

# SENATE BILL No. 450

May 3, 2005, Introduced by Senators JACOBS, THOMAS and LELAND and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 1111 and 1113 (MCL 436.2111 and 436.2113), section 1113 as amended by 2004 PA 134, and by adding section 1116; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1111. (1) The sale of beer and wine between the hours of  
 2 2 a.m. and ~~12 midnight~~ 7 A.M. on Sunday may be prohibited in any  
 3 county, city, village, or township by a majority vote of the  
 4 electors voting at a regular state election. Not more often than  
 5 once in every 4 years, upon the filing of a petition with the  
 6 county, city, village, or township clerk, as applicable, requesting  
 7 the submission of the question of the Sunday sale of beer and wine,

1 the clerk shall submit that question to the electors of the county,  
2 city, village, or township at the next regular state election held  
3 in that county, city, village, or township. A petition filed under  
4 this subsection shall be filed not less than 60 days before the  
5 regular state election. A ballot question under this subsection  
6 shall not be submitted more often than once in any 4-year period.

7 (2) In the case of a county, city, or township, the petition  
8 shall be signed by a number of the registered and qualified  
9 electors of the county, city, or township that is not less than 35%  
10 of the total number of votes cast for all candidates for the office  
11 of secretary of state in that county, city, or township at the last  
12 general election held for that purpose and, in the case of a  
13 village the petition shall be signed by a number of the registered  
14 and qualified electors of the village that is less than 35% of the  
15 total number of votes cast for all candidates for the office of  
16 president of the village at the last village election held for that  
17 purpose.

18 (3) The question of the Sunday sale of beer and wine shall be  
19 submitted by ballot in substantially the following form:

20 "Shall the sale of beer and wine within (the county, city,  
21 village, or township as the case may be) between the hours of 2  
22 a.m. and ~~12 midnight~~ 7 A.M. on Sunday be prohibited?

23 Yes .....

24 No ....."

25 (4) All votes on the question submitted to the electors under  
26 this section shall be taken, counted, and canvassed in the same  
27 manner as votes cast in county, city, village, or township

1 election, as applicable, are taken, counted, and canvassed. Ballots  
2 shall be furnished by the election commission or similar body of  
3 the respective county, city, village, or township. If a majority of  
4 the electors voting at an election conducted under this section  
5 vote in favor of the question submitted, the sale of beer and wine  
6 within that county, city, village, or township between the hours of  
7 2 a.m. and ~~12 midnight~~ **7 A.M.** on Sunday is prohibited.

8       Sec. 1113. (1) Except as provided in subsection (2), (3), or  
9 (5), a licensee enumerated under section 525 or any other person  
10 shall not sell at retail, give away, or furnish, and a person shall  
11 not knowingly and willfully buy, spirits or mixed spirit drink  
12 between the hours of 2 a.m. and ~~12 midnight~~ **7 A.M.** on Sunday. If  
13 January 1 falls on Sunday, the hours may be extended to 4 a.m.

14       (2) If the legislative body of a county has authorized the  
15 sale of spirits and mixed spirit drink for consumption on the  
16 premises on Sunday, by resolution approved by a majority of the  
17 legislative body voting on that resolution, the spirits and mixed  
18 spirit drink may be sold after ~~12 noon~~ **7 A.M.**, EST, in an  
19 establishment licensed under this act in which the gross receipts  
20 derived from the sale of food and other goods and services exceed  
21 50% of the total gross receipts. With respect to an action taken by  
22 the legislative body or if the legislative body fails to act, a  
23 petition may be filed with the county clerk requesting the  
24 submission of the question of the sale of spirits and mixed spirit  
25 drink for consumption on the premises in addition to beer and wine  
26 on Sunday. The petition shall be signed by a number of the  
27 registered and qualified electors of the county that is not less

1 than 8% of the total number of votes cast for all candidates for  
 2 the office of secretary of state in the county at the last general  
 3 election held for that purpose. The question shall not be submitted  
 4 to the electors of a county more than once every 4 years. The  
 5 county clerk shall submit the question at the next regular state  
 6 election held in the county if the petitions are filed not less  
 7 than 60 days before the election. The question of the sale of  
 8 spirits and mixed spirit drink for consumption on the premises, in  
 9 addition to beer and wine, on Sunday shall be submitted by ballot  
 10 in substantially the following form:

11 "Shall the sale of spirits and mixed spirit drink for  
 12 consumption on the premises be permitted on Sunday in an  
 13 establishment licensed under the Michigan liquor control code of  
 14 1998 in which the gross receipts derived from the sale of food or  
 15 other goods and services exceed 50% of the total gross receipts  
 16 within the county of ..... under the provisions of the law  
 17 governing the sale of spirits and mixed spirit drink for  
 18 consumption?

