create the lawful internet gaming act; to impose requirements for persons to engage in internet gaming; to create the division of internet gaming; to provide for the powers and duties of the division of internet gaming and other state governmental officers and entities; to impose fees; to impose a tax on the conduct of licensed internet gaming; to create the internet gaming fund; to prohibit certain acts in relation to internet gaming and to prescribe penalties for those violations; to require the promulgation of rules; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "lawful internet gaming act".

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Sec. 2. (1) The legislature finds that the internet has become an integral part of everyday life for a significant number of residents of this state, not only in regard to their professional lives, but also in regard to personal business and communication. Internet wagering on games of chance and games of skill is a core form of entertainment for millions of individuals worldwide. In multiple jurisdictions across the world, internet gaming is legal, regulated, and taxed, generating billions of dollars in revenue for governments.

(2) In an opinion dated September 20, 2011, the United States Department of Justice reversed its previous interpretation of 18 USC 1084, commonly referred to as the federal wire act, allowing states, subject to certain restrictions, to legalize and regulate internet gaming and capture the revenue for the benefit of state governments.

(3) In order to protect residents of this state who wager on games of chance or skill through the internet and to capture revenues and create jobs generated from internet gaming, it is in the best interest of this state and its citizens to regulate this activity by authorizing and establishing a secure, responsible, fair, and legal system of internet gaming that complies with the United States Department of Justice's September 2011 opinion concerning 18 USC 1084.

(4) The legislature additionally finds that this act is consistent and complies with the unlawful internet gambling enforcement act of 2006, 31 USC 5361 to 5367, and specifically authorizes use of the internet to place, receive, or otherwise
knowingly transmit a bet or wager if that use complies with this act and rules promulgated under this act.

(5) The legislature additionally finds that this act is consistent and complies with the state constitution of 1963 by ensuring that internet gaming only occurs in casinos that are lawfully operating in this state.

Sec. 3. As used in this act:

(a) "Athletic event" means a sports activity that involves the athletic skill of 1 or more players or participants. Athletic event does not include any of the following:

(i) Horse racing.

(ii) College, high school, or other amateur sports.

(iii) Roulette, poker, blackjack, a card game, a dice game, or any other game or contest typically offered in a casino.

(b) "Authorized participant" means an individual who has a valid internet wagering account with an internet gaming licensee and is at least 21 years of age.

(c) "Board" means the Michigan gaming control board created under section 4 of the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.204.

(d) "Class III gaming" means that term as defined in 25 USC 2703.

(e) "Casino" means a building or buildings in which gaming is lawfully conducted under the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.201 to 432.226, or in which class III gaming is lawfully conducted by an Indian tribe under a facility license issued in accordance with a tribal gaming ordinance.
approved by the chair of the National Indian Gaming Commission.

(f) "Division" means the division of internet gaming established under section 5.

(g) "Fantasy sports game" means a fantasy or simulation sports game or contest with a cash or cash equivalent entry fee that meets all of the following conditions:

(i) The value of all prizes offered to winning game participants is established and made known to the game participants in advance of the fantasy sports game and their value is not determined by the number of game participants or the amount of any fees paid by the game participants.

(ii) All winning outcomes reflect the relative knowledge and skill of game participants and are determined predominantly by accumulated statistical results of the performance of athletes in real-world athletic events.

(iii) A winning outcome is not based on the score, point spread, or performance of a single real-world team or any combination of teams or on any single performance of an individual athlete in a single athletic event.

(h) "Fund" means the internet gaming fund created under section 15.

(i) "Gross gaming revenue" means the total of all internet wagers actually received by an internet gaming licensee licensed by the division, less the total of all winnings paid out to authorized participants. As used in this subdivision:

(i) "Prizes" includes both monetary and nonmonetary prizes received directly or indirectly by an authorized participant from
an internet gaming licensee licensed by the division as a direct or indirect result of placing an internet wager. The value of a nonmonetary prize is the actual cost of the prize.

(ii) "Winnings" includes all of the following:

(A) The total amount authorized participants receive as prizes during the accounting period.

(B) Stakes returned to authorized participants.

(C) Other amounts credited to authorized participants' accounts, including the monetary value of loyalty points, free play, and other similar complimentaries and incentives granted to authorized participants as a result of participation in internet games.

