

SENATE BILL No. 100

February 1, 2011, Introduced by Senator JONES and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 1111, 1113, and 1114 (MCL 436.2111, 436.2113, and 436.2114), as amended by 2010 PA 213.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1111. (1) ~~Except as otherwise provided for in subsection~~
2 ~~(6), the~~ **THE** sale of beer and wine between the hours of 7 a.m. on
3 Sunday and 2 a.m. on Monday is allowed. ~~, but may be prohibited, in~~
4 ~~any~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), A** county, city,
5 village, or township **MAY PROHIBIT THE SALE OF BEER AND WINE BETWEEN**
6 **THE HOURS OF 7 A.M. AND 12 NOON ON SUNDAY OR BETWEEN THE HOURS OF 7**
7 **A.M. ON SUNDAY AND 2 A.M. ON MONDAY** under the following
8 circumstances:

1 (a) By majority vote of the legislative body voting on the
2 resolution to make such an authorization. Failure of the
3 legislative body to act on such an authorization is grounds for the
4 petitioning of the county, city, village, or township for
5 submission of the question to the voters of the county, city,
6 village, or township under subsection (2).

7 (b) By submission of a petition under subsection (2) by a
8 majority vote of the electors voting at a regular state election.

9 (2) ~~Not more often than once in every 4 years, upon~~ **UPON** the
10 filing of a petition with the county, city, village, or township
11 clerk, by a majority of the electors voting at a regular state
12 election within that county, village, city, or township, as
13 applicable, requesting the submission of the question of the Sunday
14 **MORNING** sale of beer and wine **OR THE SUNDAY SALE OF BEER AND WINE,**
15 the clerk shall submit that question to the electors of the county,
16 city, village, or township at the next regular state election held
17 in that county, city, village, or township. A petition filed under
18 this subsection shall be filed not less than 60 days before the
19 regular state election. A ballot question under this subsection
20 shall not be submitted more often than once in any 4-year period.

21 (3) In the case of a county, city, or township, the petition
22 shall be signed by a number of the registered and qualified
23 electors of the county, city, or township that is not less than 35%
24 of the total number of votes cast for all candidates for the office
25 of secretary of state in that county, city, or township at the last
26 general election held for that purpose and, in the case of a
27 village the petition shall be signed by a number of the registered

1 and qualified electors of the village that is **NOT** less than 35% of
2 the total number of votes cast for all candidates for the office of
3 president of the village at the last village election held for that
4 purpose.

5 (4) The question of the ~~Sunday~~ sale of beer and wine shall be
6 submitted by ballot in substantially the following ~~form~~ **FORMS**:

7 **(A) FOR THE SALE BETWEEN THE HOURS OF 7 A.M. AND 12 NOON ON**
8 **SUNDAY:**

9 "Shall the sale of beer and wine within (the county, city,
10 village, or township as the case may be) between the hours of 7
11 a.m. **AND 12 NOON** on Sunday ~~and 2 a.m. on Monday~~ be prohibited?

12 Yes

13 No"

14 **(B) FOR THE SALE BETWEEN THE HOURS OF 7 A.M. ON SUNDAY AND 2**
15 **A.M. ON MONDAY:**

16 "SHALL THE SALE OF BEER AND WINE WITHIN (THE COUNTY, CITY,
17 VILLAGE, OR TOWNSHIP AS THE CASE MAY BE) BETWEEN THE HOURS OF 7
18 A.M. ON SUNDAY AND 2 A.M. ON MONDAY BE PROHIBITED?

19 YES

20 NO"

21 (5) ~~All votes on the~~ **VOTES ON A** question submitted to the
22 electors under this section shall be taken, counted, and canvassed
23 in the same manner as votes cast in county, city, village, or
24 township ~~election~~ **ELECTIONS**, as applicable, are taken, counted, and
25 canvassed. Ballots shall be furnished by the election commission or
26 similar body of the respective county, city, village, or township.
27 If a majority of the electors voting at an election conducted under

1 this section vote in favor of the question submitted, the sale of
2 beer and wine within that county, city, village, or township
3 between the hours of 7 a.m. **AND 12 NOON** on Sunday **OR BETWEEN THE**
4 **HOURS OF 7 A.M. ON SUNDAY** and 2 a.m. on Monday is prohibited.

5 (6) The sale of beer and wine in any county between the hours
6 of 7 a.m. **AND 12 NOON** on Sunday **OR BETWEEN THE HOURS OF 7 A.M. ON**
7 **SUNDAY** and 2 a.m. on Monday shall not be prohibited under the
8 provisions of subsections (1) through (5) as applied to a
9 motorsports entertainment complex located in more than 1 county if
10 a resolution or referendum under this section results in the
11 question's failing to pass in 1 county but passing in another.
12 Under ~~such~~**THESE** circumstances, the commission shall determine the
13 issue of the sale of beer and wine in the motorsports entertainment
14 complex in those counties between the hours of 7 a.m. **AND 12 NOON**
15 on Sunday **OR BETWEEN THE HOURS OF 7 A.M. ON SUNDAY** and 2 a.m. on
16 Monday. As used in this section, "motorsports entertainment
17 complex" means a closed-course motorsports facility, and its
18 ancillary grounds and facilities, that satisfies all of the
19 following:

20 (a) Has at least 70,000 fixed seats for race patrons.

