

SENATE BILL NO. 777

September 30, 1999, Introduced by Senators LELAND, EMERSON, KOIVISTO, MC COTTER, EMMONS, NORTH, ROGERS, JOHNSON, CHERRY, HAMMERSTROM, HART, A. SMITH, BYRUM, DE BEAUSSAERT, MURPHY, BENNETT, SCHUETTE, STEIL, DINGELL, DUNASKISS, BULLARD, SHUGARS, PETERS, GOSCHKA, V. SMITH, SIKKEMA, SCHWARZ, GAST, HOFFMAN and MC MANUS and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to amend 1972 PA 239, entitled
"McCauley-Traxler-Law-Bowman-McNeely lottery act,"
by amending section 23 (MCL 432.23), as amended by 1996 PA 167.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 23. (1) A license as an agent to sell lottery tickets
2 or shares shall not be issued to ~~any~~ A person to engage in
3 business exclusively as a lottery sales agent. Before issuing a
4 license the commissioner shall consider factors such as the
5 financial responsibility and security of the person and his or
6 her business or activity, the accessibility of his or her place
7 of business or activity to the public, the sufficiency of exist-
8 ing licenses to serve the public convenience, and the volume of
9 expected sales.

10 (2) As used in this section, "person" means an individual,
11 association, corporation, club, trust, estate, society, company,

1 joint stock company, receiver, trustee, referee, ~~any other~~
 2 ANOTHER person acting in a fiduciary or representative capacity
 3 who is appointed by a court, or ~~any~~ A combination of
 4 individuals. Person includes ~~any~~ A department, commission,
 5 agency, or instrumentality of the state, including ~~any~~ A
 6 county, city, village, or township and ~~any~~ AN agency or instru-
 7 mentality ~~thereof~~ OF 1 OF THESE.

8 (3) Notwithstanding any other provision of law, a person
 9 licensed pursuant to this act may act as a lottery sales agent.
 10 A person lawfully engaged in nongovernmental business on state
 11 property may be licensed as a lottery sales agent.

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

13 (5) A licensed agent or his or her employee may sell lottery
 14 tickets or shares only on the premises stated in the license of
 15 the agent. Effective July 1, 1996, a licensed agent who violates
 16 this subsection is, at the commissioner's discretion, subject to
 17 1 or more of the following:

18 (a) Probation for not more than 2 years.

19 (b) A fine of not more than \$1,000.00.

20 (c) Removal of his or her lottery terminal.

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

24 (6) ~~(7)~~ The commissioner may require a bond from ~~any~~ A
 25 licensed agent in an amount as provided in the rules.

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.

4 (8) ~~-(9)-~~ The commissioner may suspend or revoke the license
5 of ~~any~~ AN agent who violates this act or a rule promulgated
6 pursuant to this act.

7 (9) THE COMMISSIONER SHALL SUSPEND FOR A PERIOD OF 5 YEARS
8 THE LICENSE OF AN AGENT WHO IS CONVICTED OF A VIOLATION OF SEC-
9 TION 300A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.300A.

10 (10) For purposes of terminal placement, the commissioner
11 shall take into account with equal emphasis both of the
12 following:

13 (a) The total instant game sales for the 3 months immedi-
14 ately preceding a market evaluation.

15 (b) The need to maximize net lottery revenues from the total
16 number of terminals placed.

17 Enacting section 1. This amendatory act does not take
18 effect unless all of the following bills of the 90th Legislature
19 are enacted into law:

20 (a) Senate Bill No. 776.

21

22 (b) Senate Bill No. 778.

23

24 (c) Senate Bill No. 779.

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