

HOUSE BILL NO. 6395

November 12, 2020, Introduced by Reps. Steven Johnson and Meerman and referred to the Committee on Government Operations.

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

1 resolution of a majority vote of the members elect, votes in favor
2 of allowing that sale. A petition may be filed with the city,
3 village, or township clerk requesting the submission of the
4 question of sale of spirits and mixed spirit drink for consumption
5 on the premises, in addition to beer and wine. ~~In the case of~~ **For** a
6 city or township, the petition ~~shall~~ **must** be signed by a number of
7 the registered and qualified electors ~~which shall be~~ **that is** not
8 less than 35% of the total number of votes cast for all candidates
9 for the office of secretary of state in that city or township at
10 the last general election held for that purpose. ~~In the case of~~ **For**
11 a village, the petition ~~shall~~ **must** be signed by a number of the
12 registered and qualified electors that is not less than 35% of the
13 total number of votes cast for all candidates for the office of
14 president of the village at the last village election held for that
15 purpose. The question ~~shall~~ **may** not be submitted to the electors of
16 a city, village, or township more often than once in every 2 years.
17 ~~The~~ **Before January 1, 2022, the** city, village, or township clerk
18 shall, within 10 days after the petition is filed with the clerk,
19 give notice of the filing by publication of notice setting forth
20 the essential facts of the petition in a newspaper published or in
21 general circulation in the city, village, or township. **After**
22 **December 31, 2021, the city, village, or township clerk shall,**
23 **within 10 days after the petition is filed with the clerk, provide**
24 **notice of the filing as set forth in the local government public**
25 **notice act.** The city, village, or township clerk shall submit the
26 question at the next regular state election held in the city,
27 village, or township if the petitions are filed at least 60 days
28 before the election. Class C licensees in a newly incorporated city
29 or village shall continue to be licensed by the commission until

the question of the sale of spirits and mixed spirit drink for consumption on the premises, in addition to beer and wine, is submitted to the electors of the city or village as provided in this section. The question of the sale of spirits and mixed spirit drink for consumption on the premises, in addition to beer and wine, ~~shall~~**must** be submitted by ballot in substantially the following form:

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

Yes

No".

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

(3) ~~At any time within~~**Within** 18 months after an election conducted under this section has resulted in a tie vote, the question ~~shall~~**must** be resubmitted to the electors ~~upon~~**on** the filing of a petition with the legislative body of the city, village, or township. The petition ~~shall~~**must** be signed by a number

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

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

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No. ____ or House Bill No. 6440 (request no.
14 02449'19) of the 100th Legislature is enacted into law.