



TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, Frank D. Fitzgerald, Secretary of State of the State of Michigan and Custodian of the Great Seal thereof, Do Hereby Certify that this volume contains all of the Public and Local Acts and Joint Resolution passed at the regular session of the Legislature, held in Lansing, in the year one thousand nine hundred and thirty-three, that were duly enrolled by the clerks authorized so to do, signed by the Secretary of the Senate and the Clerk of the House of Representatives, and approved by the Governor, or which took effect without the approval of the Governor, all in accordance with the statute in such cases made and provided.



In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State at the Capitol in the City of Lansing, this
14th day of September

A.D. 1934

Frank D. Fitzgerald
Secretary of State

STATE OF MICHIGAN
57TH LEGISLATURE
REGULAR SESSION OF 1933

Senate Bill No. 120
(File No. 150)

Introduced by
Senator Wilkowski

SENATE ENROLLED ACT No. 14

AN ACT to create a liquor control commission; to prescribe its powers, duties and limitations; to provide for the control by such commission of the alcoholic beverage traffic within the state of Michigan in relation to beer and wine; to provide for the licensing and taxation thereof and the appropriation of the proceeds therefrom; to provide for a referendum in certain cases; to fix penalties, and to repeal act number three hundred thirty-eight of the public acts of nineteen hundred seventeen and amendments thereto insofar as it conflicts with the provisions of this act and all other acts inconsistent herewith.

The People of the State of Michigan enact:

Section 1. On and after the effective date of this act it shall be lawful to manufacture, sell, keep for sale, possess, or transport for beverage purposes, wine and/or beer, subject to the terms, conditions, limitations and restrictions contained in this act.

Sec. 2. Definitions. (a) The word "beer" shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt and hops and/or other cereals in drinking water, except that such beverage shall contain not less than one-half of one per cent and not more than three and two-tenths per cent alcohol by weight;

(b) The word "wine" shall be construed to include the words "fruit juices" and shall mean any alcoholic beverage obtained by the fermentation of the natural sugar contained in fruits or other agricultural products containing sugar, which beverage shall contain not less than one-half of one per cent by volume nor more than three and two-tenths per cent of alcohol by weight;

(c) The word "manufacturer" shall mean any person, firm, association, partnership or corporation duly licensed to manufacture beer and/or wine;

(d) The word "vendor" shall mean all agencies duly licensed to sell beer and/or wine;

(e) The word "restaurant" shall mean a place located in a permanent building or on a passenger train or passenger vessel, provided with special space and accommodations where, in consideration of the payment of money, food is habitually sold and served to persons as the principal business of the place: *Provided, however,* That this section shall not be construed to include drug, candy and/or confectionery stores;

(f) The word "garden" shall mean a place enclosed and shall be either without, or, in whole or in part within a building, which enclosure shall have an area on a single level of not less than three thousand square feet. A "garden" may or may not sell food habitually to persons, but all food, beer and/or wine sold therein shall be served only to persons seated at tables: *Provided, however,* That such garden shall not be established within three hundred feet of any church or school building used as such;

(g) The word "hotel" shall mean any building provided with special space and accommodations where, in consideration of the payment of money, food and lodging are habitually furnished to persons. For license purposes "Hotels" in cities of fifty thousand population or over shall contain not less than fifty bedrooms within one structure for lease to persons and shall be adequately equipped to serve meals to not less than one hundred persons at one time, in a cafeteria or dining room provided for that purpose. In all other places hotels shall contain not less than twenty-five bedrooms within one structure and shall be adequately equipped to serve meals to not less than fifty persons at one time, in a cafeteria or dining room provided for that purpose: *Provided,* That in counties having a population of fifty-five thousand or less, such hotels shall contain not less than fifteen bedrooms and shall be adequately equipped to serve meals to not less than twenty-five people at one time in a cafeteria or dining room provided for that purpose;

(h) The word "club" shall mean an association of persons over the age of eighteen years, organized as a non-profit corporation, which shall have a listed membership with regular joining fees, and/or dues, by-laws, officers, directors and designated premises approved by the commission, and which shall have been in existence for at least one year prior to the application for

a license;

