

SUBSTITUTE FOR
SENATE BILL NO. 100

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:

9 (a) By majority vote of the legislative body voting on the

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

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

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

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

1 the total number of votes cast for all candidates for the office of
2 president of the village at the last village election held for that
3 purpose.

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

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

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

11 Yes

12 No".

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

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

18 YES

19 NO".

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

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

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

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

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

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

1 (d) Engages in tourism promotion.

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

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

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

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

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

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

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

25 Yes

26 No "

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

1 A.M. ON MONDAY:

2 "SHALL THE SALE OF SPIRITS AND MIXED SPIRIT DRINK FOR
3 CONSUMPTION ON THE PREMISES BE PROHIBITED BETWEEN THE HOURS OF 7
4 A.M. ON SUNDAY AND 2 A.M. ON MONDAY WITHIN THE COUNTY OF
5 UNDER THE PROVISIONS OF THE LAW GOVERNING THE SALE OF SPIRITS AND
6 MIXED SPIRIT DRINK FOR CONSUMPTION?

7 YES

8 NO "

9 (3) Unless the legislative body of a county has prohibited the
10 sale of spirits and mixed spirit drink for consumption off the
11 premises **BETWEEN THE HOURS OF 7 A.M. AND 12 NOON** on Sunday **OR**
12 **BETWEEN THE HOURS OF 7 A.M. ON SUNDAY AND 2 A.M. ON MONDAY** by
13 resolution approved by a majority of the legislative body voting on
14 the resolution, spirits and mixed spirit drink may be sold after 7
15 a.m., in a retail establishment licensed under this act. With
16 respect to an action taken by the legislative body or if the
17 legislative body fails to act, a petition may be filed with the
18 county clerk requesting the submission of the question regarding
19 the prohibition of the sale of spirits and mixed spirit drink for
20 consumption off the premises, in addition to beer and wine, in a
21 retail establishment licensed under this act **BETWEEN THE HOURS OF 7**
22 **A.M. AND 12 NOON** on Sunday **OR BETWEEN THE HOURS OF 7 A.M. ON SUNDAY**
23 **AND 2 A.M. ON MONDAY**. The petition shall be signed by a number of
24 the registered and qualified electors of the county that is not
25 less than 8% of the total number of votes cast for all candidates
26 for the office of secretary of state in the county at the last
27 general election ~~shall not be held~~ for that purpose. The question

1 **SHALL NOT BE** submitted to the electors of a county more than once
 2 every 4 years. The county clerk shall submit the question at the
 3 next regular state election held in the county if the petitions are
 4 filed not less than 60 days before the election. The question
 5 regarding the prohibition of the sale of spirits and mixed spirit
 6 drink for consumption off the premises, in addition to beer and
 7 wine, in a retail establishment licensed under this act ~~on Sunday~~
 8 shall be submitted by ballot in substantially the following ~~form~~
 9 **FORMS:**

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

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

18 Yes

19 No"

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

22 "SHALL THE SALE OF SPIRITS AND MIXED SPIRIT DRINK FOR
 23 CONSUMPTION OFF THE PREMISES BE PROHIBITED BETWEEN THE HOURS OF 7
 24 A.M. ON SUNDAY AND 2 A.M. ON MONDAY IN A RETAIL ESTABLISHMENT
 25 LICENSED UNDER THE MICHIGAN LIQUOR CONTROL CODE OF 1998 WITHIN THE
 26 COUNTY OF UNDER THE PROVISIONS OF THE LAW GOVERNING THE
 27 SALE OF SPIRITS AND MIXED SPIRIT DRINK FOR CONSUMPTION?

1 **YES**

2 **NO**".

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

21 (5) A licensee enumerated under section 525 or any other
 22 person shall not sell at retail, and a person shall not knowingly
 23 and willfully buy, alcoholic liquor between the hours of 11:59 p.m.
 24 on December 24 and 12 noon on December 25. ~~If December 26 falls on~~
 25 ~~Sunday, the hours of closing shall be determined pursuant to this~~
 26 ~~act.~~ The legislative body of a city, village, or township, by
 27 resolution or ordinance, may prohibit the sale of alcoholic liquor

1 on ~~Sunday or~~ a legal holiday, primary election day, general
2 election day, ~~or~~ municipal election day, **BETWEEN THE HOURS OF 7**
3 **A.M. AND 12 NOON ON SUNDAY, OR BETWEEN THE HOURS OF 7 A.M. ON**
4 **SUNDAY AND 2 A.M. ON MONDAY.**

5 (6) The sale of spirits or mixed spirit drink in any county
6 between the hours of 7 a.m. **AND 12 NOON** on Sunday **OR BETWEEN THE**
7 **HOURS OF 7 A.M. ON SUNDAY** and 2 a.m. on Monday shall not be
8 prohibited under the provisions of subsections (1) through (5) as
9 applied to a motorsports entertainment complex located in more than
10 1 county if a resolution or referendum under this section results
11 in the question's failing to pass in 1 county but passing in
12 another. Under ~~such~~**THOSE** circumstances, the commission shall
13 determine the issue of the sale of spirits and mixed spirit drink
14 in the motorsports entertainment complex in those counties between
15 the hours of 7 a.m. **AND 12 NOON** on Sunday **OR BETWEEN THE HOURS OF 7**
16 **A.M. ON SUNDAY** and 2 a.m. on Monday. As used in this section,
17 "motorsports entertainment complex" means a closed-course
18 motorsports facility, and its ancillary grounds and facilities,
19 that satisfies all of the 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 ALCOHOLIC LIQUOR 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 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. 1114. (1) Notwithstanding R 436.1403 and R 436.1503 of
11 the Michigan administrative code and except as otherwise provided
12 under this act or rule of the commission, an on-premises and an
13 off-premises licensee shall not sell, give away, or furnish
14 alcoholic liquor between the hours of 2 a.m. and 7 a.m. on any day.

15 (2) Subsection (1) does not prevent any local governmental
16 unit from prohibiting the sale of beer and wine **BETWEEN THE HOURS**
17 **OF 7 A.M. AND 12 NOON** on ~~Sundays~~ **SUNDAY OR BETWEEN THE HOURS OF 7**
18 **A.M. ON SUNDAY AND 2 A.M. ON MONDAY** under section 1111 and does not
19 prevent any local governmental unit from prohibiting the sale of
20 spirits and mixed spirit drink **BETWEEN THE HOURS OF 7 A.M. AND 12**
21 **NOON** on ~~Sundays~~ **SUNDAY OR BETWEEN THE HOURS OF 7 A.M. ON SUNDAY AND**
22 **2 A.M. ON MONDAY** under section 1113. A licensee selling alcoholic
23 liquor between 7 a.m. and 12 noon on Sunday shall obtain a permit
24 and pay to the commission an annual fee of \$160.00.

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