

SENATE BILL No. 929

April 28, 2016, Introduced by Senators MEEKHOF, KOWALL, HORN, HANSEN, PROOS and SHIRKEY and referred to the Committee on Michigan Competitiveness.

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 533, 541, and 543 (MCL 436.1533, 436.1541, and 436.1543), section 533 as amended by 1998 PA 416, section 541 as amended by 2016 PA 84, and section 543 as amended by 2010 PA 213, and by adding section 903b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 533. (1) ~~A retail vendor licensed under this act to sell~~
2 ~~for consumption on the premises may apply for a license as a~~
3 ~~specially designated merchant. THE COMMISSION SHALL NOT ISSUE A NEW~~
4 **SPECIALLY DESIGNATED MERCHANT LICENSE OR TRANSFER AN EXISTING**
5 **SPECIALLY DESIGNATED MERCHANT LICENSE UNLESS THE APPLICANT IS AN**
6 **APPROVED TYPE OF BUSINESS. AN APPLICANT IS NOT AN APPROVED TYPE OF**
7 **BUSINESS UNLESS THE APPLICANT MEETS 1 OR MORE OF THE FOLLOWING**
8 **CONDITIONS:**

1 (A) THE APPLICANT HOLDS AND MAINTAINS A RETAIL FOOD
2 ESTABLISHMENT LICENSE ISSUED UNDER SECTION 4125 OF THE FOOD LAW,
3 2000 PA 92, MCL 289.4125.

4 (B) THE APPLICANT HOLDS AND MAINTAINS AN EXTENDED RETAIL FOOD
5 ESTABLISHMENT LICENSE ISSUED UNDER SECTION 4125 OF THE FOOD LAW,
6 2000 PA 92, MCL 289.4125.

7 (C) THE APPLICANT HOLDS OR THE COMMISSION APPROVES THE
8 ISSUANCE OF A SPECIALLY DESIGNATED DISTRIBUTOR LICENSE TO THE
9 APPLICANT.

10 (D) THE APPLICANT HOLDS OR THE COMMISSION APPROVES THE
11 ISSUANCE OF A CLASS C LICENSE TO THE APPLICANT.

12 (E) THE APPLICANT HOLDS OR THE COMMISSION APPROVES THE
13 ISSUANCE OF A CLASS A HOTEL LICENSE TO THE APPLICANT.

14 (F) THE APPLICANT HOLDS OR THE COMMISSION APPROVES THE
15 ISSUANCE OF A CLASS B HOTEL LICENSE TO THE APPLICANT.

16 (G) THE APPLICANT HOLDS OR THE COMMISSION APPROVES THE
17 ISSUANCE OF A CLUB LICENSE TO THE APPLICANT.

18 (H) THE APPLICANT HOLDS OR THE COMMISSION APPROVES THE
19 ISSUANCE OF A TAVERN LICENSE TO THE APPLICANT.

20 (I) THE APPLICANT HOLDS OR THE COMMISSION APPROVES THE
21 ISSUANCE OF A CLASS G-1 LICENSE TO THE APPLICANT.

22 (J) THE APPLICANT HOLDS OR THE COMMISSION APPROVES THE
23 ISSUANCE OF A CLASS G-2 LICENSE TO THE APPLICANT.

24 (2) A specially designated distributor may apply for a license
25 as a specially designated merchant.

26 (3) In cities, incorporated villages, or townships, the
27 commission shall issue only 1 specially designated distributor

1 license for each 3,000 of population ~~or~~ fraction of 3,000 OF
 2 POPULATION. The COMMISSION MAY WAIVE THE quota ~~requirement may be~~
 3 ~~waived at the discretion of the commission~~ UNDER THIS SUBSECTION if
 4 there is no existing specially designated distributor licensee
 5 within 2 miles of the applicant, measured along the nearest traffic
 6 route.

