

# HOUSE BILL No. 4815

May 14, 1991, Introduced by Reps. Profit, Joe Young, Jr., Griffin, Leland, Perry Bullard and DeMars and referred to the Committee on State 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.