

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 682**

(As Passed the Senate November 11, 1997)

A bill to amend 1933 (Ex Sess) PA 8, entitled
"The Michigan liquor control act,"
by amending section 18 (MCL 436.18), as amended by 1994 PA 185.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18. (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

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Sub. S.B. 682 (S-3) as amended December 10, 1997 2

1 retirement act of 1979, ~~Act No. 300 of the Public Acts of 1980,~~
2 ~~being sections 38.1301 to 38.1408 of the Michigan Compiled Laws~~
3 1980 PA 300, MCL 38.1301 TO 38.1437; the state employees' retire-
4 ment act, ~~Act No. 240 of the Public Acts of 1943, being sections~~
5 ~~38.1 to 38.48 of the Michigan Compiled Laws~~ 1943 PA 240, MCL
6 38.1 TO 38.69; the state police retirement act of 1986, ~~Act~~
7 ~~No. 182 of the Public Acts of 1986, being sections 38.1601 to~~
8 ~~38.1648 of the Michigan Compiled Laws~~ 1986 PA 182, MCL 38.1601
9 TO 38.1648; and the judges retirement act of 1992, ~~Act No. 234~~
10 ~~of the Public Acts of 1992, being sections 38.2101 to 38.2608 of~~
11 ~~the Michigan Compiled Laws~~ 1992 PA 234, MCL 38.2101 TO 38.2670,
12 and members of these state retirement systems only if the state
13 treasurer makes an investment in the name of the respective
14 retirement system to which such members belong, shall not be
15 issued a license, or have an interest, directly or indirectly, in
16 a license IF THE ACTIVITY REGULATED BY THE LICENSE OCCURS IN THE
17 SAME LOCAL UNIT OF GOVERNMENT WITHIN WHICH THE PERSON ENFORCES
18 THOSE STATE OR LOCAL PENAL LAWS [UNLESS THE OFFICIAL IS
CONTRACTUALLY PROHIBITED FROM ENFORCING THIS ACT]. THIS SUBSECTION
DOES NOT APPLY
19 TO A SPOUSE OF AN APPOINTED OR ELECTED OFFICIAL HOLDING AN OFFICE
20 WHICH INVOLVES THE DUTY TO ENFORCE A PENAL LAW DESCRIBED IN THIS
21 SUBSECTION IF THE SPOUSE HELD A LICENSE OR AN INTEREST IN A
22 LICENSE FOR NOT LESS THAN 3 YEARS BEFORE MARRYING THE APPOINTED
23 OR ELECTED OFFICIAL OR IF THE SPOUSE HAS VOTING RIGHTS IN A
24 PUBLIC OR PRIVATE CLUB HOLDING THE LICENSE, WHICH VOTING RIGHTS
25 ARE DERIVED FROM OWNERSHIP OF SHARES TO THE CLUB, AND THE SPOUSE
26 PARTICIPATES AS A MEMBER IN GOOD STANDING OF THE PUBLIC OR
27 PRIVATE CLUB OR OF AN ADVISORY BOARD BUT DOES NOT PARTICIPATE IN

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1 THE DAY-TO-DAY OPERATION OF THE CLUB. IN THE CASE OF ANY
2 LICENSEE EXCEPTED FROM THE GENERAL PROHIBITION CONTAINED IN THIS
3 SECTION, THE COMMISSION MAY PERIODICALLY REVIEW ALL CIRCUMSTANCES
4 OF THE LICENSEE AND HIS OR HER SPOUSE REGARDING THE EXCEPTION.
5 THE COMMISSION HAS THE AUTHORITY TO REVIEW AND MONITOR ANY COM-
6 PLAINS IT RECEIVES REGARDING INAPPROPRIATE ENFORCEMENT OF THIS
7 ACT BY OR AGAINST A PERSON EXCEPTED FROM THIS SECTION. However, a
8 nonprofit fraternal organization incorporated under the laws of
9 this state, whose membership is not totally composed of law
10 enforcement personnel or public officeholders charged with the
11 duty of enforcing any penal laws or ordinances of a governmental
12 body, may be issued a club liquor license if the organization is
13 otherwise qualified.

14 (2) As used in this section, "law enforcement personnel"
15 does not include the mayor of a city or the state treasurer of
16 this state when acting in the capacity of custodian of the assets
17 of the state retirement systems created by ~~Act No. 300 of the~~
18 ~~Public Acts of 1980, Act No. 240 of the Public Acts of 1943, Act~~
19 ~~No. 182 of the Public Acts of 1986, and Act No. 234 of the Public~~
20 ~~Acts of 1992~~ THE PUBLIC SCHOOL EMPLOYEES RETIREMENT ACT OF 1979,
21 1980 PA 300, MCL 38.1301 TO 38.1437, THE STATE EMPLOYEES' RETIRE-
22 MENT ACT, 1943 PA 240, MCL 38.1 TO 38.69, THE STATE POLICE
23 RETIREMENT ACT OF 1986, 1986 PA 182, MCL 38.1601 TO 38.1648, AND
24 THE JUDGES RETIREMENT ACT OF 1992, 1992 PA 234, MCL 38.2101 TO
25 38.2670, and members of these state retirement systems only if
26 the state treasurer makes an investment in the name of the
27 respective retirement system to which such members belong.