7 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IN CITIES,
 8 INCORPORATED VILLAGES, OR TOWNSHIPS, THE COMMISSION SHALL ISSUE
 9 ONLY 1 SPECIALLY DESIGNATED MERCHANT LICENSE FOR EACH 1,000 OF
 10 POPULATION. THE QUOTA UNDER THIS SUBSECTION DOES NOT APPLY TO ANY
 11 OF THE FOLLOWING:

12 (A) AN APPLICANT FOR A SPECIALLY DESIGNATED MERCHANT LICENSE
 13 THAT IS AN APPLICANT FOR OR THE HOLDER OF A LICENSE LISTED IN
 14 SUBSECTION (1) (D) TO (J).

15 (B) AN APPLICANT FOR OR THE HOLDER OF A SPECIALLY DESIGNATED
 16 MERCHANT LICENSE WHOSE LICENSED ESTABLISHMENT MEETS 1 OR MORE OF
 17 THE FOLLOWING CONDITIONS:

18 (i) MEETS BOTH OF THE FOLLOWING CONDITIONS:

19 (A) THE LICENSED ESTABLISHMENT IS AT LEAST 20,000 SQUARE FEET.

20 (B) THE LICENSED ESTABLISHMENT'S GROSS RECEIPTS DERIVED FROM
 21 THE SALE OF FOOD ARE AT LEAST 20% OF THE TOTAL GROSS RECEIPTS.

22 (ii) THE LICENSED ESTABLISHMENT'S GROSS RECEIPTS DERIVED FROM
 23 THE SALE OF PRESCRIPTION DRUGS AS THAT TERM IS DEFINED IN SECTION
 24 17708 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17708, ARE AT
 25 LEAST 20% OF THE TOTAL GROSS RECEIPTS.

26 (C) A SECONDARY LOCATION PERMIT ISSUED TO A SPECIALLY
 27 DESIGNATED MERCHANT UNDER SECTION 541.

1 (5) THE COMMISSION MAY WAIVE THE QUOTA UNDER SUBSECTION (4) IF
2 THERE IS NO EXISTING SPECIALLY DESIGNATED MERCHANT WITHIN 2 MILES
3 OF THE APPLICANT, MEASURED ALONG THE NEAREST TRAFFIC ROUTE.

4 (6) THE COMMISSION SHALL WAIVE THE QUOTA UNDER SUBSECTION (4)
5 IF ALL OF THE FOLLOWING APPLY:

6 (A) THE PROPOSED LICENSED ESTABLISHMENT IS LOCATED IN A CITY,
7 INCORPORATED VILLAGE, OR TOWNSHIP IN WHICH THE QUOTA UNDER
8 SUBSECTION (4) IS EXHAUSTED AS OF THE EFFECTIVE DATE OF THE
9 AMENDATORY ACT THAT ADDED SUBSECTION (4).

10 (B) THE APPLICANT APPLIES FOR THE SPECIALLY DESIGNATED
11 MERCHANT LICENSE WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE
12 AMENDATORY ACT THAT ADDED SUBSECTION (4).

13 (C) THE APPLICANT IS A RETAIL DEALER THAT HOLDS A LICENSE
14 ISSUED UNDER SECTION 6(1) OF THE MOTOR FUELS QUALITY ACT, 1984 PA
15 44, MCL 290.646. THE APPLICANT SHALL INCLUDE A COPY OF THE LICENSE
16 DESCRIBED IN THIS SUBDIVISION WITH THE APPLICANT'S APPLICATION
17 UNDER THIS SUBSECTION. AS USED IN THIS SUBDIVISION, "RETAIL DEALER"
18 MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE MOTOR FUELS QUALITY
19 ACT, 1984 PA 44, MCL 290.642.

20 (7) A SPECIALLY DESIGNATED MERCHANT LICENSE ISSUED UNDER THIS
21 SECTION MAY BE TRANSFERRED TO AN APPLICANT WHOSE PROPOSED OPERATION
22 IS LOCATED WITHIN ANY LOCAL GOVERNMENTAL UNIT IN A COUNTY IN WHICH
23 THE SPECIALLY DESIGNATED MERCHANT LICENSE WAS LOCATED. IF THE LOCAL
24 GOVERNMENTAL UNIT WITHIN WHICH THE FORMER LICENSEE'S PREMISES WERE
25 LOCATED SPANS MORE THAN 1 COUNTY, A SPECIALLY DESIGNATED MERCHANT
26 LICENSE MAY BE TRANSFERRED TO AN APPLICANT WHOSE PROPOSED OPERATION
27 IS LOCATED WITHIN ANY LOCAL GOVERNMENTAL UNIT IN EITHER COUNTY. IF

