

SENATE BILL No. 471

May 3, 2007, Introduced by Senator ALLEN and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 521a (MCL 436.1521a), as added by 2006 PA 501.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 521a. (1) In order to allow cities to enhance the quality
2 of life for their residents and visitors to their communities, the
3 commission may issue public on-premises licenses in addition to
4 those quota licenses allowed in cities under section 531(1). The
5 licenses under this section shall be issued to businesses that meet
6 1 of the following conditions:

7 (a) Are located in a city redevelopment project area meeting
8 the criteria described in subsections (3) and (4) and are engaged
9 in activities determined by the commission to be related to dining,

1 entertainment, or recreation.

2 (b) Are located in a development district or area that is any
3 of the following:

4 (i) An authority district established under the tax increment
5 finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830.

6 (ii) A development area established under the corridor
7 improvement authority act, 2005 PA 280, MCL 125.2871 to 125.2898.

8 (iii) A downtown district established under 1975 PA 197, MCL
9 125.1651 to 125.1681.

10 (iv) A principal shopping district established under 1961 PA
11 120, MCL 125.981 to 125.990m.

12 (2) The commission shall not issue a license under subsection
13 (1)(a) unless the applicant fulfills the following in relation to
14 the licensed premises:

15 (a) Provides the activity described in subsection (1)(a) not
16 less than 5 days per week.

17 (b) Is open to the public not less than 10 hours per day, 5
18 days per week.

19 (c) Presents verification of redevelopment project area status
20 to the commission that shall include the following:

21 (i) A resolution of the governing body of the city establishing
22 its status as a redevelopment project area.

23 (ii) An affidavit from the assessor, as certified by the city
24 clerk, stating the total amount of investment in real and personal
25 property within the redevelopment project area of the city during
26 the preceding 3 years. In the case of an applicant seeking a
27 license under this section within the first license cycle after the

1 ~~effective date of this section~~ **DECEMBER 29, 2006**, the time period
2 described in this subdivision may be up to 5 years, or 7 years for
3 a city having a population between 80,000 and 85,000 according to
4 the 2000 federal decennial census and the application is submitted
5 within the first 6 months after ~~the effective date of this section~~
6 **DECEMBER 29, 2006**.

7 (iii) An affidavit from the assessor, as certified by the city
8 clerk, separately stating the amount of investment money expended
9 for manufacturing, industrial, residential, and commercial
10 development within the redevelopment project area of the city
11 during the preceding 3 years. In the case of an applicant seeking a
12 license under this section within the first license cycle after ~~the~~
13 ~~effective date of this section~~ **DECEMBER 29, 2006**, the time period
14 described in this subdivision may be up to 5 years, or 7 years for
15 a city having a population between 80,000 and 85,000 according to
16 the 2000 federal decennial census and the application is submitted
17 within the first 6 months after the effective date of this section.

18 (3) Relative to the licenses issued under subsection (1)(a),
19 the amount of commercial investment in the redevelopment project
20 area within the city shall constitute not less than 25% of the
21 total investment in real and personal property in that
22 redevelopment project area as evidenced by an affidavit of the city
23 assessor. This subsection does not prevent the city from realigning
24 the redevelopment project area in the presentment of verification
25 provided for under subsection (2)(c).

26 (4) In relation to a license issued under subsection (1)(a),
27 an applicant shall be located in a city that meets at least 1 of

1 the investment requirements of subsection (1) (a) during the 3 years
2 preceding the submission of its application, or within the
3 preceding 5 years in the case of an applicant applying during the
4 first license cycle after ~~the effective date of this section~~
5 **DECEMBER 29, 2006**. The total investment in real and personal
6 property in the redevelopment project area within the city over the
7 appropriate time period described in this subsection shall be at
8 least 1 of the following:

9 (a) Not less than \$50,000,000.00 in cities having a population
10 of 50,000 or more.

11 (b) Not less than an amount reflecting \$1,000,000.00 per 1,000
12 people in cities having a population of less than 50,000.

