

HOUSE BILL No. 5093

September 27, 1989, Introduced by Reps. Leland, DeMars, Martin, Barns, Law, Weeks, Jaye, Berman, Spaniola, Niederstadt, Stopczynski, Webb, Pitoniak, Gubow, Krause, Munsell, Camp, Strand, Bryant, Dunaskiss, Randall, Gilmer, Miller, Mathieu, Kilpatrick, Profit, Porreca, Saunders, Emerson, Bennett, Owen, Hertel, Ostling, Terrell, London, Jondahl, Pridnia, Murphy, Perry Bullard, Bender, Honigman, Stacey, Walberg and Hood and referred to the Committee on Social Services and Youth.

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
5 license as an agent to sell lottery tickets or shares ~~shall not~~
6 ~~be issued~~ to any person to engage in business exclusively as a
7 lottery 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 ITS 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 ISSUED PURSUANT TO THIS ACT is not assignable
17 or transferable.

18 (5) A licensed LOTTERY SALES agent or his OR HER employee
19 may sell lottery tickets or shares only on the premises stated in
20 the license. ~~of the agent.~~

21 (6) The commissioner may issue A temporary ~~licenses~~
22 LICENSE upon conditions as he ~~deems~~ OR SHE CONSIDERS necessary
23 for a term which shall not extend beyond 1 year after the effec-
24 tive date of this act.

25 (7) The commissioner may require a bond from any licensed
26 LOTTERY SALES agent in an amount as provided in the rules
27 PROMULGATED UNDER THIS ACT.

1 (8) A licensed LOTTERY SALES agent shall display his OR HER
2 license or a copy ~~thereof~~ OF THE LICENSE conspicuously in
3 accordance with ~~the~~ rules PROMULGATED UNDER THIS ACT.

4 (9) The commissioner may suspend or revoke the license of
5 any agent who ~~violates~~ DOES ANY OF THE FOLLOWING:

6 (A) VIOLATES this act. ~~or~~

7 (B) VIOLATES a rule promulgated ~~pursuant to~~ UNDER this
8 act.

9 (C) REDEEMS FOOD STAMPS OTHER THAN AS AUTHORIZED UNDER THE
10 FOOD STAMP ACT OF 1964, PUBLIC LAW 88-525, 7 U.S.C. 2011 TO 2012
11 AND 2013 TO 2030, OR THE REGULATIONS PROMULGATED UNDER THAT ACT.
12 AS USED IN THIS SUBDIVISION, "FOOD STAMPS" MEANS THE COUPONS
13 ISSUED PURSUANT TO THAT ACT.

14 (D) REDEEMS COUPONS OR CERTIFICATES OTHER THAN AS AUTHORIZED
15 UNDER THE CHILD NUTRITION ACT OF 1966, PUBLIC LAW 89-642, 42
16 U.S.C. 1771 TO 1776 AND 1777 TO 1789, OR THE REGULATIONS PROMUL-
17 GATED UNDER THAT ACT.