1 A SPECIALLY DESIGNATED MERCHANT LICENSE IS TRANSFERRED TO A LOCAL
2 GOVERNMENTAL UNIT OTHER THAN THAT LOCAL GOVERNMENTAL UNIT WITHIN
3 WHICH THE SPECIALLY DESIGNATED MERCHANT LICENSE WAS ORIGINALLY
4 ISSUED, THE COMMISSION SHALL COUNT THAT TRANSFERRED SPECIALLY
5 DESIGNATED MERCHANT LICENSE AGAINST THE LOCAL GOVERNMENTAL UNIT
6 ORIGINALLY ISSUING THE SPECIALLY DESIGNATED MERCHANT LICENSE.

7 (8) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (9), THE QUOTA
8 UNDER SUBSECTION (4) DOES NOT BAR THE RIGHT OF AN EXISTING
9 SPECIALLY DESIGNATED MERCHANT TO RENEW THE SPECIALLY DESIGNATED
10 MERCHANT LICENSE OR TRANSFER THE SPECIALLY DESIGNATED MERCHANT
11 LICENSE. THIS SUBSECTION APPLIES TO A SPECIALLY DESIGNATED MERCHANT
12 LICENSE ISSUED OR RENEWED BEFORE, ON, OR AFTER THE EFFECTIVE DATE
13 OF THE AMENDATORY ACT THAT ADDED SUBSECTION (4).

14 (9) A SPECIALLY DESIGNATED MERCHANT LICENSE ISSUED AFTER THE
15 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBSECTION (4) TO A
16 PERSON DESCRIBED IN SUBSECTION (4) (A) OR (B) IS NOT TRANSFERABLE AS
17 TO LOCATION.

18 (10) FOR PURPOSES OF THIS SECTION, POPULATION IS DETERMINED BY
19 THE LAST FEDERAL DECENNIAL CENSUS, BY A SPECIAL CENSUS UNDER
20 SECTION 6 OF THE HOME RULE CITY ACT, 1909 PA 279, MCL 117.6, OR
21 SECTION 7 OF THE GLENN STEIL STATE REVENUE SHARING ACT OF 1971,
22 1971 PA 140, MCL 141.907, OR BY THE LATEST CENSUS AND CORRECTIONS
23 PUBLISHED BY THE UNITED STATES DEPARTMENT OF COMMERCE, BUREAU OF
24 THE CENSUS, WHICHEVER IS LATER.

25 Sec. 541. (1) Except as provided in subsections (2) to ~~(6)~~,
26 (5), the commission shall not allow an applicant for or the holder
27 of a specially designated distributor license ~~or specially~~

1 ~~designated merchant license from owning or operating~~ **TO OWN OR**
2 **OPERATE** motor vehicle fuel pumps on or adjacent to the licensed
3 premises, unless both of the following conditions are met:

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

5 (i) The applicant or licensee is located in a neighborhood
6 shopping center.

7 (ii) ~~Subject to subsection (9), the~~ **THE** applicant or licensee
8 maintains a minimum inventory on the premises, excluding alcoholic
9 liquor and motor vehicle fuel, of not less than \$250,000.00, at
10 cost, of those goods and services customarily marketed by approved
11 types of businesses.

12 (b) The site of payment and selection of alcoholic liquor is
13 not less than 5 feet from that point where motor vehicle fuel is
14 dispensed.

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

20 (a) The applicant is located in a township with a population
21 of 7,000 or less that is not contiguous with any other township.
22 For purposes of this subdivision, a township is not considered
23 contiguous by water.

