

# SENATE BILL No. 482

May 17, 2001, Introduced by Senators HART, MURPHY, PETERS, EMERSON, CHERRY, DINGELL, KOIVISTO, YOUNG, DE BEAUSSAERT, LELAND, JAYE and SCOTT and referred to the Committee on Gaming and Casino Oversight.

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 23 (MCL 432.23), as amended by 1996 PA 167.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 23. (1) ~~A~~ THE COMMISSIONER SHALL NOT ISSUE A license  
2 as an agent to sell lottery tickets or shares ~~shall not be~~  
3 ~~issued~~ to any person to engage in business exclusively as a lot-  
4 tery sales agent. Before issuing a license, the commissioner  
5 shall consider factors such as the financial responsibility and  
6 security of the person and his or her business or activity, the  
7 accessibility of his or her place of business or activity to the  
8 public, the sufficiency of existing licenses to serve the public  
9 convenience, and the volume of expected sales.

10       (2) As used in this section, "person" means an individual,  
11 association, corporation, club, trust, estate, society, company,

1 joint stock company, receiver, trustee, referee, any other person  
2 acting in a fiduciary or representative capacity who is appointed  
3 by a court, or any combination of individuals. Person includes  
4 any department, commission, agency, or instrumentality of the  
5 state, including any county, city, village, or township and any  
6 agency or instrumentality thereof.

7 (3) ~~Notwithstanding any other provision of law, a~~ A person  
8 licensed ~~pursuant to~~ UNDER this act may act as a lottery sales  
9 agent. ~~A~~ THE COMMISSIONER MAY ISSUE A LICENSE TO A person law-  
10 fully engaged in nongovernmental business on state property. ~~may~~  
11 ~~be licensed as a lottery sales agent.~~

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

13 (5) A licensed agent or his or her employee may sell lottery  
14 tickets or shares only on the premises stated in the license of  
15 the agent. ~~Effective July 1, 1996, a~~

16 (6) A licensed agent who violates ~~this~~ subsection (5) is,  
17 at the commissioner's discretion, subject to 1 or more of the  
18 following:

19 (a) Probation for not more than 2 years.

20 (b) A fine of not more than \$1,000.00.

21 (c) Removal of his or her lottery terminal.

22 ~~(6) The commissioner may issue temporary licenses upon con=~~  
23 ~~ditions as he or she considers necessary for a term which shall~~  
24 ~~not extend beyond 1 year after the effective date of this act.~~

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

1 (8) A licensed agent shall display his or her license or a  
2 copy thereof conspicuously in accordance with the rules.

3 (9) The commissioner may suspend or revoke the license of  
4 any agent who violates this act or a rule promulgated ~~pursuant~~  
5 ~~to~~ UNDER this act. THE ACTION TAKEN BY THE COMMISSION SHALL  
6 COMPLY WITH THE PROCEDURES IN CONTESTED CASES SET FORTH IN  
7 CHAPTER 4 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA  
8 306, MCL 24.271 TO 24.287.

9 (10) For purposes of terminal placement, the commissioner  
10 shall take into account with equal emphasis both of the  
11 following:

12 (a) The total instant game sales for the 3 months immedi-  
13 ately preceding a market evaluation.

14 (b) The need to maximize net lottery revenues from the total  
15 number of terminals placed.