



HOUSE BILL No. 4315

February 7, 1995, Introduced by Reps. London, DeHart, Lowe, McBryde, Dalman, Hammerstrom, Bullard, Dolan, Goschka and Anthony and referred to the Committee on Regulatory Affairs.

A bill to amend section 5 of Act No. 8 of the Public Acts of the Extra Session of 1933, entitled as amended "The Michigan liquor control act," being section 436.5 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 5 of Act No. 8 of the Public Acts of the
2 Extra Session of 1933, being section 436.5 of the Michigan
3 Compiled Laws, is amended to read as follows:

4 Sec. 5. (1) A commission to be known as the liquor control
5 commission is created. The commission shall consist of 5 mem-
6 bers, not more than 3 of whom shall be members of the same polit-
7 ical party, to be appointed by the governor with the advice and
8 consent of the senate. Two of these members, 1 from each
9 political party, shall be designated by the ~~chairman~~

10 CHAIRPERSON as hearing commissioners to hear violation cases and

1 to perform such other functions and duties as assigned to them by
2 the ~~chairman~~ CHAIRPERSON. The remaining 3 commissioners shall
3 be designated as administrative commissioners and shall ~~have the~~
4 ~~responsibility for administering~~ ADMINISTER the provisions of
5 this act relating to licensing, purchasing, enforcement, merchan-
6 dising, and distribution. The administrative commissioners shall
7 also act as an appeal board to the decisions rendered by the
8 hearing commissioners.

9 (2) The ~~responsibilities of the~~ 5-member commission shall
10 ~~be the administration of~~ ADMINISTER the provisions of this act
11 which have not been specifically delegated IN THIS SECTION to
12 either the hearing commissioners or the administrative
13 commissioners. ~~in this section.~~ Each member of the commission
14 shall devote ~~that member's~~ HIS OR HER entire time to the per-
15 formance of the duties of the office.

16 (3) The terms of the commissioners shall be 4 years each.
17 Each member of the commission shall qualify by taking and filing
18 the constitutional oath of office and shall hold office until the
19 appointment and qualification of a successor. The members of the
20 commission shall not be removed from office by the governor
21 except for malfeasance, misfeasance, or neglect in office.

22 (4) In the event of ~~a vacancy or~~ 1 OR MORE vacancies in
23 the ~~membership of the~~ commission, the governor shall appoint in
24 like manner a successor or successors to fill the unexpired
25 term.

26 (5) A quorum for the transaction of business of the
27 administrative commissioners shall ~~consist of~~ BE 2

1 administrative commissioners. A quorum for the transaction of
2 business of the 5-member commission shall be 3 members OF THE
3 COMMISSION.

4 (6) Each member of the commission shall receive an annual
5 salary as appropriated by the legislature, shall be entitled to
6 actual and necessary expenses while ~~on~~ CONDUCTING the business
7 of the commission, and shall have a work station designated by
8 the ~~chairman~~ CHAIRPERSON.

9 (7) The commission shall annually designate 1 of its members
10 to act as ~~chairman~~ CHAIRPERSON of the commission.

11 (8) A MEMBER OF THE COMMISSION SHALL NOT BE A STOCKHOLDER OR
12 BE DIRECTLY OR INDIRECTLY RETAINED, EMPLOYED, OR OTHERWISE CON-
13 NECTED WITH ANY PERSON REGULATED UNDER THIS ACT FOR A PERIOD OF 6
14 MONTHS AFTER THE DATE HE OR SHE LEAVES OFFICE.