

HOUSE BILL No. 4220

February 8, 2005, Introduced by Reps. Vagnozzi, Plakas, Gonzales, Leland and Condino and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 521a.

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 BOTH OF THE FOLLOWING CONDITIONS:

7 (A) ARE LOCATED IN A CITY REDEVELOPMENT PROJECT AREA MEETING
8 THE CRITERIA DESCRIBED IN SUBSECTIONS (3) AND (4).

9 (B) ARE ENGAGED IN ACTIVITIES DETERMINED BY THE COMMISSION TO

1 BE RELATED TO DINING, ENTERTAINMENT, AND URBAN RECREATION.

2 (2) THE COMMISSION SHALL NOT ISSUE A LICENSE UNDER THIS
3 SECTION UNLESS THE APPLICANT FULFILLS THE FOLLOWING IN RELATION TO
4 THE LICENSED PREMISES:

5 (A) PROVIDES THE ACTIVITY DESCRIBED IN SUBSECTION (1)(B) NOT
6 LESS THAN 3 DAYS PER WEEK.

7 (B) IS OPEN TO THE PUBLIC NOT LESS THAN 10 HOURS PER DAY, 5
8 DAYS PER WEEK.

9 (C) PRESENTS VERIFICATION OF REDEVELOPMENT PROJECT AREA STATUS
10 TO THE COMMISSION THAT SHALL INCLUDE THE FOLLOWING:

11 (i) A RESOLUTION OF THE GOVERNING BODY OF THE CITY ESTABLISHING
12 ITS STATUS AS A REDEVELOPMENT PROJECT AREA.

13 (ii) AN AFFIDAVIT FROM THE ASSESSOR, AS CERTIFIED BY THE CITY
14 CLERK, STATING THE TOTAL AMOUNT OF INVESTMENT IN REAL AND PERSONAL
15 PROPERTY WITHIN THE REDEVELOPMENT PROJECT AREA OF THE CITY DURING
16 THE PRECEDING 3 YEARS. IN THE CASE OF AN APPLICANT SEEKING A
17 LICENSE UNDER THIS SECTION WITHIN THE FIRST LICENSE CYCLE AFTER THE
18 EFFECTIVE DATE OF THIS SECTION, THE TIME PERIOD DESCRIBED IN THIS
19 SUBDIVISION MAY BE UP TO 5 YEARS.

20 (iii) AN AFFIDAVIT FROM THE ASSESSOR, AS CERTIFIED BY THE CITY
21 CLERK, SEPARATELY STATING THE AMOUNT OF INVESTMENT MONEY EXPENDED
22 FOR MANUFACTURING, INDUSTRIAL, RESIDENTIAL, AND COMMERCIAL
23 DEVELOPMENT WITHIN THE REDEVELOPMENT PROJECT AREA OF THE CITY
24 DURING THE PRECEDING 3 YEARS. IN THE CASE OF AN APPLICANT SEEKING A
25 LICENSE UNDER THIS SECTION WITHIN THE FIRST LICENSE CYCLE AFTER THE
26 EFFECTIVE DATE OF THIS SECTION, THE TIME PERIOD DESCRIBED IN THIS
27 SUBDIVISION MAY BE UP TO 5 YEARS.

1 (3) THE AMOUNT OF COMMERCIAL INVESTMENT IN THE REDEVELOPMENT
2 PROJECT AREA WITHIN THE CITY SHALL CONSTITUTE NOT LESS THAN 25% OF
3 THE TOTAL INVESTMENT IN REAL AND PERSONAL PROPERTY IN THAT
4 REDEVELOPMENT PROJECT AREA AS EVIDENCED BY AN AFFIDAVIT OF THE CITY
5 ASSESSOR. THIS SUBSECTION DOES NOT PREVENT THE CITY FROM REALIGNING
6 THE REDEVELOPMENT PROJECT AREA IN THE PRESENTMENT OF VERIFICATION
7 PROVIDED FOR UNDER SUBSECTION (2)(C).

8 (4) AN APPLICANT SHALL MEET AT LEAST 1 OF THE INVESTMENT
9 REQUIREMENTS OF THIS SUBSECTION DURING THE 3 YEARS PRECEDING
10 APPLICATION, OR WITHIN THE PRECEDING 5 YEARS IN THE CASE OF AN
11 APPLICANT APPLYING DURING THE FIRST LICENSE CYCLE AFTER THE
12 EFFECTIVE DATE OF THIS SECTION. THE TOTAL INVESTMENT IN REAL AND
13 PERSONAL PROPERTY IN THE REDEVELOPMENT PROJECT AREA WITHIN THE CITY
14 OVER THE APPROPRIATE TIME PERIOD DESCRIBED IN THIS SUBSECTION SHALL
15 BE AT LEAST 1 OF THE FOLLOWING:

16 (A) NOT LESS THAN \$50,000,000.00 IN CITIES HAVING A POPULATION
17 OF 50,000 OR MORE.

18 (B) NOT LESS THAN AN AMOUNT REFLECTING \$1,000,000.00 PER 1,000
19 PEOPLE IN CITIES HAVING A POPULATION OF LESS THAN 50,000.

20 (5) THE COMMISSION MAY ISSUE A LICENSE FOR EACH MONETARY
21 THRESHOLD DESCRIBED IN SUBSECTION (4)(A) AND (B), OR FOR EACH MAJOR
22 FRACTION THEREOF.

23 (6) THE COMMISSION MAY ISSUE THE LICENSES UNDER THIS SECTION
24 WITHOUT REGARD TO THE ORDER IN WHICH THE APPLICATIONS ARE RECEIVED.

25 (7) THE COMMISSION SHALL ANNUALLY REPORT TO THE LEGISLATURE
26 THE NAMES OF THE BUSINESSES ISSUED LICENSES UNDER THIS SECTION AND
27 THEIR LOCATIONS.

1 (8) THE COMMISSION SHALL NOT TRANSFER A LICENSE ISSUED UNDER
2 THIS SECTION TO ANOTHER LOCATION. IF THE LICENSEE GOES OUT OF
3 BUSINESS, THE LICENSEE SHALL SURRENDER THE LICENSE TO THE
4 COMMISSION.

5 (9) AS USED IN THIS SECTION, "CITY" MEANS A CITY ESTABLISHED
6 UNDER EITHER OF THE FOLLOWING:

7 (A) THE HOME RULE CITY ACT, 1909 PA 279, MCL 117.1 TO 117.38.

8 (B) THE FOURTH CLASS CITY ACT, 1895 PA 215, MCL 81.1 TO
9 113.20.

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No.____ or House Bill No. 4221(request no.
12 01437'05) of the 93rd Legislature is enacted into law.