(i) The term "commission" as used in this act shall mean the liquor control commission herein provided for;

(j) The term "specially designated merchant" shall mean the operator of any merchandising place to which the commission may grant a license to sell beer and/or wine at wholesale or retail for consumption purposes off the premises of such licensed place;

(k) The word "citizen" shall mean any person not less than twenty-one years of age who is a citizen of the United States;

(l) The word "license" shall mean a contract between the commission and the licensee granting authority to said licensee to manufacture and sell, or sell, or warehouse beer and/or wine as provided by this act;

(m) The word "bar" shall mean a barrier or counter over which beer and/or wine is passed or served directly to customers;

(n) The word "wholesaler" shall mean any person, partnership, association or corporation, who or which engages in trade by the piece or quantity, and who or which customarily sells to retailers or jobbers rather than to the consumer;

(o) The word "retailer" shall mean any person, partnership, association or corporation, who or which customarily sells in small quantities to the consumer;

(p) The word "warehouse" shall mean any premises or place primarily constructed or used or provided with facilities for the storage in transit or other temporary storage of perishable goods and/or for the conduct of a normal warehousing business;

(q) The term "special license" shall mean a special contract between the commission and the special licensee, granting authority to said special licensee to sell beer and/or wine as provided by this act: *Provided, however,* That such special license shall be granted only to fraternal, social, civic and scientific organizations for a period not to exceed twenty-four hours, and not more than one such special license may be issued in any one week to any fraternal, social, civic or scientific organizations: *And provided further,* That the commission may delegate to the county clerk of the county in which said special licensee resides the power or authority of granting said special license, except in counties where branch offices of the commission are established.

Sec. 3. Liquor control commission. A commission to be known and desig-

nated as the "liquor control commission" of the state of Michigan is hereby created. Such commission shall be non-partisan in character and shall consist of seventeen members, one from each congressional district, who shall reside in their respective districts, not more than nine of whom shall belong to the same political party. The members of said commission shall be appointed by the governor by and with the consent of the senate and shall hold office for a period of six years, and shall not be removed from such office by the governor except for malfeasance, misfeasance, or neglect in office: *Provided further*, That the governor shall appoint successors to such office at the expiration of the respective terms within sixty days after such respective terms expire: And *provided further*, That no commissioner shall be removed at the expiration of his term of office until his successor shall be appointed by the governor: And *provided further*, That the governor shall, in the event of a vacancy or vacancies caused either by the death, resignation or removal of any commissioner or commissioners, appoint a successor or successors within sixty days after the vacancy occurs, to fill the unexpired term. Within a reasonable time after this act becomes effective the governor shall appoint the members of this commission in the following manner: six members shall be appointed whose terms shall expire November first, nineteen hundred thirty-five; six members whose terms shall expire November first, nineteen hundred thirty-seven; and five members whose terms shall expire November first, nineteen hundred thirty-nine; thereafter, the appointments to be made in accordance with the provisions hereof: *Provided*, That at the time of the appointment the governor shall designate the terms of each of said members: And *provided further*, That the governor shall, in appointing the seventeen members as herein provided, designate one of them as first chairman of such commission: And *provided further*, That nothing contained herein shall be construed to mean that any commissioner, because of his appointment, shall be in direct charge of the district from which he was appointed. As a precedent to the acceptance of the office of commissioner each member thereof shall file with the state treasurer a surety bond in such sum as the administrative board shall fix and approve as a covenant of the faithful performance of such office.

The commission shall elect an executive committee of three of its members, and not more than two of such executive committee shall be of the same political party, of which the chairman of said commission shall be one, which committee, in the interim of the meetings of said commission, shall have and exer-

cise the authority of said commission in carrying out the provisions of this act. Said executive committee shall act for a period of one year, and, annually thereafter the commission shall elect a chairman and two members who, with said chairman, shall constitute such executive committee. In case of a vacancy in the office of the chairman or of the executive committee, the commission shall select one of its members to fill such vacancy.