(j) "Institutional investor" means a person that is any of the following:

(i) A retirement fund administered by a public agency for the exclusive benefit of federal, state, or local public employees.

(ii) An employee benefit plan or pension fund that is subject to the employee retirement income security act of 1974, Public Law 93-406.

(iii) An investment company registered under the investment company act of 1940, 15 USC 80a-1 to 80a-64.


(v) A closed end investment trust.

(vi) A chartered or licensed life insurance company or property and casualty insurance company.

(vii) A chartered or licensed financial institution.
(viii) An investment advisor registered under the investment
advisers act of 1940, 15 USC 80b-1 to 80b-21.

(ix) Any other person that the division determines should be
considered to be an institutional investor for reasons consistent
with this act.

(k) "Internet" means the international computer network of
interoperable packet-switched data networks, inclusive of such
additional technological platforms as mobile, satellite, and other
electronic distribution channels approved by the division.

(l) "Internet game" means a game of skill or chance that is
offered for play through the internet in which a person wagers
money or something of monetary value for the opportunity to win
money or something of monetary value. For purposes of this
definition, free plays or extended playing time that is won on a
game of skill or chance that is offered through the internet is not
something of monetary value. Internet game includes gaming
tournaments conducted via the internet in which persons compete
against one another in 1 or more of the games approved by the
division or in approved variations or composites as approved by the
division.

(m) "Internet gaming" means operating, conducting, or offering
for play an internet game.

(n) "Internet gaming licensee" means a person that is issued
an internet gaming license from the division to conduct internet
gaming or is otherwise authorized to conduct internet gaming under
section 7.

(o) "Internet gaming platform" means an integrated system of
hardware, software, and servers through which an internet gaming licensee conducts internet gaming under this act.

(p) "Internet gaming vendor" means a person that provides to an internet gaming licensee goods, software, or services that directly affect the wagering, play, and results of internet games offered under this act, including goods, software, or services necessary to the acceptance, operation, administration, or control of internet wagers, internet games, internet wagering accounts, or internet gaming platforms. Internet gaming vendor does not include a person that provides to an internet gaming licensee only such goods, software, or services that it also provides to others for purposes not involving internet gaming, including, but not limited to, a payment processor or a geolocation service provider.

(q) "Internet wager" means money or something of monetary value risked on an internet game offered under this act.

(r) "Internet wagering" means the placing of wagers with an internet gaming licensee using a computer network of both federal and nonfederal interoperable packet switched data networks through which the internet gaming licensee may offer internet games to authorized participants who have established a wagering account with the internet gaming licensee.

(s) "Internet wagering account" means an electronic ledger in which all of the following types of transactions relative to the internet gaming platform are recorded:

(i) Deposits.

(ii) Withdrawals.

(iii) Amounts wagered.
(iv) Amounts paid on winning wagers.
(v) Service or other transaction-related charges authorized by the authorized participant, if any.
(vi) Adjustments to the account.

(t) "Person" means an individual, partnership, corporation, association, limited liability company, federally recognized Indian tribe, or other legal entity. Person does not include this state or any department or agency of this state.

Sec. 4. (1) Internet gaming may be conducted only to the extent that it is conducted in accordance with this act. A law that is inconsistent with this act does not apply to internet gaming as provided for by this act. This act does not apply to lottery games offered by the bureau of state lottery either through the internet or via its online terminal and network systems.

(2) An internet wager received by an internet gaming licensee is considered to be gambling or gaming that is conducted in the licensee's casino located in this state, regardless of the authorized participant's location at the time the participant initiates or otherwise places the internet wager.

(3) An internet wager received by a federally recognized Michigan Indian tribe is considered to be gambling or gaming that is conducted wholly within that Indian tribe's casino on Indian tribal lands located in this state, regardless of the authorized participant's location at the time the participant places the internet wager.

(4) All internet wagers placed in accordance with this act are considered placed when received by the internet gaming licensee,
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regardless of the authorized participant's location at the time the
participant initiates the wager. Any intermediate routing of
electronic data in connection with a wager, including across state
lines, does not determine the location or locations in which the
wager is initiated, received, or otherwise made, and does not
affect the fact that the wager is considered placed in the internet
gaming licensee's casino.

