

SUBSTITUTE FOR
HOUSE BILL NO. 4641

[A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending sections 513 and 541 (MCL 436.1513 and 436.1541), section 513
as amended by 2004 PA 141 and section 541 as amended by 2006 PA 253, and
by adding sections 413 and 526.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 413. NOTWITHSTANDING ANY PROVISION OF THIS ACT OR RULE
2 PROMULGATED UNDER THIS ACT, A LICENSED BREWPUB, MICROBREWERY, OR
3 BREWERY MAY DIRECTLY SELL TO A HOLDER OF A SPECIAL LICENSE ISSUED
4 UNDER SECTION 526, FOR THE PURPOSE OF CONDUCTING A BEER FESTIVAL, A
5 QUANTITY OF BEER DETERMINED APPROPRIATE BY THE COMMISSION FOR THE
6 PURPOSE OF PARTICIPATING IN A BEER FESTIVAL.

7 Sec. 513. (1) The commission may issue to the governing board
8 of a college or university, without regard to the quota provisions

1 of section 531, a license to sell alcoholic liquor for consumption
2 on the premises of a conference center operated by the governing
3 board. Licenses granted under this subsection may be used only for
4 the sale of alcoholic liquor at regularly scheduled conference
5 center activities. The sale of alcoholic liquor to unscheduled
6 patrons or at unscheduled events is prohibited under this
7 subsection.

8 (2) Subject to the provisions of section 531, the commission
9 may issue a license to a private entity for the sale of alcoholic
10 liquor for consumption on the premises of a hotel located on land
11 owned by central Michigan university if both of the following
12 circumstances exist:

13 (a) The land is leased or subleased at fair market value to a
14 private entity that owns, leases, or subleases the hotel building
15 and its fixtures.

16 (b) The hotel and land are located within an industrial,
17 research, or commercial development park established by the
18 governing board of central Michigan university.

19 (3) Licenses issued pursuant to this section are
20 nontransferable, and the licensee shall pay the fee required under
21 section 525.

22 (4) As used in this section:

23 (a) "College" or "university" means a 2-year or 4-year state
24 supported institution of higher education.

25 (b) "Conference center" means a building or portion of a
26 building, other than a student residence hall or student center,
27 which has meeting rooms, banquet areas, social halls, overnight

1 accommodations, and related facilities for special activities
2 scheduled by the college or university, which in the judgment of
3 the commission, has been regularly used for conferences and lodging
4 of guests. The convocation center and the corporate education
5 center at eastern Michigan university, the Kirkhof and Eberhard
6 centers at Grand Valley state university, the Bernhard center at
7 western Michigan university, the Wadsworth center at Michigan
8 technological university, the West complex at Saginaw Valley state
9 university, the conference center at Big Rapids, the applied
10 technology center at Grand Rapids and the FSU-GR conference center
11 of Ferris state university, Grand Rapids junior college, the
12 Waterman campus center at Schoolcraft college, the Mendel center at
13 Lake Michigan community college, the McGregor memorial conference
14 center at Wayne state university, the Michigan state university
15 management educational center, the Superior dome at northern
16 Michigan university, Walker Cisler center at Lake Superior state
17 university, the Marie Prahll college center at Mott community
18 college, the John T. Parsons and Frank L. Stulen Michigan technical
19 education center, the Gerald and Frances Oleson center, the Dennon
20 museum center, and the Great Lakes campus at northwestern Michigan
21 college, ~~and~~ the farmhouse at Delta college, **AND THE OAKLAND**
22 **COMMUNITY COLLEGE CULINARY STUDIES INSTITUTE** are considered
23 conference centers for the purposes of this act.

24 **SEC. 526. (1) THE COMMISSION MAY ISSUE A SPECIAL LICENSE UNDER**
25 **THIS SECTION TO ANY ORGANIZATION CONDUCTING A BEER FESTIVAL. THE**
26 **APPLICATION SHALL CONFORM TO THE FOLLOWING:**

27 **(A) BE SUBMITTED BY A NONPROFIT ENTITY COMPOSED PRIMARILY OF**

House Bill No. 4641 (H-4) as amended November 29, 2006 (1 of 2)
 1 BREWERS, MICROBREWERS, AND BREWPUBS, AS DETERMINED BY THE
 2 COMMISSION.

3 (B) INVOLVE AN EVENT HAVING FOR ITS PRIMARY PURPOSE THE
 4 SHOWCASING OF BEER AND ITS PRODUCTION.