Eleven of the members of the commission duly assembled shall constitute a quorum for the transaction of business. The commission shall meet at least twice a year in the city of Lansing, and at such other times as the chairman or the governor shall designate, and the chairman shall call a meeting of the commission upon the written request of any five members thereof, such meeting to be held not less than five nor more than ten days from the date of filing said request with the chairman or governor, and at least five days' written notice of such special meeting shall be given.

The executive committee shall meet at least once each month and at such other times as the chairman shall designate, at least six of which monthly meetings shall be held at the office of the commission in the city of Lansing, and one of which monthly meetings, to be designated by the executive committee, shall be held in the upper peninsula.

The commission shall select a person who shall be designated "managing director" whose powers and duties shall be prescribed by the commission. He shall devote all of his time to the duties of his office. His salary shall be fixed by the legislature. Each member of the executive committee shall receive for attendance at executive committee meetings and for such other services as may be rendered by him in the discharge of his duties, his actual necessary expenses, and such further compensation as the commission may from time to time fix: *Provided, however,* That in no case shall any member of the executive committee receive compensation in excess of two thousand dollars per annum. No member of the commission, other than the members of the executive committee, shall receive any compensation for services in attendance upon meetings, but shall receive his actual necessary expenses incurred in the discharge of his duties. The state treasurer is hereby authorized to pay upon warrant of the auditor general the salary and all expenses provided for herein. No member of said commission shall be pecuniarily interested, directly or indirectly, in the manufacture, warehousing, sale, distribution, or transportation of either beer or wine within the

state of Michigan. Said commission shall adopt a suitable seal, of which all courts of the state shall take judicial notice, and all proceedings, orders, licenses, and official acts shall be authenticated thereby. Certified copies of the orders and records of said commission shall be prima facie evidence of the acts of said commission or the executive committee thereof, in any court of this state. It shall be the duty of the board of state auditors to provide a suitable office, supplies and equipment for said commission in the city of Lansing, and, when required for the fulfilment of the purposes of this act, elsewhere within the state of Michigan, the expenses thereof to be audited, allowed, and paid from the funds obtained from the revenues provided by this act: *Provided, however,* That not more than four branch offices shall be established in the state.

Sec. 4. Rights, powers and duties of the commission. 1. Except as by this act otherwise provided, the commission shall have the sole right, power and duty:

(a) To issue licenses to such vendors as it may in its discretion determine: *Provided,* That any such vendor shall be a corporation authorized to do business under the laws of the state of Michigan, or an American citizen who has resided for at least one year in the county in which he applies for a license: *Provided further,* That no such license shall be issued unless approved by the legislative body of the city, village or township, as the case may be, where the place of business of such vendor is located; *Provided,* That this limitation shall not apply to any county having a population in excess of five hundred thousand: *Provided further,* That this subsection shall not apply to manufacturers, warehousemen or wholesalers;

(b) To determine the various fees for all licenses between the minimum and maximum limits as hereinafter set forth;

(c) To designate the hours within which beer and/or wine may be sold on the licensed premises of the vendor;

(d) To require the storage of all beer and wine before sale in warehouses designated and licensed by the commission; to provide for the inspection thereof, as well as of such warehouses; to approve or disapprove beer and/or wine for sale as well as said warehouses for the storage of the same; to provide for the collection of all fees and taxes hereby imposed upon beer and wine or any warehouse and the reasonable cost of inspection of the same; to declare it to be unlawful to sell or offer for sale any beer or wine not thus

warehoused, inspected and approved and to seize, confiscate and destroy any and all beer and/or wine not thus warehoused, inspected and approved, or which in any manner violates the provisions of this act: *Provided, however,* That for the purpose of this sub-section the commission may designate a part of any premises as a warehouse within the meaning hereof;