(5) An internet gaming licensee's primary internet gaming
operation, including facilities, equipment, and personnel who are
directly engaged in the conduct of internet gaming activities, must
be located in a restricted area on the premises of the internet
gaming licensee's casino. Backup equipment may be located outside
the internet gaming licensee's casino, as long as any wager is
placed with the internet gaming licensee on equipment that is
physically located within the internet gaming licensee's casino.

(6) Only an internet gaming licensee at its casino may
aggregate computers or other internet access devices in order to
enable multiple players to simultaneously play an internet game.
Except as provided in this subsection, a person shall not aggregate
computers or other internet access devices in a place of public
accommodation in this state, including a club or other association,
in order to enable multiple players to simultaneously play an
internet game.

[7] An internet gaming licensee licensed by the division shall, on
the internet gaming platform used by the licensee, display in a clear,
conspicuous, and accessible manner evidence of the licensee's internet
gaming license issued under this act.

[8] This act does not apply to a fantasy sports game.

Sec. 5. (1) The division of internet gaming is established in
the board. The division has the powers and duties specified in this
act and all other powers necessary to enable it to fully and
effectively execute this act to administer, regulate, and enforce
the system of internet gaming established by this act.

(2) The division has jurisdiction over every person licensed
by the division and may take enforcement action as provided in
section 9(2) against a person that is not licensed by the division
that offers internet gaming in this state.

(3) The division may enter into agreements with other
jurisdictions to facilitate, administer, and regulate
multijurisdictional internet gaming by internet gaming licensees to
the extent that entering into the agreement is consistent with
state and federal laws and if the gaming under the agreement is
conducted only in the United States.

(4) The division may permit an internet gaming licensee
licensed by the division to conduct internet wagering under this
act on any amateur or professional sporting event or contest, if
that internet wagering is not prohibited by federal law.

Sec. 6. (1) The division may issue an internet gaming license
only to a person that holds a casino license under the Michigan
gaming control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.
The division shall issue an internet gaming license to the person
described in this subsection after receiving the application
described in subsection (3) and the application fee if the division
determines that the internet gaming proposed by the person complies
with this act.

(2) An internet gaming license issued under this act is valid
for the 5-year period after the date of issuance and, if the
division determines that the licensee continues to meet the
eligibility standards under this act, is renewable for additional
5-year periods. An internet gaming licensee shall not conduct
internet gaming until 1 year after the date this act is enacted
into law.

(3) A person may apply to the division for an internet gaming
license to offer internet gaming as provided in this act. Subject
to subsection (4), the application must be made on forms provided
by the division and include the information required by the
division, including, but not limited to, all of the following:

(a) Detailed information regarding the ownership and
management of the person.
(b) Detailed personal information regarding the person.
(c) Financial information regarding the person.
(d) The gaming history and experience of the person in the
United States and other jurisdictions.

(4) A person does not need to provide any information in an
application under subsection (3) that the person has previously
provided to the division unless the division notifies the applicant
that the division cannot locate the previously provided
information.

(5) An initial application for an internet gaming license must
be accompanied by an application fee of $100,000.00. The rules
promulgated under section 10 may include provisions for the refund
of an application fee, or the portion of an application fee that
has not been expended by the division in processing the
application, and the circumstances under which the fee will be
refunded.
(6) The division shall keep all information, records, interviews, reports, statements, memoranda, or other data supplied to or used by the division in the course of its review or investigation of an application for an internet gaming license or a renewal of an internet gaming license confidential and shall use that material only to evaluate the application for an internet gaming license for the license or renewal of the license. The materials described in this subsection are exempt from disclosure under section 13 of the freedom of information act, 1976 PA 442, MCL 15.243.

(7) An application under this section must be submitted and considered in accordance with this act and any rules promulgated under this act.

(8) An internet gaming licensee licensed by the division shall pay a license fee of $200,000.00 to the division at the time the initial license is issued and $100,000.00 each year after the initial license is issued. The division shall deposit all application and license fees paid under this act into the fund.

(9) An institutional investor that holds for investment purposes only less than 30% of the equity of a person applying for an internet gaming license under this section is exempt from the licensure requirements of this section.