19 Yes .....

20 No ..... "

21 (3) If the legislative body of a county has authorized the  
 22 sale of spirits and mixed spirit drink for consumption off the  
 23 premises on Sunday by resolution approved by a majority of the  
 24 legislative body voting on the resolution, spirits and mixed spirit  
 25 drink may be sold after ~~12 noon~~ 7 A.M., EST, in a retail  
 26 establishment licensed under this act. With respect to an action  
 27 taken by the legislative body or if the legislative body fails to

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

18 "Shall the sale of spirits and mixed spirit drink for  
 19 consumption off the premises be permitted on Sunday in a retail  
 20 establishment licensed under the Michigan liquor control code of  
 21 1998 within the county of ..... under the provisions of the  
 22 law governing the sale of spirits and mixed spirit drink for  
 23 consumption?

24 Yes .....

25 No .....".

26 (4) Votes on a question submitted under this section shall be  
 27 taken, counted, and canvassed in the same manner as votes cast in

1 county elections are taken, counted, and canvassed. A ballot shall  
2 be furnished by the election commission or similar body of the  
3 county. If a majority of the electors voting at an election vote in  
4 favor of the proposal, spirits and mixed spirit drink may be sold  
5 in the county under this act for consumption on the premises or by  
6 a retail establishment for consumption off the premises, in  
7 addition to beer and wine, on Sunday. The sale shall not be  
8 permitted in a city, village, or township in which the sale of  
9 spirits and mixed spirit drink is prohibited under this act. A  
10 violation of this section is a misdemeanor. This section does not  
11 apply to spirits and mixed spirit drink served to a bona fide guest  
12 in the residence of a person or sold or furnished for medicinal  
13 purposes as provided for in this act.

14 (5) ~~A licensee enumerated under section 525 or any other~~  
15 ~~person shall not sell at retail, and a person shall not knowingly~~  
16 ~~and willfully buy, alcoholic liquor between the hours of 9 p.m. on~~  
17 ~~December 24 and 7 a.m. on December 26. If December 26 falls on~~  
18 ~~Sunday, the hours of closing shall be determined pursuant to this~~  
19 ~~act.—~~ The legislative body of a city, village, or township, by  
20 resolution or ordinance, may prohibit the sale of alcoholic liquor  
21 on Sunday or a legal holiday, primary election day, general  
22 election day, or municipal election day.

23 **SEC. 1116. (1) NOTWITHSTANDING R 436.1403 OF THE MICHIGAN**  
24 **ADMINISTRATIVE CODE AND EXCEPT AS OTHERWISE PROVIDED BY THIS ACT**  
25 **AND RULE OF THE COMMISSION, A LICENSEE SHALL NOT SELL, GIVE AWAY,**  
26 **OR FURNISH ALCOHOLIC LIQUOR BETWEEN THE HOURS OF 2 A.M. AND 7 A.M.**  
27 **ON ANY DAY.**

1           (2) SUBSECTION (1) DOES NOT PREVENT ANY LOCAL GOVERNMENTAL  
2 UNIT FROM PROHIBITING THE SALE OF BEER AND WINE ON SUNDAYS UNDER  
3 SECTION 1111 AND DOES NOT PREVENT ANY LOCAL GOVERNMENTAL UNIT FROM  
4 PROHIBITING THE SALE OF SPIRITS AND MIXED SPIRIT DRINK ON SUNDAYS  
5 UNDER SECTION 1113.

6           Enacting section 1. Section 1114 of the Michigan liquor  
7 control code of 1998, 1998 PA 58, MCL 436.2114, is repealed.