(e) To provide suitable labels or other marks of identification for the purpose of taxation of beer and/or wine inspected and authorized by the commission to be sold; to approve or disapprove the labels and other marks of identification used by licensed manufacturers to identify their product: *Provided,* That the unauthorized use of such labels or other marks of identification by anyone other than the licensee shall be deemed a violation of this act;

(f) To determine the minimum price at which beer and/or wine may be sold by the vendor;

(g) To inspect the operation and plants of manufacturers, warehousemen, their property and equipment, and, if necessary, to require such methods as will in its judgment assure wholesome products and to install such agents on the premises necessary therefor;

(h) To determine and make reasonable rules and regulations pertaining to the equipment and housing of vendors;

(i) To establish a uniform system of accounting in its discretion for manufacturers and warehousemen and such accounts shall be kept in accordance therewith;

(j) To provide that vendors who habitually sell food and who obtain a license for the sale of beer and/or wine for consumption on the premises shall charge no less for such food than the prevailing prices in their various communities for food of a like nature sold by persons not licensed under this act;

(k) To publish its regulations not less than once a year at such times and in such maner as it may determine;

(l) To furnish all manufacturers and other vendors and all other persons concerned, copies of said regulations together with amendments thereto within fifteen days after publication;

(m) To make an annual written report to the governor which shall include the amount of beer and wine manufactured and/or sold in the state; the disposition of the same; the increase or decrease in its consumption; the amount of taxes and license fees collected and such other information as

may seem advisable or the governor may request;

(n) To establish the procedure by which the taxes, license and inspection fees provided for herein shall be computed and collected;

(o) To exercise control of the alcoholic beverage traffic within the state in relation to beer and wine, including the retail sales thereof; to appoint and hire such assistants, inspectors, employes and agents as may be necessary to the administration and enforcement of this act and to make all rules and regulations to effectively carry out the purposes expressed herein;

2. The enumeration of powers in this section is inclusive only and shall not be construed as exclusive of any other powers expressed or implied under the constitution of this state, or under the terms of this act or convenient for carrying out its purposes.

Sec. 5. Limitations. (1) The commission shall in its discretion issue licenses to manufacturers:

(a) When such manufacturer is an individual, then only to such individuals as are citizens;

(b) When such manufacturers are associations or partnerships, then only where the majority of associates or partners are citizens and where a majority interest is owned by a citizen or citizens;

(c) When such manufacturers are corporations, then only where a majority of the capital stock is owned by citizens and a majority of the directors and officers are citizens.

(2) The commission shall be the sole judge as to the individual, association, partnership or corporation to whom or to which licenses shall be issued except that the total number of manufacturers of beer shall not exceed the number to be arrived at by dividing the total population of the state as shown by the last federal census by seventy-five thousand: *Provided, however,* It shall not be mandatory upon the commission to decrease the number of said manufacturers because of a decrease in the population of the state, and the number may be increased as succeeding censuses show an increase in population: *Provided further,* That not more than thirty-three and one-third per cent of the manufacturing plants authorized under this section shall be located in any one county.

(3) Vendors shall be of three classes:

(a) For consumption only on the premises which shall include only:

1. Restaurants

2. Gardens

3. Clubs

4. Special licensees;

(b) For consumption only off the premises which shall include only:

1. Manufacturers

2. Warehousemen

3. Specially designated merchants;

(c) For consumption both on or off the premises:

1. Hotels.

(4) The following general limitations shall at all times be included in the regulations set forth by the commission and shall control not only vendors but likewise the consumer:

(a) Beer and wine for consumption off the premises shall be sold only in accordance with a printed price list posted conspicuously in a prominent place on the premises and furnished to the purchaser;

(b) No beer or wine shall be served over a bar, except in such places as have been or shall be granted a restaurant license, and which places shall be approved by said commission;

(c) No beer or wine shall be served to a person for consumption on the premises unless said person is seated at a table: *Provided, however,* That beer and/or wine may be served by any hotel licensed under the provisions of this act in the room of a bona fide guest thereof;

(d) No regulation shall be made requiring the purchase or serving of food with the purchase of beer or wine, nor shall any food of any kind be given away in connection with the sale of beer and/or wine;