Sec. 7. (1) A federally recognized Michigan Indian tribe that operates a casino in this state in which class III gaming is conducted may conduct internet gaming at that casino under this act, commencing no sooner than 1 year after the effective date of this act, if authorized by a compact the tribe has entered into.
with this state under the Indian gaming regulatory act, Public Law 100-497, subject to the terms of the compact or amendment, and requirements of applicable federal law.

(2) With respect to a request for a compact amendment or a new compact to permit an eligible Indian tribe to conduct internet gaming under this act, the tribe shall request the amendment or new compact by letter from the tribal chairperson on behalf of the tribe to the governor on behalf of this state. The letter described in this subsection must include proposed terms consistent with this act.

(3) With respect to a request to authorize an Indian tribe to conduct internet gaming authorized under this act under the terms of an existing compact that authorizes the Indian tribe to request the addition of new class III games with approval by the governor, the tribe shall request that internet gaming be added as an additional class III game under the compact.

(4) The governor, on behalf of this state, may negotiate and enter into a compact, on behalf of this state, with a federally recognized Indian tribe, that expressly authorizes internet gaming under this act. The terms of a compact or amendment to a compact under this subsection must address the following:

(a) The amount and manner of revenue sharing payments to be made to this state related to internet gaming.

(b) The legal and equitable remedies and process by which this state may enforce, in federal courts, the terms of the compact or amendment to a compact, including, but not limited to, the Indian tribe's agreement to make revenue sharing payments to this state.
based on revenues generated by the internet gaming conducted by the Indian tribe.

(c) The types of internet games to be offered for play and that the tribe may only offer for play those internet games that the division has approved for internet gaming licensees licensed by the division to offer.

(d) The tribe's commitment to develop and utilize responsible gaming programs similar to those described in section 12.

(e) The tribe's obligation to develop and utilize financial standards for internet wagering, internet wagering accounts, and internet gaming platforms, systems and software, and other electronic components for internet gaming that are similar to the standards imposed by the division, or to standards promulgated by the state of Nevada or the state of New Jersey.

(f) The tribe's obligation to develop and utilize 1 or more mechanisms designed to reasonably verify that an individual who desires to wager over the internet gaming platform used by the tribe is 21 years of age or older.

(g) The tribe's obligation to develop and utilize verification mechanisms designed to detect and prevent the unauthorized use of internet wagering accounts and to detect and prevent fraud, money laundering, and collusion.

(h) The tribe's obligation to ensure that its internet gaming platform provider, if not tribally owned, is licensed as an internet gaming vendor under this act.

(i) The tribe's obligation to cease all internet gaming operations permitted by this act if a court enters a judgment or
order that has the effect of invalidating or otherwise rendering inoperative section 6(1) or otherwise nullifies the ability of a person that holds a casino license under the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.201 to 432.226, to offer internet gaming under this act.

(j) The tribe's obligation to cease all internet gaming operations if the tribe ceases operating its casino or the tribe fails to offer class III games other than internet gaming at its casino.

(5) The governor shall negotiate in good faith regarding an eligible Indian tribe's request for a compact amendment or a new compact under subsection (2). If the governor fails to negotiate with an Indian tribe or fails to negotiate in good faith with respect to any request that addresses the provisions set forth in subsection (4), the Indian tribe may initiate a cause of action in federal court as authorized under 25 USC 2710(d)(7).

(6) An Indian tribe authorized to conduct internet gaming under this act pursuant to a compact, or amendment to a compact, entered into with this state is authorized to become a party to any multijurisdictional agreement entered into by the division under section 5(3) of this act and may enter into agreements with other Indian tribes to facilitate, administer, and regulate multijurisdictional internet gaming to the extent that the agreement is consistent with applicable tribe, state and federal laws, including the Indian gaming regulatory act, Public Law 100-497, and the unlawful internet gambling enforcement act of 2006, Public Law 109-347.
Sec. 8. (1) The division may issue an internet gaming vendor license to a person to provide goods, software, or services to internet gaming licensees. A person that is not licensed under this section shall not provide goods, software, or services as an internet gaming vendor to an internet gaming licensee.

(2) On application by an interested person, the division may issue a provisional internet gaming vendor license to a person that applies for an internet gaming vendor license. A provisional license issued under this subsection allows the person applying for the internet gaming vendor license to conduct business with an internet gaming licensee or person applying for an internet gaming license before the internet gaming vendor license is issued to the person. A provisional license issued under this subsection expires on the date provided in the license by the division.

