



HOUSE BILL No. 4821

May 11, 1995, Introduced by Reps. Gubow, Jamian, Johnson, Brackenridge, DeHart, Pitoniak and DeMars and referred to the Committee on Regulatory Affairs.

A bill to amend Act No. 8 of the Public Acts of the Extra Session of 1933, entitled as amended "The Michigan liquor control act," as amended, being sections 436.1 to 436.58 of the Michigan Compiled Laws, by adding section 17k.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 8 of the Public Acts of the Extra
2 Session of 1933, as amended, being sections 436.1 to 436.58 of
3 the Michigan Compiled Laws, is amended by adding section 17k to
4 read as follows:

5 SEC. 17K. (1) IN ADDITION TO ANY LICENSES FOR THE SALE OF
6 ALCOHOLIC LIQUOR FOR CONSUMPTION ON THE PREMISES THAT MAY BE
7 AVAILABLE IN THE LOCAL GOVERNMENTAL UNIT UNDER SECTION 19C(1),
8 AND THE RESORT LICENSES AUTHORIZED IN SECTION 19C(2), (3), AND
9 (4), THE COMMISSION MAY ISSUE NOT MORE THAN 50 ADDITIONAL TAVERN

1 LICENSES PER YEAR TO PERSONS WHO OPERATE BUSINESSES THAT MEET ALL
2 OF THE FOLLOWING CONDITIONS:

3 (A) THE BUSINESS IS A FULL SERVICE RESTAURANT, IS OPEN TO
4 THE PUBLIC, AND PREPARES FOOD ON THE PREMISES.

5 (B) THE BUSINESS IS OPEN FOR FOOD SERVICE NOT LESS THAN 10
6 HOURS PER DAY, 5 DAYS A WEEK.

7 (C) AT LEAST 50% OF THE GROSS RECEIPTS OF THE BUSINESS ARE
8 DERIVED FROM THE SALE OF FOOD FOR CONSUMPTION ON THE PREMISES.

9 (D) THE BUSINESS HAS DINING FACILITIES TO SEAT NOT LESS THAN
10 25 PERSONS.

11 (E) THE BUSINESS IS LOCATED IN A DEVELOPMENT AREA OF AN
12 EXISTING DOWNTOWN DISTRICT DEVELOPMENT AUTHORITY CREATED PURSUANT
13 TO ACT NO. 197 OF THE PUBLIC ACTS OF 1975, BEING SECTIONS
14 125.1651 TO 125.1681 OF THE MICHIGAN COMPILED LAWS, IN WHICH THE
15 AUTHORITY, AFTER A PUBLIC HEARING, HAS FOUND THAT THE ISSUANCE OF
16 THE TAVERN LICENSE WOULD PREVENT FURTHER DETERIORATION WITHIN THE
17 DOWNTOWN DISTRICT AND PROMOTE ECONOMIC GROWTH WITHIN THE DOWNTOWN
18 DISTRICT. THE COMMISSION SHALL NOT ISSUE THE LICENSE UNLESS THE
19 LOCAL UNIT OF GOVERNMENT WITHIN WHICH THE AUTHORITY IS LOCATED,
20 AFTER HOLDING A PUBLIC HEARING, PASSES A RESOLUTION CONCURRING IN
21 THE FINDINGS OF THE AUTHORITY.

22 (2) IF IN ANY LICENSING YEAR THE SALE OF FOOD FOR CONSUMP-
23 TION ON THE PREMISES OF THE BUSINESS REPRESENTS LESS THAN 50% OF
24 THE GROSS RECEIPTS FOR THE BUSINESS, THE COMMISSION, AFTER DUE
25 NOTICE AND PROPER HEARING, SHALL REVOKE THE TAVERN LICENSE.

26 (3) NOT MORE THAN 1 TAVERN LICENSE SHALL BE ISSUED UNDER
27 THIS SECTION TO ANY INDIVIDUAL, PARTNERSHIP, LIMITED PARTNERSHIP,

1 LIMITED LIABILITY COMPANY, CORPORATION, OR ANY COMBINATION OF ANY
2 OF THE ABOVE, INCLUDING STOCKHOLDERS, GENERAL PARTNERS, OR
3 LIMITED PARTNERS.

4 (4) A TAVERN LICENSE ISSUED UNDER THIS SECTION SHALL NOT BE
5 RECLASSIFIED TO A CLASS C LICENSE OR A CLASS B HOTEL LICENSE OR
6 TO ANY OTHER LICENSE WHICH WOULD PERMIT THE SALE OF SPIRITS FOR
7 CONSUMPTION ON THE PREMISES. A TAVERN LICENSE ISSUED UNDER THIS
8 SECTION IS NOT TRANSFERABLE AS TO LOCATION OR OWNERSHIP AND SHALL
9 NOT BE HELD IN ESCROW FOR MORE THAN 1 YEAR.

10 (5) THE COMMISSION SHALL NOT ISSUE A SPECIALLY DESIGNATED
11 MERCHANT LICENSE, SPECIALLY DESIGNATED DISTRIBUTOR LICENSE, OR
12 ANY OTHER LICENSE THAT ALLOWS THE SALE OF ALCOHOLIC LIQUOR FOR
13 CONSUMPTION OFF THE PREMISES IN CONJUNCTION WITH A TAVERN LICENSE
14 ISSUED UNDER THIS SECTION OR AT THE PREMISES FOR WHICH A TAVERN
15 LICENSE HAS BEEN ISSUED UNDER THIS SECTION.

16 (6) THE LICENSED PREMISES OF A BUSINESS ISSUED A TAVERN
17 LICENSE PURSUANT TO THIS SECTION SHALL NOT CONTAIN A BAR.

18 (7) THE COMMISSION MAY ISSUE THE LICENSES UNDER THIS SECTION
19 WITHOUT REGARD TO THE ORDER IN WHICH THE APPLICATIONS FOR THE
20 LICENSES ARE RECEIVED.