

Act No. 165  
Public Acts of 1991  
Approved by the Governor  
December 18, 1991  
Filed with the Secretary of State  
December 19, 1991

**STATE OF MICHIGAN  
86TH LEGISLATURE  
REGULAR SESSION OF 1991**

Introduced by Reps. Muxlow, Joe Young, Jr., London, Randall, Middaugh, Sparks, Ouwinga, Dalman, Strand, Sikkema, Allen, Bender, DeLange, Horton, Johnson, McNutt and McBryde

# **ENROLLED HOUSE BILL No. 4099**

AN ACT to amend sections 9 and 11 of Act No. 239 of the Public Acts of 1972, entitled as amended "An act to establish and operate a state lottery; to create a bureau of state lottery; to prescribe its powers and duties; to prescribe certain powers and duties of other state departments and agencies; to license and regulate sales agents; to create the state lottery fund; to provide for the distribution of lottery revenues and earnings; to provide for an appropriation; and to provide penalties," section 9 as amended by Act No. 62 of the Public Acts of 1987 and section 11 as amended by Act No. 55 of the Public Acts of 1987, being sections 432.9 and 432.11 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 9 and 11 of Act No. 239 of the Public Acts of 1972, section 9 as amended by Act No. 62 of the Public Acts of 1987 and section 11 as amended by Act No. 55 of the Public Acts of 1987, being sections 432.9 and 432.11 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 9. (1) The commissioner shall initiate, establish, and operate a state lottery at the earliest feasible and practicable time. The lottery shall produce the maximum amount of net revenues for the state consonant with the general welfare of the people. The commissioner shall solicit bids from financially responsible vendors of data processing equipment and services for the operation of the lottery and may contract with the approval of the state administrative board.

(2) The commissioner shall not conduct a lottery based upon an activity which utilizes the mechanical, physical, or mental skills of the participant and which is traditionally regarded as a sporting event.

Sec. 11. (1) The commissioner shall promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, as necessary to implement this act.

(2) The rules authorized under this section may include any of the following:

- (a) The type of lottery to be conducted subject to section 9(2).
- (b) The price of tickets or shares in the lottery.
- (c) The number and size of the prizes on the winning tickets or shares.
- (d) The manner of selecting the winning tickets or shares.
- (e) The manner of payment of prizes to the holders of winning tickets or shares, subject to section 32.

(f) The frequency of the drawings or selections of winning tickets or shares.

(g) Without limit as to number, the type or types of locations at which tickets or shares may be sold.

(h) The method to be used in selling tickets or shares, except that no person's name shall be printed on such tickets or shares.

(i) The licensing of agents to sell tickets or shares but a person under the age of 18 shall not be licensed as an agent.

(j) The manner and amount of compensation to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public.

(k) The apportionment of the total annual revenues accruing from the sale of lottery tickets or shares and from all other sources for the payment of prizes to the holders of winning tickets or shares, for the payment of costs incurred in the operation and administration of the lottery, including the expenses of the bureau and the costs resulting from any contract or contracts entered into for promotional, advertising, consulting or operational services or for the purchase or lease of lottery equipment and materials, for the repayment of the money appropriated to the state lottery fund and for transfer to the general fund.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.