

HOUSE BILL No. 5999

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending section 1101 (MCL 436.2101).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1101. (1) Spirits and mixed spirit drink for consumption
2 on the premises, in addition to beer and wine, may be sold by
3 restaurants, hotels, and establishments approved by the commission
4 under this act in the following cities, villages, or townships if
5 the legislative body of the city, village, or township by
6 resolution of a majority vote of the members elect, votes in favor
7 of allowing that sale. A petition may be filed with the city,
8 village, or township clerk requesting the submission of the
9 question of sale of spirits and mixed spirit drink for consumption
10 on the premises, in addition to beer and wine. In the case of a

1 city or township, the petition shall be signed by a number of the
2 registered and qualified electors which shall be not less than 35%
3 of the total number of votes cast for all candidates for the office
4 of secretary of state in that city or township at the last general
5 election held for that purpose. In the case of a village, the
6 petition shall be signed by a number of the registered and
7 qualified electors that is not less than 35% of the total number of
8 votes cast for all candidates for the office of president of the
9 village at the last village election held for that purpose. The
10 question shall not be submitted to the electors of a city, village,
11 or township more often than once in every 2 years. ~~The~~**BEFORE**
12 **JANUARY 1, 2015, THE** city, village, or township clerk shall, within
13 10 days after the petition is filed with the clerk, give notice of
14 the filing by publication of notice setting forth the essential
15 facts of the petition in a newspaper published or in general
16 circulation in the city, village, or township. **BEGINNING JANUARY 1,**
17 **2015, THE CITY, VILLAGE, OR TOWNSHIP CLERK SHALL, WITHIN 10 DAYS**
18 **AFTER THE PETITION IS FILED WITH THE CLERK, PROVIDE TIER B PUBLIC**
19 **NOTICE OF THE FILING AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC**
20 **NOTICE ACT.** The city, village, or township clerk shall submit the
21 question at the next regular state election held in the city,
22 village, or township if the petitions are filed at least 60 days
23 before the election. Class C licensees in a newly incorporated city
24 or village shall continue to be licensed by the commission until
25 the question of the sale of spirits and mixed spirit drink for
26 consumption on the premises, in addition to beer and wine, is
27 submitted to the electors of the city or village as provided in

1 this section. The question of the sale of spirits and mixed spirit
2 drink for consumption on the premises, in addition to beer and
3 wine, shall be submitted by ballot in substantially the following
4 form:

5 "Shall the sale of spirits and mixed spirit drink in addition
6 to beer and wine be permitted for consumption on the premises
7 within the city, village, or township of under the
8 provisions of the law governing same?

9 Yes

10 No".

11 (2) All votes on the question submitted by ballot under
12 subsection (1) shall be taken, counted, and canvassed in the same
13 manner as votes cast in city, village, or township elections, as
14 applicable, are taken, counted, and canvassed. Ballots shall be
15 furnished by the election commission or similar body of the
16 respective city, village, or township. If a majority of the
17 electors voting at an election conducted under this section shall
18 vote in favor of the question submitted by ballot under subsection
19 (1), spirits and mixed spirit drink may be sold under this act in
20 that city, village, or township for consumption on the premises, in
21 addition to beer and wine.

22 (3) At any time within 18 months after an election conducted
23 under this section has resulted in a tie vote, the question shall
24 be resubmitted to the electors upon the filing of a petition with
25 the legislative body of the city, village, or township. The
26 petition shall be signed by a number of electors not less than that
27 required under subsection (1) for the calling of an election on an

1 original petition. The question shall be resubmitted to the
2 electors by the city, village, or township clerk at the next
3 regular election if that election occurs not less than 30 days and
4 not more than 60 days after the filing of the petition or at a
5 special election called for that purpose and to be held within not
6 less than 30 days and not more than 60 days after the filing of the
7 petition.

8 (4) This section shall not be used by the legislative body of
9 a city, village, or township to nullify the results of a referendum
10 vote of the electors of the city, village, or township.

11 Enacting section 1. This amendatory act does not take effect
12 unless House Bill No. 5560 of the 97th Legislature is enacted into
13 law.