21 (b) Has at least 4 scheduled days of motorsports events each
22 calendar year.

23 (c) Serves food and beverages at the motorsports entertainment
24 complex during motorsports events each calendar year through
25 concession outlets, which are staffed by individuals who represent
26 or are members of 1 or more nonprofit civic or charitable
27 organizations that directly benefit from the concession outlets'

1 sales.

2 (d) Engages in tourism promotion.

3 (e) Has permanent exhibitions of motorsports history, events,
4 or vehicles within the motorsports entertainment complex.

5 (7) ANY PROHIBITIONS ON THE SALE OF BEER AND WINE BETWEEN THE
6 HOURS OF 7 A.M. AND 12 NOON ON SUNDAY OR BETWEEN THE HOURS OF 7
7 A.M. ON SUNDAY AND 2 A.M. ON MONDAY ADOPTED BY A COUNTY, CITY,
8 VILLAGE, OR TOWNSHIP BEFORE THE EFFECTIVE DATE OF THE AMENDATORY
9 ACT THAT ADDED THIS SUBSECTION SHALL REMAIN IN EFFECT.

10 Sec. 1113. (1) Except as provided in subsection (2), (3), or
11 (5) and subject to subsection (6), a licensee enumerated under
12 section 525 may sell at retail, and a person may buy, spirits or
13 mixed spirit drink between the hours of 7 a.m. on Sunday and 2 a.m.
14 on Monday.

15 (2) Unless the legislative body of a county has prohibited the
16 sale of spirits and mixed spirit drink for consumption on the
17 premises **BETWEEN THE HOURS OF 7 A.M. AND 12 NOON** on Sunday **OR**
18 **BETWEEN THE HOURS OF 7 A.M. ON SUNDAY AND 2 A.M. ON MONDAY**, by
19 resolution approved by a majority of the legislative body voting on
20 that resolution, ~~the~~ spirits and mixed spirit drink may be sold
21 after 7 a.m. on Sunday, in an establishment licensed under this act
22 in which the gross receipts derived from the sale of food and other
23 goods and services exceed 50% of the total gross receipts. With
24 respect to an action taken by the legislative body or if the
25 legislative body fails to act, a petition may be filed with the
26 county clerk requesting the submission of the question regarding
27 the prohibition of the sale of spirits and mixed spirit drink for

1 consumption on the premises in addition to beer and wine **BETWEEN**
 2 **THE HOURS OF 7 A.M. AND 12 NOON** on Sunday **OR BETWEEN THE HOURS OF 7**
 3 **A.M. ON SUNDAY AND 2 A.M. ON MONDAY**. The petition shall be signed
 4 by a number of the registered and qualified electors of the county
 5 that is not less than 8% of the total number of votes cast for all
 6 candidates for the office of secretary of state in the county at
 7 the last general election held for that purpose. The question shall
 8 not be submitted to the electors of a county more than once every 4
 9 years. The county clerk shall submit the question at the next
 10 regular state election held in the county if the petitions are
 11 filed not less than 60 days before the election. The question
 12 regarding the prohibition of the sale of spirits and mixed spirit
 13 drink for consumption on the premises, in addition to beer and
 14 wine, ~~on Sunday~~ shall be submitted by ballot in substantially the
 15 following ~~form~~ **FORMS**:

16 (A) **FOR THE SALE BETWEEN THE HOURS OF 7 A.M. AND 12 NOON ON**
 17 **SUNDAY:**

18 "Shall the sale of spirits and mixed spirit drink for
 19 consumption on the premises be prohibited **BETWEEN THE HOURS OF 7**
 20 **A.M. AND 12 NOON** on Sunday in an establishment licensed under the
 21 Michigan liquor control code of 1998 in which the gross receipts
 22 derived from the sale of food or other goods and services exceed
 23 50% of the total gross receipts within the county of
 24 under the provisions of the law governing the sale of spirits and
 25 mixed spirit drink for consumption?