(e) Beer or wine sold by vendors for consumption on the premises shall not be removed therefrom;

(f) No vendor shall give away any beer or wine of any kind or description at any time in connection with his business, except manufacturers of wine and/or beer, for consumption on the premises;

(g) It shall be unlawful for any manufacturer, warehouseman or wholesaler to aid or assist any other vendor by gift or loan of any money or property of any description or other valuable thing or by the giving of premiums or rebates, and it shall be unlawful for any vendor to accept the same;

(h) No manufacturer, warehouseman or wholesaler shall have any financial interest, directly or indirectly, in the establishment, maintenance or pro-

motion of the business of any other vendor.

Sec. 6. Licenses—revocation or suspension thereof. (1) The following license fees and no others shall be imposed and collected annually and no beer or wine may be manufactured and sold, or sold, in either wholesale or retail quantities, within this state without a license granted therefor by the commission, except in the case of special licenses:

(a) For a license granted to manufacture beer, fifty dollars per thousand barrels production annually, with a minimum fee of one thousand dollars. Said minimum fee shall be paid upon the issuance of the license. Manufacturers shall make quarterly reports of production to the commission. Any excess of production over the amount paid for by the minimum fee, shall be paid quarterly by the manufacturer as shown by the quarterly reports. Said reports shall be verified under oath. The giving of false information therein shall constitute a violation of this act;

(b) For a license granted to manufacture wine, one hundred dollars;

(c) For a license granted to wholesale vendors other than manufacturers of either or both wine or beer, one hundred dollars;

(d) For a license granted for all dining cars or other railroad or pullman cars on which beer and/or wine are sold, fifty dollars per car;

(e) For a license granted to watercraft, licensed to carry passengers, to sell beer and/or wine in its restaurant, a minimum fee of fifty dollars and a maximum of five hundred dollars per year computed on the basis of one dollar per person passenger capacity;

(f) For licenses granted for selling beer and/or wine by specially designated merchants but not at wholesale, the license fee shall be twenty-five dollars for each and every location regardless of the fact that such a location may be a part of any system or chain of merchandising;

(g) For licenses of hotels containing fifteen bedrooms to sell beer and/or wine, the license fee shall be one hundred fifty dollars, and one dollar additional for each additional bedroom, but not to exceed seven hundred fifty dollars: *Provided*, That the commission may grant part year licenses for a proportionate part of such license fee;

(h) For licenses granted to gardens to sell beer and/or wine, the license fee shall be two hundred dollars: *Provided*, That the commission may grant part year licenses for a proportionate part of such license fee;

(i) For licenses granted to restaurants, the license fee shall be one hundred

dollars in any county having a population of not more than five hundred thousand: *Provided, however,* That in counties having a population of five hundred thousand or over, the license fee shall be one hundred fifty dollars: *And provided further,* That the commission may grant part year licenses for a proportionate part of such license fee;

(j) For licenses granted to clubs, the license fee shall be fifty dollars for clubs having one hundred fifty or less duly accredited members and for each additional one hundred duly accredited members or major fraction thereof, an additional amount of fifty dollars: *Provided, however,* That the maximum license fee shall not exceed two hundred dollars: *Provided further,* That the commission may grant part year licenses for a proportionate part of such license fee;

(k) Licenses for warehouses shall be fixed by the commission with a minimum fee for each warehouse of twenty-five dollars.

(1a) For special licenses as provided by this act, the fee shall be two dollars.

(2) All license fees, taxes and other revenues shall be payable to the commission, except fees for special licenses, which fee shall be payable to the county clerk as provided by this act, and said special license fee shall be paid to the county treasurer and credited to the general fund of the county, except in counties where branch offices of the commission are established.

The commission shall disburse the proceeds of retailers' licenses, paid directly to it, each three months, after deducting not more than five per cent thereof for commission expenses of collection, to the city or village in which the licensee is located, and where the licensee is located outside the limits of any city or village then to the township in which such licensee is located. This provision shall not include retail license fees collected for railroad or pullman cars or for watercraft, which licenses shall be disposed of as provided for manufacturers' licenses.

