



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

January 27, 2025

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #24-058-LR)
Legislative Service Bureau (Secretary of State Filing #25-01-04)
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2024-058-LR (Secretary of State Filing #25-01-04) on this date at 11:26 A.M. for the Department of Licensing and Regulatory Affairs entitled, "Church or School Hearings".

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

Sincerely,

Jocelyn Benson
Secretary of State

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

January 27, 2025

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Michigan Administrative Rules #: 2024-58 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated December 20, 2024 for the Department of Licensing and Regulatory Affairs “**Church or School Hearings**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated December 20, 2024, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled "Church or School Hearings" by:


- ◆ Amending R 436.1953 and R 436.1959.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: January 6, 2025

Michigan Office of Administrative Hearings and Rules

By: 
Ashlee N. Lynn,
Attorney



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Liquor Control Commission by Section 40 of Article IV of the State Constitution of 1963, Sections 201 and 215(1) of the Michigan Liquor Control Code of 1998, 1998 PA 58, MCL 436.1201 and 436.1215, and Executive Reorganization Order No. 2011-4, MCL 445.2030, the Liquor Control Commission at a meeting held on January 23, 2025, formally adopted the amendments to R 436.1953 and R 436.1959 of the Michigan Administrative Code.

Date: January 23, 2025

Kristin Beltzer
Chair
Liquor Control Commission



Since 1941

Legal Division

Timothy H. Shields, Director


CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated December 20, 2024, amending R 436.1953 and R 436.1959 of the Department's rules entitled "Church or School Hearings." I approve the rules as to form, classification, and arrangement.

Pursuant to section 44(1) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.244(1), these rules are being processed without a public hearing.

Dated: January 6, 2025

LEGISLATIVE SERVICE BUREAU

By 
Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

LIQUOR CONTROL COMMISSION

CHURCH OR SCHOOL HEARINGS

Filed with the secretary of state on January 27, 2025

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the liquor control commission by section 40 of article IV of the state constitution of 1963, sections 201 and 215(1) of the Michigan liquor control code of 1988, 1998 PA 58, MCL 436.1201 and 436.1215, and Executive Reorganization Order No. 2011-4, MCL 445.2030)

R 436.1953 and R 436.1959 of the Michigan Administrative Code are amended, as follows:

R 436.1953 Notice of application and proposed location.

Rule 3. If the commission determines through investigation that the proposed location of an applicant is within 500 feet of a church or school, as those terms are defined in section 107 or 111 of the act, MCL 436.1107 or 436.1111, the representative of the church or school shall be notified of the application and the proposed location if the applicant desires 1 of the following:

(a) A new license to sell alcoholic liquor for consumption on the premises or the transfer of location of an existing license to sell alcoholic liquor for consumption on the premises.

(b) A new specially designated distributor license or the transfer of location of an existing specially designated distributor license.

(c) A new specially designated merchant license in conjunction with a license to sell alcoholic liquor for consumption on the premises or the transfer of location of an existing specially designated merchant license in conjunction with a license to sell alcoholic liquor for consumption on the premises.

R 436.1959 Burden of proceeding, closing arguments.

Rule 9. (1) The commission may, in its discretion, determine which party will have the burden of proceeding. The representative of the church or school may make the final argument.

(2) The representative of the church or school shall be prepared to show that the church or school that is objecting meets the definition of the terms defined in section 107 or 111 of the act, MCL 436.1107 or 436.1111.

FILED WITH SECRETARY OF STATE

ON 1/27/25 AT 11:26 A.M.