26 Yes

27 No "

1 (B) FOR THE SALE BETWEEN THE HOURS OF 7 A.M. ON SUNDAY AND 2
2 A.M. ON MONDAY:

3 "SHALL THE SALE OF SPIRITS AND MIXED SPIRIT DRINK FOR
4 CONSUMPTION ON THE PREMISES BE PROHIBITED BETWEEN THE HOURS OF 7
5 A.M. ON SUNDAY AND 2 A.M. ON MONDAY IN AN ESTABLISHMENT LICENSED
6 UNDER THE MICHIGAN LIQUOR CONTROL CODE OF 1998 IN WHICH THE GROSS
7 RECEIPTS DERIVED FROM THE SALE OF FOOD OR OTHER GOODS AND SERVICES
8 EXCEED 50% OF THE TOTAL GROSS RECEIPTS WITHIN THE COUNTY OF
9 UNDER THE PROVISIONS OF THE LAW GOVERNING THE SALE OF
10 SPIRITS AND MIXED SPIRIT DRINK FOR CONSUMPTION?

11 YES

12 NO "

13 (3) Unless the legislative body of a county has prohibited the
14 sale of spirits and mixed spirit drink for consumption off the
15 premises **BETWEEN THE HOURS OF 7 A.M. AND 12 NOON** on Sunday **OR**
16 **BETWEEN THE HOURS OF 7 A.M. ON SUNDAY AND 2 A.M. ON MONDAY** by
17 resolution approved by a majority of the legislative body voting on
18 the resolution, spirits and mixed spirit drink may be sold after 7
19 a.m., in a retail establishment licensed under this act. With
20 respect to an action taken by the legislative body or if the
21 legislative body fails to act, a petition may be filed with the
22 county clerk requesting the submission of the question regarding
23 the prohibition of the sale of spirits and mixed spirit drink for
24 consumption off the premises, in addition to beer and wine, in a
25 retail establishment licensed under this act **BETWEEN THE HOURS OF 7**
26 **A.M. AND 12 NOON** on Sunday **OR BETWEEN THE HOURS OF 7 A.M. ON SUNDAY**
27 **AND 2 A.M. ON MONDAY**. The petition shall be signed by a number of

1 the registered and qualified electors of the county that is not
 2 less than 8% of the total number of votes cast for all candidates
 3 for the office of secretary of state in the county at the last
 4 general election ~~shall not be held~~ for that purpose. The question
 5 **SHALL NOT BE** submitted to the electors of a county more than once
 6 every 4 years. The county clerk shall submit the question at the
 7 next regular state election held in the county if the petitions are
 8 filed not less than 60 days before the election. The question
 9 regarding the prohibition of the sale of spirits and mixed spirit
 10 drink for consumption off the premises, in addition to beer and
 11 wine, in a retail establishment licensed under this act ~~on Sunday~~
 12 shall be submitted by ballot in substantially the following ~~form~~

13 **FORMS:**

14 **(A) FOR THE SALE BETWEEN THE HOURS OF 7 A.M. AND 12 NOON ON**
 15 **SUNDAY:**

16 "Shall the sale of spirits and mixed spirit drink for
 17 consumption off the premises be prohibited **BETWEEN THE HOURS OF 7**
 18 **A.M. AND 12 NOON** on Sunday in a retail establishment licensed under
 19 the Michigan liquor control code of 1998 within the county of
 20 under the provisions of the law governing the sale of
 21 spirits and mixed spirit drink for consumption?

22 Yes

23 No".

24 **(B) FOR THE SALE BETWEEN THE HOURS OF 7 A.M. ON SUNDAY AND 2**
 25 **A.M. ON MONDAY:**

26 **"SHALL THE SALE OF SPIRITS AND MIXED SPIRIT DRINK FOR**
 27 **CONSUMPTION OFF THE PREMISES BE PROHIBITED BETWEEN THE HOURS OF 7**

1 A.M. ON SUNDAY AND 2 A.M. ON MONDAY IN A RETAIL ESTABLISHMENT
2 LICENSED UNDER THE MICHIGAN LIQUOR CONTROL CODE OF 1998 WITHIN THE
3 COUNTY OF UNDER THE PROVISIONS OF THE LAW GOVERNING THE
4 SALE OF SPIRITS AND MIXED SPIRIT DRINK FOR CONSUMPTION?

5 YES

6 NO".

7 (4) Votes on a question submitted **TO THE ELECTORS** under this
8 section shall be taken, counted, and canvassed in the same manner
9 as votes cast in county elections are taken, counted, and
10 canvassed. A ballot shall be furnished by the election commission
11 or similar body of the county. If a majority of the electors voting
12 at an election vote in favor of the proposal, the sale of spirits
13 and mixed spirit drink may be prohibited in the county under this
14 act for consumption on the premises or by a retail establishment
15 for consumption off the premises, in addition to beer and wine,
16 **BETWEEN THE HOURS OF 7 A.M. AND 12 NOON** on Sunday **OR BETWEEN THE**
17 **HOURS OF 7 A.M. ON SUNDAY AND 2 A.M. ON MONDAY.** The sale **OF SPIRITS**
18 **AND MIXED SPIRIT DRINK** shall not be permitted in a city, village,
19 or township in which the sale of spirits and mixed spirit drink is
20 prohibited under this act. A violation of this section is a
21 misdemeanor. This section does not apply to spirits and mixed
22 spirit drink served to a bona fide guest in the residence of a
23 person or sold or furnished for medicinal purposes as provided for
24 in this act.

