

# HOUSE BILL No. 6056

September 19, 1990, Introduced by Reps. Bartnik, DeMars, Hoffman, Owen, Martin, Law, Alley, Middaugh, Scott, Profit and Honigman 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 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.~~ A LICENSE AS AN AGENT TO SELL  
12 LOTTERY TICKETS OR SHARES AT AIRPORTS, SHOPPING MALLS, OR SPECIAL  
13 EVENTS IN THIS STATE MAY BE ISSUED TO A VETERANS' ORGANIZATION OR  
14 A HANDICAPPERS' ORGANIZATION. AN ORGANIZATION LICENSED PURSUANT  
15 TO THIS SUBSECTION AS AN AGENT TO SELL LOTTERY TICKETS OR SHARES  
16 MAY ENGAGE IN BUSINESS EXCLUSIVELY AS A LOTTERY SALES AGENT.  
17 THIS SUBSECTION APPLIES ONLY TO LICENSES ISSUED AFTER THE EFFEC-  
18 TIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

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) "HANDICAP" MEANS THAT TERM AS DEFINED IN SECTION 103 OF  
15 THE MICHIGAN HANDICAPPERS' CIVIL RIGHTS ACT, ACT NO. 220 OF THE  
16 PUBLIC ACTS OF 1976, BEING SECTION 37.1103 OF THE MICHIGAN  
17 COMPILED LAWS.

18       (B) "HANDICAPPERS' ORGANIZATION" MEANS AN ORGANIZATION CON-  
19 SISTING OF AT LEAST 15 MEMBERS WITHIN THIS STATE, NOT FOR PECUNI-  
20 ARY PROFIT, OF WHICH SUBSTANTIALLY ALL OF THE MEMBERS ARE PERSONS  
21 WHO HAVE A HANDICAP, AND WHICH EXISTS FOR THEIR MUTUAL SUPPORT  
22 AND FOR ADVANCING THE CAUSE OF INDIVIDUALS WHO HAVE HANDICAPS.

23       (C) "PERSON" MEANS AN INDIVIDUAL, ASSOCIATION, CORPORATION,  
24 CLUB, TRUST, ESTATE, SOCIETY, COMPANY, JOINT STOCK COMPANY,  
25 RECEIVER, TRUSTEE, REFEREE, OR ANY OTHER PERSON ACTING IN A FIDU-  
26 CIARY OR REPRESENTATIVE CAPACITY WHO IS APPOINTED BY A COURT, OR  
27 ANY COMBINATION OF INDIVIDUALS. PERSON INCLUDES ANY DEPARTMENT,

1 COMMISSION, AGENCY OR INSTRUMENTALITY OF THE STATE, INCLUDING ANY  
2 COUNTY, CITY, VILLAGE, OR TOWNSHIP AND ANY AGENCY OR INSTRUMEN-  
3 TALITY THEREOF.

4 (D) "VETERANS' ORGANIZATION" MEANS THAT TERM AS DEFINED IN  
5 SECTION 3 OF THE TRAXLER-MCCAULEY-LAW-BOWMAN BINGO ACT, ACT  
6 NO. 382 OF THE PUBLIC ACTS OF 1972, BEING SECTION 432.103 OF THE  
7 MICHIGAN COMPILED LAWS.