CASINO INTEREST REGISTRATION ACT

Act 74 of 1997

AN ACT to regulate persons having certain gaming interests; to require registration of persons having certain gaming interests and their agents; to require the filing of reports; to prescribe the powers and duties of the department of state; and to prescribe penalties.

History: 1997, Act 74, Imd. Eff. July 17, 1997

The People of the State of Michigan enact:

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432.271 Short title.

Sec. 1.

This act shall be known and may be cited as the "casino interest registration act".

History: 1997, Act 74, Imd. Eff. July 17, 1997

432.272 Definitions.

Sec. 2.

As used in this act:

(a) "Affiliate" means a person who, directly or indirectly, through 1 or more intermediaries, controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or co-partner in a limited liability partnership with a person who holds or applies for a casino license under this act.

(b) "Casino enterprise" means the buildings, facilities, or rooms functionally or physically connected to a casino, including but not limited to any bar, restaurant, hotel, cocktail lounge, retail establishment, or arena, or any other facility located in a city under the control of a casino licensee or an affiliate of a casino licensee company.

(c) "Casino key employee" means an individual employed in the operation of a licensed casino who the Michigan gaming control board designates as a key employee.

(d) "Department" means the department of state.

(e) "Local government" means a city, village, township, county, school district, or community college district.

(f) "Person" means an individual, limited liability company, proprietorship, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, governmental entity, or other legal entity.

(g) "Person holding a casino interest" includes all of the following:

(i) A person who holds at least a 1% interest in a casino licensee or casino enterprise.

(ii) A person who is a partner, officer, or key or managerial employee of the casino licensee or casino enterprise.

(iii) A person who is an officer of the person who holds at least a 1% interest in the casino licensee or casino enterprise.

(iv) The spouse or children of a person listed in subparagraphs (i) through (iii).

History: 1997, Act 74, Imd. Eff. July 17, 1997

432.273 Casino interest registration; form; late registration fee; violation of section as misdemeanor; penalty; notice of termination.

Sec. 3.

(1) Not later than 5 days after obtaining a casino interest, the person who holds the casino interest shall file a registration form with the secretary of state. The registration shall contain the following information:

(a) The name and office address of the person holding the casino interest.

(b) A description of the casino interest.

(2) A person who fails to register under subsection (1) shall pay a late registration fee of $10.00 for each day the person remains not registered in violation of subsection (1), not to exceed $300.00. A person who is in violation by failing to register as required by this section more than 30 days is guilty of a misdemeanor and shall be fined not more than $1,000.00.

(3) A person holding a casino interest shall file a notice of termination with the secretary of state within 30 days after the person ceases to hold a casino interest.

History: 1997, Act 74, Imd. Eff. July 17, 1997

432.274 Registration form; other information required.

Sec. 4.

A person, other than an individual, who holds a 1% or more interest in a casino licensee or casino enterprise shall, in addition to the other information required in section 3, include on its registration form the names of its principal officers, board members, partners, or directors.

History: 1997, Act 74, Imd. Eff. July 17, 1997

432.275 Registration forms; preparation and publication of summaries by department; dissemination to public.

Sec. 5.

Twice a year, the department shall prepare and publish summaries of the registration forms received. The summaries shall include a list of the names of the persons who hold casino interests. The summaries shall be given wide public dissemination.

History: 1997, Act 74, Imd. Eff. July 17, 1997

432.276 Violation of act or rules; investigation; procedures.

Sec. 6.

(1) If the secretary of state, upon investigation of a report filed under this act, determines that there is probable cause a violation of this act occurred, the secretary of state shall forward the results of that investigation to the attorney general for enforcement of the penalties provided by this act.

(2) A person who alleges a violation of this act or rules promulgated under this act shall file a sworn complaint with the secretary of state. The secretary of state shall forward the complaint to the attorney general. Upon receipt of a sworn complaint, the attorney general shall determine whether there is probable cause that there was a violation of this act or the

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rules promulgated under this act. Notice shall be given to a person within 5 days after a sworn complaint is filed against that person. Notice shall include a copy of the sworn complaint. Every 60 days after the date of a request for an investigation and until the matter is terminated, the attorney general shall mail to the complainant and to the alleged violator notice of the action taken to date by the attorney general, together with the reasons for the action or nonaction. If it is determined that there is no probable cause that a violation of this act occurred, the attorney general shall immediately give notice of that determination to the complainant and to the person previously given notice under this subsection.

(3) All governmental bodies shall cooperate with the department of attorney general in the conduct of its investigations.

History: 1997, Act 74, Imd. Eff. July 17, 1997

432.277 Rules.

Sec. 7.

The secretary of state shall promulgate rules to implement this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 1997, Act 74, Imd. Eff. July 17, 1997
Admin Rule: R 432.1001 et seq. of the Michigan Administrative Code.

432.278 Violation of act or rules; duties of attorney general.

Sec. 8.

The attorney general upon investigation and determination that this act or a rule promulgated under this act was violated shall do either of the following:

(a) Initiate a civil action to enforce this act.

(b) Begin criminal prosecution for the imposition of criminal penalties provided by this act in the judicial district in which the alleged violation occurred.

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