13 (5) The commission may issue a license under subsection (1) (a)
14 for each monetary threshold described in subsection (4) (a) and (b),
15 and, after reaching the initial threshold, 1 additional license for
16 each major fraction thereof above that original threshold.

17 (6) The following apply to a license issued under subsection
18 (1) (b) :

19 (a) The amount expended for the rehabilitation or restoration
20 of the building that housed the licensed premises shall be not less
21 than \$75,000.00 over a period of the preceding 5 years or a
22 commitment for a capital investment of at least that amount in the
23 building that houses the licensed premises, which must be expended
24 before the issuance of the license.

25 (b) The total amount of public and private investment in real
26 and personal property within the qualified redevelopment project
27 area shall not be less than \$200,000.00 over a period of the

Senate Bill No. 471 as amended February 19, 2008

1 preceding 5 years as verified to the commission by means of an
 2 affidavit from the assessor, as certified by the clerk of the local
 3 governmental unit.

4 (c) The licensed business is engaged in dining, entertainment,
 5 or recreation, is open to the general public, and has a seating
 6 capacity of not less than 50 persons.

7 (7) The commission may issue 1 license for each monetary
 8 threshold described in subsection (6)(b), or for each major
 9 fraction thereof. The initial enhanced license fee for a license
 10 issued under this section is \$20,000.00.

11 (8) The commission shall not transfer a license issued under
 12 this section to another location. If the licensee goes out of
 13 business, the licensee shall surrender the license to the
 14 commission. The governing body of the local governmental unit may
 15 approve another applicant within a city redevelopment project area
 16 to replace a licensee who has surrendered the license issued under
 17 this section provided the new applicant's business meets the
 18 requirements of this section but without regard to subsections
 19 (2)(c), (3), and (4) or subsection (6)(b).

20 (9) The individual signing the application for the license
 21 shall state and demonstrate that the applicant attempted to secure
 22 an appropriate on-premise escrowed license or quota license issued
 23 under section 531 and that, to the best of his or her knowledge, an
 24 on-premise license or quota license issued under section 531 is not
 25 readily available within the ~~local unit of government~~ COUNTY in
 26 which the applicant proposes to operate. <<IF THE APPLICANT CAN PRESENT
 DOCUMENTATION TO THE COMMISSION DEMONSTRATING THAT HE OR SHE HAS
 CONTACTED THE HOLDER OF AN ESCROWED LICENSE IN WRITING AND HAS NOT
 RECEIVED A WRITTEN RESPONSE WITHIN 30 DAYS AFTER THE DATE OF THE WRITTEN
 CONTACT, THE COMMISSION SHALL NOT CONSIDER THE ESCROWED LICENSE READILY
 AVAILABLE TO THAT APPLICANT.

(10) THE CLARIFICATION IN SUBSECTION (9) AS TO A DETERMINATION OF
 WHETHER AN ESCROWED OR QUOTA LICENSE IS READILY AVAILABLE APPLIES ONLY TO
 AN APPLICATION SUBMITTED ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY
 ACT THAT ADDED THIS SUBSECTION AND DOES NOT APPLY TO A COMPLETED
 APPLICATION SUBMITTED OR APPROVED UNDER THIS SECTION BEFORE JANUARY 1,
 2008.

27 (11) ~~(10)~~>> As used in this section:

1 (a) "City" means a city established under either of the
2 following:

3 (i) The home rule city act, 1909 PA 279, MCL 117.1 to 117.38.

4 (ii) The fourth class city act, 1895 PA 215, MCL 81.1 to
5 113.20.

6 (b) "Escrowed license" means a license in which the rights of
7 the licensee in the license or to the renewal of the license are
8 still in existence and are subject to renewal and activation in the
9 manner provided for in R 436.1107 of the Michigan administrative
10 code.

11 (c) "Readily available" means available under a standard of
12 economic feasibility, as applied to the specific circumstances of
13 the applicant, that includes, but is not limited to, the following:

14 (i) The fair market value of the license, if determinable.

15 (ii) The size and scope of the proposed operation.

16 (iii) The existence of mandatory contractual restrictions or
17 inclusions attached to the sale of the license.