All manufacturers' licenses, warehouse licenses, wholesalers' licenses, licenses for railroad and pullman cars and for watercraft, and all taxes, inspection fees and other revenue, if any, shall be deposited in the general fund of the state. The commission's operating and other expenses including all costs incurred in the administration of this act shall be audited by the auditor general, when approved by the commission, and paid from the general fund of the state.

The commission shall render an account and make remittance to the state treasurer monthly and at such other times as may be requested by such treasurer, of its receipts and disbursements, as well as its assets and liabilities, and shall be subject to examination and audit by the state treasurer, and shall keep such records as may be required by him, or by persons appointed therefor by the governor of the state.

(3) The commission shall not issue a license to cover more than a single location and no vendor shall operate more than one place of business without procuring a license for each place:

(a) Licenses issued by the commission shall not be transferable, without the consent of the commission, nor shall they be used as collateral security for any debt or obligation;

(b) No license shall be exercised within any county of the state of Michigan for the manufacture and/or sale of beer or wine when such manufacture and/or sale is prohibited by local option adopted by the electors of said county under this act;

(c) All licenses issued for the manufacture and/or sale of beer and/or wine shall provide that the licensee is permitted to manufacture and/or sell the same only on premises definitely described therein;

(d) All licenses shall be prominently displayed in full view on the licensed premises;

(e) All licenses, except special licenses, shall be issued for the then current year beginning as of May first irrespective of the date of issue and all licenses shall be automatically renewed upon the payment of the annual license fee unless the commission for cause determines to the contrary: *Provided, however,* That any license issued prior to May first, nineteen hundred thirty-three, shall not expire before May first, nineteen hundred thirty-four, any provisions of this act to the contrary notwithstanding;

(f) The sale or manufacture for sale of beer and/or wine upon premises not licensed is hereby declared to be a "public nuisance" and upon complaint of the commission the circuit courts are hereby granted the authority to abate the same by injunction in addition to all other penalties and remedies for the punishment or prevention of the same that now or may hereafter exist;

(g) All licenses shall be construed to be a contract between the commission and the licensee, and shall be signed by both parties. The commission shall have the right and power to suspend and/or revoke any and all

licenses upon a violation of any provisions of this act, or the regulations adopted by the commission hereunder, at its sole discretion, and the commission shall provide the procedure by which any licensee, feeling aggrieved by any such suspension or revocation, may have a hearing for the purpose of laying any facts or reasons before said commission why said suspension or revocation should not be modified or rescinded. Such right, however, shall not be interpreted by any court as curtailing, removing or annulling the absolute right in said commission to so suspend and/or revoke licenses as hereby given it: *Provided further*, Such license or licenses shall be revoked by said commission upon the request of two-thirds of the legislative body of the municipality wherein said licensee's place of business is located. Thirty days' written notice shall be given by said commission to such licensee before said revocation shall become effective: *Provided further*, That this last provision shall not apply to any county having a population of five hundred thousand or more and in no case shall apply to manufacturers, warehousemen and wholesalers. The licensee shall have no right of appeal from the commission's final determination. All licensees shall specifically waive in their contract any right or recourse at law or equity on account of any action taken by the commission, and no member of the commission shall be subject to suit or prosecution for any act of the commission in issuing, suspending or revoking any such license.

Sec. 7. Excise taxes—inspection fee—sales tax. There shall be levied and collected by the commission on all beer and wine placed in warehouses, an inspection fee at the rate of twenty-five cents per barrel: *Provided*, That any manufacturer of this state who shall have during the current year paid for a manufacturer's license issued under this act shall be exempt from payment of the inspection fee: *Provided further*, That any manufacturer duly licensed as aforesaid and who has paid said license fee, shall be exempt from payment of any tax imposed under the provisions of act number one hundred of the public acts of nineteen hundred thirty-one or amendments thereto, commonly known as the malt tax act.