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

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

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

8 ~~—— (a) The applicant or licensee is located in any of the~~
9 ~~following:~~

10 ~~—— (i) A city, incorporated village, or township with a~~
11 ~~population of 3,500 or less and a county with a population of~~
12 ~~31,000 or more.~~

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

16 ~~—— (iii) A township in which the applicant or licensee is the~~
17 ~~only person that owns or operates motor fuel pumps within the~~
18 ~~township on the date of application. The commission shall not~~
19 ~~revoke a license that was granted under this subparagraph if a~~
20 ~~second person that owns or operates motor fuel pumps opens within~~
21 ~~the township after the original application was filed.~~

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

26 (3) ~~(4)~~ The commission shall not prohibit an applicant for or
27 the holder of a specially designated distributor license from

1 owning or operating motor vehicle fuel pumps on or adjacent to the
2 licensed premises if both of the following conditions are met:

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

5 (i) A city, incorporated village, or township with a
6 population of 3,500 or less and a county with a population of
7 31,000 or more.

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

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

15 (4) ~~(5)~~—A person that was issued a specially designated
16 merchant license or specially designated distributor license at a
17 location at which another person owned, operated or maintained
18 motor vehicle fuel pumps at the same location may have or acquire
19 an interest in the ownership, operation or maintenance of those
20 motor vehicle fuel pumps.

21 (5) ~~(6)~~—The commission may transfer ownership of a specially
22 designated merchant license or specially designated distributor
23 license to a person that owns or is acquiring an interest in motor
24 vehicle fuel pumps already in operation at the same location at
25 which the license is issued.

26 (6) **THE COMMISSION SHALL NOT PROHIBIT AN APPLICANT FOR OR THE**
27 **HOLDER OF A SPECIALLY DESIGNATED MERCHANT LICENSE FROM OWNING OR**

1 OPERATING MOTOR VEHICLE FUEL PUMPS ON OR ADJACENT TO THE LICENSED
2 PREMISES IF THE SITE OF PAYMENT IS NOT LESS THAN 5 FEET FROM THAT
3 POINT WHERE MOTOR VEHICLE FUEL IS DISPENSED.

4 (7) If a specially designated merchant's licensed premises are
5 a primary location, the commission may issue a secondary location
6 permit to the specially designated merchant, as an extension of the
7 specially designated merchant's license, for the sale of beer,
8 wine, or both, at the secondary location. The commission shall
9 issue a secondary location permit only to a specially designated
10 merchant to which both of the following apply:

11 (a) The holder of the specially designated merchant license
12 for the primary location premises or a subsidiary or affiliate of
13 the license holder owns or leases the secondary location.

14 (b) The holder of the specially designated merchant license
15 for the primary location or a subsidiary or affiliate of the
16 license holder owns or operates motor vehicle fuel pumps at the
17 secondary location. ~~under subsection (1).~~

18 (8) An applicant for a secondary location permit shall submit
19 an application to the commission in a format provided by the
20 commission and accompanied by an application and initial permit fee
21 of \$100.00. The application must include a diagram of the secondary
22 location with building dimensions and a depiction of the distance
23 measurement described in subsection ~~(1)(b)~~ **(6)**. The secondary
24 location permit expires on the same date as the specially
25 designated merchant license and may be renewed in conjunction with
26 the specially designated merchant license. The secondary location
27 permit holder may renew the secondary location permit by submitting

1 a permit renewal fee of \$100.00 and a completed renewal
2 application.

3 ~~—— (9) After a specially designated merchant is issued a
4 secondary location permit under subsection (7) and if the specially
5 designated merchant's licensed premises are a primary location that
6 is not a neighborhood shopping center, for purposes of determining
7 the minimum inventory condition described in subsection (1) (a) (ii),
8 the primary location and the secondary location are considered 1
9 premises.~~

10 (9) ~~(10)~~ After a specially designated merchant is issued a
11 secondary location permit under subsection (7), if a subsidiary or
12 affiliate of the specially designated merchant owns or operates the
13 secondary location and the subsidiary or affiliate shares the same
14 ultimate controlling party of the specially designated merchant,
15 the secondary location may receive and sell beer, wine, or both
16 under the specially designated merchant's license.

17 (10) ~~(11)~~ The holder of a secondary location permit shall
18 prominently display the secondary location permit at the secondary
19 location in the point-of-sale area.

20 (11) ~~(12)~~ As used in this section:

21 (a) "Neighborhood shopping center" means 1 commercial
22 establishment, or a group of commercial establishments organized or
23 operated as a unit, that is related in location, size, and type of
24 shop to the trade area that the unit serves, and consists of not
25 less than 50,000 square feet of leasable retail space, and has
26 access to off-street parking spaces.