(3) An internet gaming vendor license issued under subsection (1) is valid for the 5-year period after the date of issuance. An internet gaming vendor license is renewable after the initial 5-year period for additional 5-year periods if the division determines that the internet gaming vendor continues to meet the eligibility standards under this act.

(4) A person may apply to the division to become an internet gaming vendor licensee as provided in this act and the rules promulgated under this act.

(5) Subject to subsection (6), an application under this section must be made on forms provided by the division and include the information required by the division, including, but not limited to, all of the following:
(a) Detailed information regarding the ownership and management of the person applying for the internet gaming vendor license.

(b) Detailed personal information regarding the person applying for the internet gaming vendor license.

(c) Financial information regarding the person applying for the internet gaming vendor license.

(d) The gaming history and experience of the person applying for the internet gaming vendor license.

(6) If the person applying for the internet gaming vendor license is licensed as a supplier under the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.201 to 432.226, the person does not need to provide any information that it has previously provided to the division unless the division notifies the person that the division cannot locate the previously provided information.

(7) An application under this section must be accompanied by a nonrefundable application fee in an amount to be determined by the division, not to exceed $5,000.00.

(8) The division shall keep all information, records, interviews, reports, statements, memoranda, or other data supplied to or used by the division in the course of its review or investigation of an application for licensure as an internet gaming vendor confidential and use the materials only to evaluate the application for licensure. The materials described in this subsection are exempt from disclosure under section 13 of the freedom of information act, 1976 PA 442, MCL 15.243.

(9) An internet gaming vendor shall pay a license fee of
$5,000.00 to the division at the time an initial license is issued to the vendor and $2,500.00 each year after the initial license is issued. An internet gaming platform provider shall pay a license fee of $100,000.00 to the division at the time the initial license is issued to the provider and $50,000.00 each year after the initial license is issued.

(10) The division shall deposit all application and license fees paid under this act into the fund.

(11) An institutional investor that holds for investment purposes only less than 30% of the equity of a person applying for the internet gaming vendor license under this section is exempt from the licensure requirements of this act.

Sec. 9. (1) Except for internet gaming conducted by an Indian tribe under a compact or an amendment to a compact described in section 7, the division has jurisdiction over and shall supervise all internet gaming operations governed by this act. The division may do anything necessary or desirable to effectuate this act, including, but not limited to, all of the following:

(a) Develop qualifications, standards, and procedures for approval and licensure by the division of internet gaming licensees and internet gaming vendors.

(b) Decide promptly and in reasonable order all license applications and approve, deny, suspend, revoke, restrict, or refuse to renew internet gaming licenses and internet gaming vendor licenses. A party aggrieved by an action of the division denying, suspending, revoking, restricting, or refusing to renew a license may request a contested case hearing before the division. A request
for hearing under this subdivision must be made to the division in
writing within 21 days after service of notice of the action by the
division.

(c) Conduct all hearings pertaining to violations of this act
or rules promulgated under this act.

(d) Provide for the establishment and collection of all
license fees and taxes imposed by this act and the rules
promulgated under this act and the deposit of the fees and taxes
into the fund.

(e) Develop and enforce testing and auditing requirements for
internet gaming platforms, internet wagering, and internet wagering
accounts.

(f) Develop and enforce requirements for responsible gaming
and player protection, including privacy and confidentiality
standards and duties.

(g) Develop and enforce requirements for accepting internet
wagers.

(h) Adopt by rule a code of conduct governing division
employees that ensures, to the maximum extent possible, that
persons subject to this act avoid situations, relationships, or
associations that may represent or lead to an actual or perceived
conflict of interest.

(i) Develop and administer civil fines for internet gaming
licensees licensed by the division and internet gaming vendor
licensees that violate this act or the rules promulgated under this
act. A fine imposed under this subdivision must not exceed
$5,000.00 per violation.
(j) Audit and inspect, on reasonable notice, books and records relevant to internet gaming operations, internet wagers, internet wagering accounts, internet games, or internet gaming platforms, including, but not limited to, the books and records regarding financing and accounting materials held by or in the custody of an internet gaming licensee or internet gaming vendor licensee.

