

Legislative Analysis



LIQUOR CONTROL CODE: STATUTORY CONSTRUCTION

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Senate Bill 504 (Substitute S-2)
Sponsor: Sen. Joe Hune
House Committee: Regulatory Reform
Senate Committee: Regulatory Reform

Complete to 12-2-13

A SUMMARY OF SENATE BILL 504 AS PASSED BY THE SENATE 11-7-13

The bill would amend the Liquor Control Code (at MCL 436.1925) to rewrite the section of the code that describes how it is to be construed. It also would provide for the severability of any portion of the code found to be unconstitutional.

Currently, the code states that it must be "liberally" construed to effect the intent and purposes set forth in it. The bill would instead say that the code is to be construed to effect the intent and purposes set forth in it "and to protect the public health, safety, and welfare of the citizens of this state." (The underlined words would be added and the word "liberally" would be removed.)

Additionally, the bill specifies that if any provision of the code were to be found unconstitutional by a court of competent jurisdiction and all rights of appeal had expired or been exhausted, the offending provision would have to be severed and would not affect the remaining portions.

The bill is tie-barred to Senate Bills 505-507, Senate Bills 650-651, House Bills 4709-4711, and House Bill 4277, all of which are amendments to the Liquor Control Code.

FISCAL IMPACT:

The bill would not have a substantial fiscal impact on the state or on local units of government.

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