



HOUSE BILL No. 4476

February 28, 1995, Introduced by Reps. Jaye, Brewer, Goschka, Wetters, Clack and Dalman and referred to the Committee on Regulatory Affairs.

A bill to amend section 23 of Act No. 239 of the Public Acts of 1972, entitled as amended
"McCauley-Traxler-Law-Bowman-McNeely lottery act,"
being section 432.23 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 23 of Act No. 239 of the Public Acts of
2 1972, being section 432.23 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 23. (1) ~~A~~ THE COMMISSIONER SHALL NOT ISSUE A license
5 as an agent to sell lottery tickets or shares ~~shall not be~~
6 ~~issued~~ to any person to engage in business exclusively as a lot-
7 tery sales agent. Before issuing a license, the commissioner
8 shall consider factors such as the financial responsibility and
9 security of the person and his OR HER business or activity, the
10 accessibility of his OR HER place of business or activity to the

1 public, the sufficiency of existing licenses to serve the public
2 convenience, and the volume of expected sales.

3 (2) As used in this section "person" means an individual,
4 association, corporation, club, trust, estate, society, company,
5 joint stock company, receiver, trustee, referee, any other person
6 acting in a fiduciary or representative capacity who is appointed
7 by a court, or any combination of individuals. Person includes
8 any department, commission, agency or instrumentality of the
9 state, including any county, city, village or township and any
10 agency or instrumentality thereof.

11 (3) Notwithstanding any other provision of law, a person
12 licensed pursuant to this act may act as a lottery sales agent.

13 ~~A~~ THE COMMISSIONER MAY LICENSE AS A LOTTERY SALES AGENT A
14 person lawfully engaged in nongovernmental business on state
15 property. ~~may be licensed as a lottery sales agent.~~

16 (4) A license is not assignable or transferable.

17 (5) A licensed agent or his OR HER employee may sell lottery
18 tickets or shares only on the premises stated in the license of
19 the agent.

20 ~~(6) The commissioner may issue temporary licenses upon con-~~
21 ~~ditions as he deems necessary for a term which shall not extend~~
22 ~~beyond 1 year after the effective date of this act.~~

23 (6) ~~(7)~~ The commissioner may require a bond from any
24 licensed agent in an amount as provided in the rules PROMULGATED
25 PURSUANT TO THIS ACT.

1 (7) ~~(8)~~ A licensed agent shall display his OR HER license
2 or a copy ~~thereof~~ OF THE LICENSE conspicuously in accordance
3 with the rules PROMULGATED PURSUANT TO THIS ACT.

4 (8) ~~(9)~~ The commissioner may suspend or revoke the license
5 of any agent who violates this act or a rule promulgated pursuant
6 to this act. THE ACTION TAKEN BY THE COMMISSIONER SHALL BE IN
7 COMPLIANCE WITH CHAPTER 4 OF THE ADMINISTRATIVE PROCEDURES ACT OF
8 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS
9 24.271 TO 24.287 OF THE MICHIGAN COMPILED LAWS.