(k) Acquire or lease real property and make improvements to the property and acquire by lease or by purchase personal property, including, but not limited to, any of the following:

(i) Computer hardware.

(ii) Mechanical, electronic, and online equipment and terminals.

(iii) Intangible property, including, but not limited to, computer programs, software, and systems.

(2) The division may investigate, issue cease and desist orders, and obtain injunctive relief against a person that offers internet gaming in this state and is not an internet gaming licensee.

(3) The division shall keep all information, records, interviews, reports, statements, memoranda, and other data supplied to or used by the division in the course of any investigation of a person licensed under this act strictly confidential and shall use that material only for investigative purposes. The materials described in this subsection are exempt from disclosure under section 13 of the freedom of information act, 1976 PA 442, MCL 15.243.
licensing, administration, and conduct of internet gaming necessary
to carry out this act within 1 year after the effective date of
this act. The promulgation of emergency rules does not satisfy the
requirement for the promulgation of rules to allow a person to
conduct internet gaming under this act. The division shall
promulgate the rules pursuant to the administrative procedures act
of 1969, 1969 PA 306, MCL 24.201 to 24.328. The rules may include
only things expressly authorized by this act, including all of the
following:

(a) The types of internet games to be offered, which must
include, but need not be limited to, poker.

(b) The qualifications, standards, and procedures for approval
and licensure by the division of internet gaming licensees and
internet gaming vendor licensees consistent with this act.

(c) Requirements to ensure responsible gaming.

(d) Technical and financial standards for internet wagering,
internet wagering accounts, and internet gaming platforms, systems,
and software or other electronic components integral to offering
internet gaming.

(e) Procedures for conducting contested case hearings under
this act.

(f) Procedures and requirements for the acceptance, by an
internet gaming licensee licensed by the division, of internet
wagers initiated or otherwise made by persons located in other
jurisdictions.

(g) Requirements for multijurisdictional agreements entered
into by the division with other jurisdictions, including
qualifications, standards, and procedures for approval by the
division of vendors providing internet gaming platforms in
connection with the agreements.

Sec. 11. (1) An internet gaming licensee licensed by the
division must provide 1 or more mechanisms on the internet gaming
platform that the licensee uses that are designed to reasonably
verify that an authorized participant is 21 years of age or older
and that internet wagering is limited to transactions that are
initiated and received or otherwise made by an authorized
participant located in this state or a jurisdiction in the United
States in which internet gaming is legal.

(2) An individual who wishes to place an internet wager under
this act must satisfy the verification requirements under
subsection (1) before he or she may establish an internet gaming
account or make an internet wager on an internet game offered by an
internet gaming licensee licensed by the division.

(3) An internet gaming licensee licensed by the division shall
require its internet gaming platform provider to include mechanisms
on the internet gaming platform the internet gaming licensee uses
that are designed to detect and prevent the unauthorized use of
internet wagering accounts and to detect and prevent fraud, money
laundering, and collusion.

(4) An internet gaming licensee licensed by the division shall
not knowingly authorize any of the following individuals to
establish an internet gaming account or knowingly allow them to
wager on internet games offered by the internet gaming licensee,
except if required and authorized by the division for testing
purposes or to otherwise fulfill the purposes of this act:

(a) An individual who is less than 21 years old.

(b) An individual whose name appears in the division's responsible gaming database.

Sec. 12. (1) The division may develop responsible gaming measures, including a statewide responsible gaming database identifying individuals who are prohibited from establishing an internet wagering account or participating in internet gaming offered by an internet gaming licensee licensed by the division. The executive director of the board may place an individual's name in the responsible gaming database if any of the following apply:

(a) The individual has been convicted in any jurisdiction of a felony, a crime of moral turpitude, or a crime involving gaming.

(b) The individual has violated this act or another gaming-related law.

(c) The individual has performed an act or has a notorious or unsavory reputation such that the individual's participation in internet gaming under this act would adversely affect public confidence and trust in internet gaming.

(d) The individual's name is on a valid and current exclusion list maintained by this state or another jurisdiction in the United States.

(2) The division may promulgate rules for the establishment and maintenance of the responsible gaming database.