27 (b) "Primary location" means licensed premises that ~~meet~~ **MEETS**

1 BOTH OF the FOLLOWING conditions: ~~under subsection (1).~~

2 (i) ONE OR BOTH OF THE FOLLOWING CONDITIONS EXIST:

3 (A) THE APPLICANT OR LICENSEE IS LOCATED IN A NEIGHBORHOOD
4 SHOPPING CENTER.

5 (B) THE APPLICANT OR LICENSEE MAINTAINS A MINIMUM INVENTORY ON
6 THE PREMISES, EXCLUDING ALCOHOLIC LIQUOR AND MOTOR VEHICLE FUEL, OF
7 NOT LESS THAN \$250,000.00, AT COST, OF THOSE GOODS AND SERVICES
8 CUSTOMARILY MARKETED BY APPROVED TYPES OF BUSINESSES.

9 (ii) THE SITE OF PAYMENT AND SELECTION OF ALCOHOLIC LIQUOR IS
10 NOT LESS THAN 5 FEET FROM THAT POINT WHERE MOTOR VEHICLE FUEL IS
11 DISPENSED.

12 (c) "Secondary location" means a business operation of the
13 holder of a specially designated merchant license for a primary
14 location, or a subsidiary or affiliate of that license holder, that
15 takes place on real property, that includes at least 1 building and
16 1 or more motor vehicle fuel pumps, and that is located on or
17 adjacent to the primary location. ~~Upon~~ **ON** commission approval of
18 the secondary location permit, the secondary location is considered
19 licensed premises and an extension of the licensed primary
20 location.

21 Sec. 543. (1) Quarterly, ~~upon~~ **ON THE COMMISSION'S**
22 recommendation, ~~of the commission,~~ the state shall pay pursuant to
23 appropriation in the manner prescribed by law to the city, village,
24 or township in which a full-time police department or full-time
25 ordinance enforcement department is maintained or, if a police
26 department or full-time ordinance enforcement department is not
27 maintained, to the county, to be credited to the sheriff's

1 department of the county in which the licensed premises are
2 located, 55% of the amount of the proceeds of the retailers'
3 license fees and license renewal fees collected in that
4 jurisdiction, for the specific purpose of enforcing this act and
5 the rules promulgated under this act. Forty-one and one-half
6 percent of the amount of the proceeds of retailers' license and
7 license renewal fees collected ~~shall~~**MUST** be deposited in a special
8 fund to be annually appropriated to the commission for carrying out
9 the licensing and enforcement provisions of this act. Any
10 unencumbered or uncommitted money in the special fund ~~shall~~**MUST**
11 revert to the general fund of ~~the~~**THIS** state 12 months after the
12 end of each fiscal year in which the funds were collected. The
13 legislature shall appropriate 3-1/2% of the amount of the proceeds
14 of retailers' license and license renewal fees collected to be
15 credited to a special fund in the state treasury for the purposes
16 of promoting and sustaining programs for the prevention,
17 rehabilitation, care, and treatment of alcoholics. This subsection
18 does not apply to retail license fees collected for railroad or
19 Pullman cars, watercraft, aircraft, or wine auctions or to the
20 transfer fees provided in section 529.

21 (2) All license and license renewal fees, other than retail
22 license and license renewal fees **AND WHOLESALE VENDOR LICENSE AND**
23 **LICENSE RENEWAL FEES**, ~~shall~~**MUST** be credited to the grape and wine
24 industry council created in section 303, to be used as provided in
25 section 303. Money credited to the grape and wine industry council
26 ~~shall~~**MUST** not revert to the state general fund at the close of the
27 fiscal year, but ~~shall~~**MUST** remain in the account to which it was

1 credited to be used as provided in section 303.

2 (3) All retail license fees collected for railroad or Pullman
3 cars, watercraft, or aircraft and the transfer fees provided in
4 section 529 ~~shall~~**MUST** be deposited in the special fund created in
5 subsection (1) for carrying out the licensing and enforcement
6 provisions of this act.