There shall be levied and collected by the commission on all beer and wine manufactured and/or sold in this state a tax at the rate of one dollar and twenty-five cents per barrel, if sold in bulk, and in like ratio if sold in smaller quantities. For the purposes of taxation a barrel shall be construed to contain thirty-one gallons and a pint shall be construed to contain sixteen fluid

ounces.

There is hereby appropriated to the primary school fund the sum of fifty thousand dollars of the monies derived by the state on account of any provisions of this act. All other monies derived by the state, on account of any provisions of this act, shall be used and are hereby appropriated for the purpose of reimbursing any state fund on account of any deficiency heretofore existing or that may hereafter occur. All monies derived by any political subdivisions of the state are hereby appropriated to the use of such political subdivisions in such manner as may be provided by the legislative body of such political subdivision.

Sec. 8. Beer or wine having an alcoholic content of not less than one-half of one percent by volume nor exceeding three and two-tenths percent by weight may be lawfully manufactured and sold, or sold, in this state by any person, association, partnership or corporation to whom or to which a license has been duly issued by the commission within the limitations and restrictions provided by this act.

Sec. 9. Revenue stamps. It shall be unlawful for any vendor to sell or offer for sale any beer or wine, unless a state revenue stamp shall have been affixed to the original package containing the same. The commission shall define the term "original package."

Sec. 10. Submission for adoption. The provisions of this act shall be considered the law controlling the alcoholic beverage traffic within this state as to beer and wine permitted by the laws of the United States of America and the state of Michigan including the manufacture, transportation, possession, wholesale and retail sales thereof and shall be applicable to every county, township and city within the state of Michigan: *Provided, however,* That within ninety days after the effective date of this act or thereafter at a biennial general election in November, except as hereinafter limited, the electors of any county may upon the written initiatory petition of twenty-five per cent of the electors of said county casting the total vote for the office of secretary of state at the nineteen hundred thirty-two general election, call an election to be held within thirty days after the filing of the same with the county clerk of said county, for the purpose of determining by a majority vote of the electors of said county so voting whether or not the manufacture or sale of beer and wine may be prohibited within said county, at which election the question submitted shall be as follows:

“(a) Shall the manufacture of beer and wine be prohibited within the county of under the provisions of the law governing the same?

Yes.....

No.....

(b) Shall the sale of beer and wine be prohibited within the county of under the provisions of the law governing the same?

Yes.....

No.....”

And provided further, That nothing in this act shall be construed as granting the right to any county of control over the transportation, possession or consumption of beer and/or wine within said county: *And provided further*, That except as herein otherwise provided not more than one said election may be held in any four years and that following the time fixed for the first election provided for in this paragraph no such questions shall be submitted until the time of holding the biennial general election in November, nineteen hundred thirty-six. All other elections at which these questions shall be submitted shall be held at the time of holding the biennial general election in November.

Sec. 11. Certain sales and uses prohibited. (a) It shall be unlawful for any vendor by himself or his agents, servants or employees to give, sell or offer for sale beer or wine to any person under the age of eighteen years.

(b) It shall be unlawful to consume any beer and/or wine on the public highways of this state.

Sec. 12. Penalties. Any person violating the provisions of this act shall, upon conviction thereof for a first offense, be sentenced to pay a fine not to exceed five hundred dollars or to be imprisoned for a term not to exceed three months in the county jail located in the county where the offense was committed, or both, and upon conviction for a subsequent offense such person shall be sentenced to pay a fine not to exceed one thousand dollars or to be imprisoned for a term not to exceed one year in the Michigan state reformatory at Ionia, or both. Any person so convicted, who is a resident of the upper peninsula, may be confined to the state house of correction and branch state prison in the upper peninsula. Violation by a corporation of this act shall be construed to mean violation by all of the officers of said corporation and the penalties hereby imposed shall be applicable to each such officer of the corpo-

ration.