25 (5) A licensee enumerated under section 525 or any other
26 person shall not sell at retail, and a person shall not knowingly
27 and willfully buy, alcoholic liquor between the hours of 11:59 p.m.

1 on December 24 and 12 noon on December 25. If December 26 falls on
2 Sunday, the hours of closing shall be determined ~~pursuant to~~ **UNDER**
3 this act. The legislative body of a city, village, or township, by
4 resolution or ordinance, may prohibit the sale of alcoholic liquor
5 on ~~Sunday or~~ a legal holiday, primary election day, general
6 election day, ~~or~~ municipal election day, **BETWEEN THE HOURS OF 7**
7 **A.M. AND 12 NOON ON SUNDAY, OR BETWEEN THE HOURS OF 7 A.M. ON**
8 **SUNDAY AND 2 A.M. ON MONDAY.**

9 (6) The sale of spirits or mixed spirit drink in any county
10 between the hours of 7 a.m. **AND 12 NOON** on Sunday **OR BETWEEN THE**
11 **HOURS OF 7 A.M. ON SUNDAY** and 2 a.m. on Monday shall not be
12 prohibited under the provisions of subsections (1) through (5) as
13 applied to a motorsports entertainment complex located in more than
14 1 county if a resolution or referendum under this section results
15 in the question's failing to pass in 1 county but passing in
16 another. Under ~~such~~ **THOSE** circumstances, the commission shall
17 determine the issue of the sale of spirits and mixed spirit drink
18 in the motorsports entertainment complex in those counties between
19 the hours of 7 a.m. **AND 12 NOON** on Sunday **OR BETWEEN THE HOURS OF 7**
20 **A.M. ON SUNDAY** and 2 a.m. on Monday. As used in this section,
21 "motorsports entertainment complex" means a closed-course
22 motorsports facility, and its ancillary grounds and facilities,
23 that satisfies all of the following:

24 (a) Has at least 70,000 fixed seats for race patrons.

25 (b) Has at least 4 scheduled days of motorsports events each
26 calendar year.

27 (c) Serves food and beverages at the motorsports entertainment

1 complex during motorsports events each calendar year through
2 concession outlets, which are staffed by individuals who represent
3 or are members of 1 or more nonprofit civic or charitable
4 organizations that directly benefit from the concession outlets'
5 sales.

6 (d) Engages in tourism promotion.

7 (e) Has permanent exhibitions of motorsports history, events,
8 or vehicles within the motorsports entertainment complex.

9 (7) **ANY PROHIBITIONS ON THE SALE OF ALCOHOLIC LIQUOR BETWEEN**
10 **THE HOURS OF 7 A.M. AND 12 NOON ON SUNDAY OR BETWEEN THE HOURS OF 7**
11 **A.M. ON SUNDAY AND 2 A.M. ON MONDAY ADOPTED BY A COUNTY, CITY,**
12 **VILLAGE, OR TOWNSHIP BEFORE THE EFFECTIVE DATE OF THE AMENDATORY**
13 **ACT THAT ADDED THIS SUBSECTION SHALL REMAIN IN EFFECT.**

14 Sec. 1114. (1) Notwithstanding R 436.1403 and R 436.1503 of
15 the Michigan administrative code and except as otherwise provided
16 under this act or rule of the commission, an on-premises and an
17 off-premises licensee shall not sell, give away, or furnish
18 alcoholic liquor between the hours of 2 a.m. and 7 a.m. on any day.

19 (2) Subsection (1) does not prevent any local governmental
20 unit from prohibiting the sale of beer and wine **BETWEEN THE HOURS**
21 **OF 7 A.M. AND 12 NOON** on ~~Sundays~~ **SUNDAY OR BETWEEN THE HOURS OF 7**
22 **A.M. ON SUNDAY AND 2 A.M. ON MONDAY** under section 1111 and does not
23 prevent any local governmental unit from prohibiting the sale of
24 spirits and mixed spirit drink **BETWEEN THE HOURS OF 7 A.M. AND 12**
25 **NOON** on ~~Sundays~~ **SUNDAY OR BETWEEN THE HOURS OF 7 A.M. ON SUNDAY AND**
26 **2 A.M. ON MONDAY** under section 1113. A licensee selling alcoholic
27 liquor between 7 a.m. and 12 noon on Sunday shall obtain a permit

1 and pay to the commission an annual fee of \$160.00.

2 (3) A reference to the time of day under this act or a rule of
3 the commission includes daylight savings time, when observed.