7 (4) The license fee enhancement imposed for licenses issued
8 under section 531(3) and (4) ~~shall~~**MUST** be deposited into a special
9 fund to be annually appropriated to the commission for enforcement
10 and other related projects determined appropriate by the
11 commission. The money representing that amount of the license fees
12 for identical licenses not issued under section 531(3) and (4)
13 ~~shall~~**MUST** be allocated and appropriated under subsection (1).

14 (5) The license fee imposed on direct shipper licenses and any
15 violation fines imposed by the commission ~~shall~~**MUST** be deposited
16 into the direct shipper enforcement revolving fund. The direct
17 shipper enforcement revolving fund is created within the state
18 treasury. The state treasurer shall direct the investment of the
19 fund. The state treasurer shall credit to the fund interest and
20 earnings from fund investments. Money in the fund at the close of
21 the fiscal year ~~shall~~**MUST** remain in the fund and ~~shall~~**MUST** not
22 lapse to the general fund. The commission shall expend money from
23 the fund, ~~upon~~**ON** appropriation, only for enforcement of the
24 provisions of section 203 and related projects.

25 (6) One hundred percent of the wine auction license fee
26 imposed in section 525(1)(aa) ~~shall~~**MUST** be deposited into the
27 general fund.

1 ~~—— (7) As used in this section, "license fee enhancement" means~~
2 ~~the money representing the difference between the license fee~~
3 ~~imposed for a license under section 525(1) and the additional~~
4 ~~amount imposed for resort and resort economic development licenses~~
5 ~~under section 525(2).~~

6 (7) ~~(8)~~ Notwithstanding any other provision of this section,
7 the additional \$160.00 license fee imposed upon any ON A licensee
8 selling alcoholic liquor between the hours of 7 a.m. on Sunday and
9 12 noon on Sunday is allocated to the general fund.

10 (8) WHOLESALE VENDOR LICENSE FEES AND LICENSE RENEWAL FEES
11 MUST BE DEPOSITED INTO THE LIQUOR CONTROL ENFORCEMENT AND LICENSE
12 INVESTIGATION REVOLVING FUND CREATED UNDER SUBSECTION (9).

13 (9) THE LIQUOR CONTROL ENFORCEMENT AND LICENSE INVESTIGATION
14 REVOLVING FUND IS CREATED WITHIN THE STATE TREASURY. THE STATE
15 TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE
16 TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
17 INVESTMENTS. MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR MUST
18 REMAIN IN THE FUND AND MUST NOT LAPSE TO THE GENERAL FUND. THE
19 COMMISSION SHALL EXPEND MONEY FROM THE FUND, ON APPROPRIATION, ONLY
20 FOR ENFORCEMENT OF THIS ACT AND THE RULES PROMULGATED UNDER THIS
21 ACT AND FOR LICENSE INVESTIGATIONS. THE COMMISSION SHALL NOT USE
22 MORE THAN 35% OF THE MONEY APPROPRIATED TO THE FUND UNDER THIS
23 SUBSECTION ON LICENSE INVESTIGATIONS.

24 (10) AS USED IN THIS SECTION, "LICENSE FEE ENHANCEMENT" MEANS
25 THE MONEY REPRESENTING THE DIFFERENCE BETWEEN THE LICENSE FEE
26 IMPOSED FOR A LICENSE UNDER SECTION 525(1) AND THE ADDITIONAL
27 AMOUNT IMPOSED FOR RESORT AND RESORT ECONOMIC DEVELOPMENT LICENSES

1 UNDER SECTION 525(2).

2 SEC. 903B. A RETAILER OR A RETAILER'S CLERK, SERVANT, AGENT,
3 OR EMPLOYEE THAT MAKES A PAYMENT TO A WHOLESALER, THE COMMISSION,
4 OR THIS STATE BY ANY MEANS THAT HAS BEEN DISHONORED BY A FINANCIAL
5 INSTITUTION FOR LACK OF SUFFICIENT FUNDS IS SUBJECT TO ENFORCEMENT
6 ACTION BY THE COMMISSION FOR ISSUING A DISHONORED PAYMENT
7 INSTRUMENT.

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.