It shall be unlawful to manufacture for sale, sell or keep for sale beer and/or wine as defined in this act without first having complied with all the provisions thereof, and any person who does manufacture for sale, sell or keep for sale any wine and/or beer without so complying, shall be deemed guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not to exceed one thousand dollars or to be imprisoned for a term not to exceed two years or both; and upon a subsequent conviction for a like offense, shall be sentenced to pay a fine not to exceed five thousand dollars or to be imprisoned for a term not to exceed five years or both.

Any person who shall falsely or fraudulently make, forge, alter or counterfeit any stamp or stamps prescribed by the commission under the provisions of this act or who shall cause or procure to be falsely or fraudulently made, forged, altered or counterfeited any such stamp or stamps, or who shall knowingly and wilfully utter, publish, pass or tender as true any false, altered, forged or counterfeited stamps prescribed by the commission under this act, or who shall knowingly possess any such false, altered, forged or counterfeited stamps, shall be deemed guilty of a felony and upon conviction shall be sentenced to pay a fine not to exceed one thousand dollars or to be imprisoned for a term not to exceed two years or both, and for a subsequent conviction for a like offense, shall be sentenced to pay a fine not to exceed five thousand dollars or to be imprisoned for a term not to exceed five years or both.

Any member of said commission as provided in this act who shall be pecuniarily interested, directly or indirectly, in the manufacture, warehousing, sale, distribution or transportation of either beer or wine within the state of Michigan, shall be deemed guilty of a felony and upon conviction thereof shall be sentenced to pay a fine not to exceed five thousand dollars or to be imprisoned for a term not to exceed five years or both; and upon any subsequent conviction for a like offense, shall be sentenced to pay a fine not to exceed ten thousand dollars or to be imprisoned for a term not to exceed ten years or both.

As a condition precedent to the approval and/or granting of any license, and annually thereafter, every retailer, manufacturer, wholesaler and warehouseman, shall provide and file with the commission a bond acceptable to the commission as a covenant or surety for the faithful performance of such

license in the observance of the strict tenor of the laws of this state relating to the conduct of such licensed business as follows:

1. Manufacturers bond in the sum of five thousand dollars
2. Wholesalers bond in the sum of five thousand dollars
3. Warehouse bond in the sum of five thousand dollars
4. Retailer bond in the sum of one thousand dollars and such further sum as the licensing authorities shall order, not to exceed five thousand dollars.

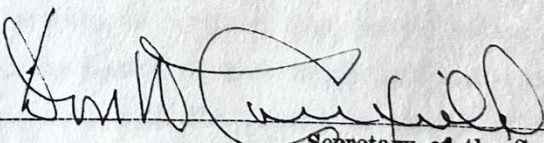
Evidence of the filing of such bond shall accompany each applicant's application made to the commission for a license: *Provided*, That a manufacturer who has given a bond as herein provided shall not be required to give any additional bond for any warehouse that he may own and/or operate.

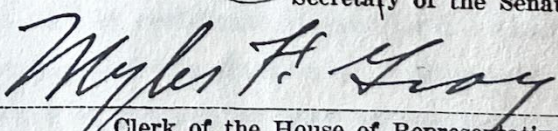
Sec. 13. Liberal construction. This act shall be liberally construed to effect the intent and purpose herein set forth.

Sec. 14. Saving clause. If any section or part of this act is declared unconstitutional, such declaration shall not affect the remainder of the act, but such remaining portions shall be held valid for the intent and purposes herein set forth.

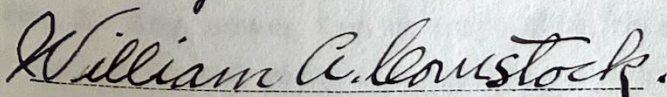
Sec. 15. Repeal. Insofar as act number three hundred thirty-eight of the public acts of nineteen hundred seventeen and amendments thereto conflict with the provisions of this act the same is hereby repealed and all other acts inconsistent herewith are hereby repealed.

This act is ordered to take immediate effect.


Secretary of the Senate.


Clerk of the House of Representatives.

Approved April 27-1933.- 3:05 P.M.


Governor.