

SENATE BILL No. 701

February 4, 1992, Introduced by Senators DI NELLO, BARCIA and ARTHURHULTZ and referred to the Committee on State Affairs and Military/Veteran 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 license as an agent to sell lottery tickets
5 or shares shall not be issued to any person to engage in business
6 exclusively as a lottery sales agent, EXCEPT AS PROVIDED IN SUB-
7 SECTION (2). Before issuing a license the commissioner shall
8 consider factors such as the financial responsibility and
9 security of the person and ~~his~~ THE PERSON'S business or
10 activity, the accessibility of ~~his~~ THE PERSON'S place of

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

4 (2) ~~As used in this section "person" means an individual,~~
5 ~~association, corporation, club, trust, estate, society, company,~~
6 ~~joint stock company, receiver, trustee, referee, any other person~~
7 ~~acting in a fiduciary or representative capacity who is appointed~~
8 ~~by a court, or any combination of individuals. Person includes~~
9 ~~any department, commission, agency or instrumentality of the~~
10 ~~state, including any county, city, village or township and any~~
11 ~~agency or instrumentality thereof.~~ BEGINNING ON THE EFFECTIVE
12 DATE OF THE 1991 AMENDATORY ACT THAT ADDED SUBSECTION (9), A
13 LICENSE AS AN AGENT TO SELL LOTTERY TICKETS OR SHARES AT AIRPORTS
14 IN THIS STATE SHALL ONLY BE ISSUED TO PARALYZED VETERANS UNTIL
15 SUCH TIME AS NOT LESS THAN 51% OF THE LICENSES FOR THE SALE OF
16 LOTTERY TICKETS OR SHARES AT AIRPORTS ARE ISSUED TO PARALYZED
17 VETERANS. A PERSON LICENSED PURSUANT TO THIS SUBSECTION MAY
18 ENGAGE IN BUSINESS EXCLUSIVELY AS A LOTTERY SALES AGENT.

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

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

24 (5) A licensed agent or ~~his~~ A LICENSED AGENT'S employee
25 may sell lottery tickets or shares only on the premises stated in
26 the license of the agent.

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

4 (6) ~~-(7)~~ The commissioner may require a bond from any
5 licensed agent in an amount as provided in the rules PROMULGATED
6 PURSUANT TO THIS ACT.

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

10 (8) ~~-(9)~~ The commissioner may suspend or revoke the license
11 of any agent who violates this act or a rule promulgated pursuant
12 to this act.

13 (9) AS USED IN THIS SECTION:

14 (A) "PARALYZED" MEANS A MEDICAL CONDITION THAT RENDERS A
15 PERSON A PARAPLEGIC, QUADRIPLAGIC, OR HEMIPLEGIC.

16 (B) "PERSON" MEANS AN INDIVIDUAL, ASSOCIATION, CORPORATION,
17 CLUB, TRUST, ESTATE, SOCIETY, COMPANY, JOINT STOCK COMPANY,
18 RECEIVER, TRUSTEE, REFEREE, OR ANY OTHER PERSON ACTING IN A FIDU-
19 CIARY OR REPRESENTATIVE CAPACITY WHO IS APPOINTED BY A COURT, OR
20 ANY COMBINATION OF INDIVIDUALS. PERSON INCLUDES ANY DEPARTMENT,
21 COMMISSION, AGENCY OR INSTRUMENTALITY OF THE STATE, INCLUDING ANY
22 COUNTY, CITY, VILLAGE, OR TOWNSHIP AND ANY AGENCY OR INSTRUMEN-
23 TALITY THEREOF.

24 (C) "VETERAN" MEANS THAT TERM AS DEFINED IN SECTION 1 OF ACT
25 NO. 190 OF THE PUBLIC ACTS OF 1965, BEING SECTION 35.61 OF THE
26 MICHIGAN COMPILED LAWS.