5 (C) BE ACCOMPANIED BY A FEE OF \$25.00 PER EVENT.

6 (2) THE SPECIAL LICENSE SHALL NOT ALLOW MORE THAN 5 EVENTS PER
 7 CALENDAR YEAR CONFORMING TO THE PRESCRIPTIONS OF SUBSECTION (1).

8 (3) A HOLDER OF A SPECIAL LICENSE ISSUED UNDER THIS SECTION
 9 MAY BUY A QUANTITY OF BEER, AS DETERMINED APPROPRIATE UNDER THE
 10 CIRCUMSTANCES BY THE COMMISSION, DIRECTLY FROM ANY LICENSED
 11 BREWPUB, MICROBREWERY, OR BREWER FOR CONSUMPTION ONLY AT THE
 12 LICENSED EVENT.

13 (4) AS USED IN THIS SECTION AND SECTION 413, "BEER FESTIVAL"
 14 MEANS AN EVENT AT WHICH THE VARIOUS TYPES AND KINDS OF BEER AND THE
 15 PRODUCTION OF THAT BEER ARE SHOWCASED TO THE GENERAL PUBLIC AND AT
 16 WHICH THE GENERAL PUBLIC CAN PURCHASE AND SAMPLE THE BEER BEING
 17 SHOWCASED FOR CONSUMPTION ON THE LICENSED PREMISES.

[Sec. 541. (1) The commission shall not prohibit an applicant for or the holder of a specially designated distributor license or specially designated merchant license from owning or operating motor vehicle fuel pumps on or adjacent to the licensed premises, if both of the following conditions are met:

(a) One or both of the following conditions exist:

(i) The applicant or licensee is located in a neighborhood shopping center composed of 1 or more commercial establishments organized or operated as a unit which is related in location, size, and type of shop to the trade area that the unit serves, which provides not less than 50,000 square feet of gross leasable retail space, and which provides 5 private off-street parking spaces for each 1,000 square feet of gross leasable retail space.

(ii) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$250,000.00, at cost, of those goods and services customarily marketed by approved types of businesses.

(b) The site of payment and selection of alcoholic liquor is not less than 50 feet from that point where motor vehicle fuel is dispensed.

(2) The commission shall not prohibit an applicant for or the holder of a specially designated distributor license or specially designated merchant license from owning or operating motor vehicle fuel pumps on or adjacent to the licensed premises, if all of the following conditions are met:

(a) The applicant is located in a township with a population of 7,000 or less, which township is not contiguous with any other township.

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For purposes of this subdivision, a township is not considered contiguous by water.

(b) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$12,500.00 at cost, of those goods and services customarily marketed by approved types of businesses.

(c) The applicant has the approval of the township, as evidenced by a resolution duly adopted by the township and submitted with the application to the commission.

(3) The commission shall not prohibit an applicant for or the holder of a specially designated merchant license from owning or operating motor vehicle fuel pumps on or adjacent to the licensed premises if both of the following conditions are met:

(a) The applicant or licensee is located in either of the following:

(i) A city, incorporated village, or township with a population of 3,500 or less and a county with a population of 31,000 or more.

(ii) A city, incorporated village, or township with a population of 4,000 or less and a county with a population of less than 31,000.

(b) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$10,000.00, at cost, of those goods and services customarily marketed by approved types of businesses.

(4) The commission shall not prohibit an applicant for or the holder of a specially designated distributor license from owning or operating motor vehicle fuel pumps on or adjacent to the licensed premises if both of the following conditions are met:

(a) The applicant or licensee is located in either of the following:

(i) A city, incorporated village, or township with a population of ~~3,000~~ 3,500 or less and a county with a population of 31,000 or more.

(ii) A city, incorporated village, or township with a population of ~~3,500~~ 4,000 or less and a county with a population of less than 31,000.

(b) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$12,500.00, at cost, of those goods and services customarily marketed by approved types of businesses.

(5) A person who was issued a specially designated merchant license or specially designated distributor license at a location at which another person owned, operated or maintained motor vehicle fuel pumps at the same location may have or acquire an interest in the ownership, operation or maintenance of those motor vehicle fuel pumps.

(6) The commission may transfer ownership of a specially designated merchant license or specially designated distributor license to a person who owns or is acquiring an interest in motor vehicle fuel pumps already in operation at the same location at which the license is issued.]