(3) An internet gaming licensee, in a format specified by the division, may provide the division with names of individuals to be included in the responsible gaming database.
(4) An internet gaming licensee licensed by the division shall, on the internet gaming platform used by the licensee, display in a clear, conspicuous, and accessible manner the number of the toll-free compulsive gambling hotline maintained by this state and offer responsible gambling services and technical controls to participants, consisting of both temporary and permanent self-exclusion for all internet games offered and the ability for participants to establish their own periodic deposit and internet wagering limits and maximum playing times.

(5) An authorized participant may voluntarily prohibit himself or herself from establishing an internet wagering account with an internet gaming licensee licensed by the division. The division may incorporate the voluntary self-exclusion list into the responsible gaming database and maintain both the self-exclusion list and the responsible gaming database in a confidential manner.

(6) The self-exclusion list and responsible gaming database established under this section are exempt from disclosure under section 13 of the freedom of information act, 1976 PA 442, MCL 15.243.

Sec. 13. (1) Except as otherwise authorized in the opinion described in section 2(2), a person shall not do any of the following:

(a) Offer internet gaming for play in this state if the person is not an internet gaming licensee.

(b) Knowingly make a false statement on an application for a license to be issued under this act.

(c) Knowingly provide false testimony to the board or an
authorized representative of the board while under oath.

(2) A person that violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $100,000.00, or both.

(3) The division shall not issue a license under this act to a person that violates subsection (1).

(4) The attorney general or a county prosecuting attorney shall bring an action to prosecute a violation of subsection (1), in the attorney general's or prosecuting attorney's discretion, in the county in which the violation occurred or in Ingham County.

Sec. 14. (1) A person that receives an internet gaming license from the division is subject to a tax of 8% on the gross gaming revenue received by the internet gaming licensee from internet gaming conducted under this act.

(2) An internet gaming licensee that is subject to subsection (1) shall pay the tax under subsection (1) on a monthly basis. The payment for a month is due on the tenth day of the following month.

(3) The tax imposed under this section must be allocated as follows:

(a) Fifty-five percent to the city in which the internet gaming licensee's casino is located, for use in connection with the following:

(i) The hiring, training, and deployment of street patrol officers in that city.

(ii) Neighborhood and downtown economic development programs designed to create jobs in that city.

(iii) Public safety programs such as emergency medical
services, fire department programs, and street lighting in that city.

(iv) Anti-gang and youth development programs in that city.

(v) Other programs that are designed to contribute to the improvement of the quality of life in that city.

(vi) Relief to the taxpayers of the city from 1 or more taxes or fees imposed by the city.

(vii) The costs of capital improvements in that city.

(viii) Road repairs and improvements in that city.

(b) [Thirty-five] percent to the state to be deposited in the fund.

[(c) Five percent to be deposited in the state school aid fund established under section 11 of article IX of the state constitution of 1963.

(d) Five percent to be deposited in the Michigan transportation fund created under section 10 of 1951 PA 51, MCL 247.660, to be disbursed as provided in section 10(1)(l) of 1951 PA 51, MCL 247.660.]

Sec. 15. (1) The internet gaming fund is created in the state treasury.

(2) The state treasurer may receive money or other assets required to be paid into the fund under this act or from any other source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) The board is the administrator of the fund for auditing purposes.

(4) The board shall expend money from the fund, on appropriation, for all of the following:

(a) Each year, $1,000,000.00 to the compulsive gaming prevention fund created in section 3 of the compulsive gaming prevention act, 1997 PA 70, MCL 432.253.

(b) The board's costs of regulating and enforcing internet gaming under this act.
Sec. 16. (1) If a court enters a final judgment or order that has the effect of invalidating or otherwise rendering inoperative section 6(1), or otherwise nullifies the ability of a person that holds a casino license under the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.201 to 432.226, to offer internet gaming under this act, this entire act is inoperable and of no effect.

(2) If a court holds that a provision of this act, or the application of a provision of this act to any person or circumstance, is invalid or inoperative other than as provided in subsection (1), the validity of the remainder of this act and the application of the remainder of this act to other persons and circumstances are not affected, as provided in section 5 of 1846 RS 1, MCL 8.5.

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

Enacting section 2. This act does not take effect unless House Bill No. 4927 of the 99th Legislature is enacted into law.