

HOUSE BILL No. 4873

June 5, 2001, Introduced by Reps. Garza, Lipsey, Waters, Kilpatrick, Raczowski, Thomas, Daniels, Kowall, Toy, Richner, Stallworth, Hale, Rivet, Clarke, Jamnick and Lemmons and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending sections 515 and 916 (MCL 436.1515 and 436.1916).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 515. (1) The commission may issue in a county with a
2 population of ~~1,000,000~~ 750,000 or more, without regard to the
3 quota provisions of section 531, a class C license for a golf
4 course that is owned by a county, city, village, or township and
5 is open to the public.

6 (2) The commission shall not transfer a license issued under
7 this section to another location. If a licensee who receives a
8 license under this section goes out of business, the license
9 issued under this section shall be surrendered to the
10 commission.

1 Sec. 916. (1) An on-premises licensee shall not allow
2 monologues, dialogues, motion pictures, still slides, closed
3 circuit television, contests, or other performances for public
4 viewing on the licensed premises unless the licensee has applied
5 for and been granted an entertainment permit by the commission.
6 Issuance of an entertainment permit under this subsection does
7 not allow topless activity on the licensed premises.

8 (2) An on-premises licensee shall not allow dancing by cus-
9 tomers on the licensed premises unless the licensee has applied
10 for and been granted a dance permit by the commission. Issuance
11 of a dance permit under this subsection does not allow topless
12 activity on the licensed premises.

13 (3) An on-premises licensee shall not allow topless activity
14 on the licensed premises unless the licensee has applied for and
15 been granted a topless activity permit by the commission. This
16 section is not intended to prevent a local unit of government
17 from enacting an ordinance prohibiting topless activity or nudity
18 on a licensed premises located within that local unit of
19 government. This subsection applies only to topless activity
20 permits issued by the commission to on-premises licensees located
21 in counties with a population of 95,000 or less.

22 (4) The commission may issue to an on-premises licensee a
23 combination dance-entertainment permit or topless
24 activity-entertainment permit after application requesting a
25 permit for both types of activities.

26 (5) An on-premises licensee shall not allow the activities
27 allowed by a permit issued under this section at any time other

1 than the legal hours for sale and consumption of alcoholic
2 liquor.

3 (6) Before the issuance of any permit under this section,
4 the on-premises licensee shall obtain the approval of all of the
5 following:

6 (a) The commission.

7 (b) Except in cities with a population of ~~1,000,000~~
8 750,000 or more, the local legislative body of the jurisdiction
9 within which the premises are located.

10 (c) The chief law enforcement officer of the jurisdiction
11 within which the premises are located or the entity contractually
12 designated to enforce the law in that jurisdiction.

13 (7) The following activities are allowed without the grant-
14 ing of a permit under this section:

15 (a) The performance or playing of an orchestra, piano, or
16 other types of musical instruments, or singing.

17 (b) Any publicly broadcast television transmission from a
18 federally licensed station.

19 (8) In the case of a licensee granted an entertainment or
20 dance permit under R 436.1407 of the Michigan administrative code
21 who, after January 1, 1998, extended the activities conducted
22 under that permit to regular or full-time topless activity, that
23 licensee shall apply to the commission for a topless activity
24 permit under this section within 60 days after the effective date
25 of this section in order to continue topless activity. Except as
26 otherwise provided for in this subsection, this section applies

1 only to entertainment or dance permits issued after ~~the~~
2 ~~effective date of this section~~ APRIL 14, 1998.

3 (9) The fees imposed by the commission for a permit under
4 this section remain the same as the fees imposed under a permit
5 issued under R 436.1407 of the Michigan administrative code.

6 (10) Except as otherwise provided, this section does not
7 change the renewal or application process for a license under
8 section ~~17~~ 501 or the renewal process for permits issued under
9 R 436.1407 of the Michigan administrative code.

10 (11) As used in this section:

11 (a) "Nudity" means exposure to public view of the whole or
12 part of the pubic region; the whole or part of the anus; the
13 whole or part of the buttocks; the whole or part of the genitals;
14 or the breast area including the nipple or more than 1/2 of the
15 area of the breast.

16 (b) "Topless activity" means activity that includes, but is
17 not limited to, entertainment or work-related activity performed
18 by any of the following persons on the licensed premises in which
19 the female breast area, including the nipple, or more than 1/2 of
20 the area of the breast, is directly exposed or exposed by means
21 of see-through clothing or a body stocking:

22 (i) A licensee.

23 (ii) An employee, agent, or contractor of the licensee.

24 (iii) A person acting under the control of or with the per-
25 mission of the licensee.