

HOUSE BILL No. 4243

February 14, 2001, Introduced by Reps. Woronchak, Bishop, Meyer, Ehardt, Richardville, Shackleton, Vander Roest, Stewart, Birkholz, Allen, Kolb and Zelenko and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending section 523 (MCL 436.1523).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 523. (1) A person who holds or whose spouse holds,
2 either by appointment or election, a public office which involves
3 the duty to enforce any of the penal laws of the United States,
4 or the penal laws of this state, or a penal ordinance or resolu-
5 tion of any municipal subdivision of the state, except civil
6 defense volunteer police, mayors or council members of cities, or
7 village presidents, or mayors of home rule cities whose law
8 enforcement authority under the city charter is restricted to
9 emergency situations, or the state treasurer of this state when
10 acting in the capacity of custodian of the assets of the state
11 retirement systems created by the public school employees

1 retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1408; the
2 state employees' retirement act, 1943 PA 240, MCL 38.1 to 38.69;
3 the state police retirement act of 1986, 1986 PA 182, MCL 38.1601
4 to 38.1648; and the judges retirement act of 1992, 1992 PA 234,
5 MCL 38.2101 to 38.2670, and members of these state retirement
6 systems only if the state treasurer makes an investment in the
7 name of the respective retirement system to which such members
8 belong, shall not be issued a license, or have an interest,
9 directly or indirectly, in a license if the activity regulated by
10 the license occurs in the same local unit of government within
11 which the person enforces those state or local penal laws unless
12 the official is contractually prohibited from enforcing this
13 act. This subsection does not apply to a spouse of an appointed
14 or elected official holding an office which involves the duty to
15 enforce a penal law described in this subsection if the spouse
16 held a license or an interest in a license for not less than 3
17 years before marrying the appointed or elected official or if the
18 spouse has voting rights in a public or private club holding the
19 license, which voting rights are derived from ownership of shares
20 to the club, and the spouse participates as a member in good
21 standing of the public or private club or of an advisory board
22 but does not participate in the day-to-day operation of the
23 club. In the case of any licensee excepted from the general pro-
24 hibition contained in this section, the commission may periodi-
25 cally review all circumstances of the licensee and his or her
26 spouse regarding the exception. The commission has the authority
27 to review and monitor any complaints it receives regarding

1 inappropriate enforcement of this act by or against a person
2 excepted from this section. However, a nonprofit fraternal
3 organization incorporated under the laws of this state, whose
4 membership is not totally composed of law enforcement personnel
5 or public officeholders charged with the duty of enforcing any
6 penal laws or ordinances of a governmental body, may be issued a
7 club OR CLASS C liquor license if the organization is otherwise
8 qualified.

9 (2) As used in this section, "law enforcement personnel"
10 does not include the mayor of a city or the state treasurer of
11 this state when acting in the capacity of custodian of the assets
12 of the state retirement systems created by the public school
13 employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to
14 38.1408, the state employees' retirement act, 1943 PA 240,
15 MCL 38.1 to 38.69, the state police retirement act of 1986, 1986
16 PA 182, MCL 38.1601 to 38.1648, and the judges retirement act of
17 1992, 1992 PA 234, MCL 38.2101 to 38.2670, and members of these
18 state retirement systems only if the state treasurer makes an
19 investment in the name of the respective retirement system to
20 which such members belong.