



Bill Number: H.B. 2596

Gray C Floor Amendment

Reference to: House engrossed bill

Amendment drafted by: Legislative Council – Todd Bayne

FLOOR AMENDMENT EXPLANATION

Allows a city or town governing body to approve an exemption from distance restrictions for a church or charter school located in an entertainment district and specifies the ratio for population to entertainment district designation restrictions.

Defines entertainment district.

Amendment explanation prepared by Dakotah Pratt-Hewitt

4/21/2010

GRAY C FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2596
(Reference to House engrossed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 4-207, Arizona Revised Statutes, is amended to
3 read:

4 4-207. Restrictions on licensing premises near school or church
5 buildings; definitions

6 A. A retailer's license shall not be issued for any premises which
7 are, at the time the license application is received by the director, within
8 three hundred horizontal feet of a church, within three hundred horizontal
9 feet of a public or private school building with kindergarten programs or any
10 of grades one through twelve or within three hundred horizontal feet of a
11 fenced recreational area adjacent to such school building. This section does
12 not prohibit the renewal of a valid license issued pursuant to this title if,
13 on the date that the original application for the license is filed, the
14 premises were not within three hundred horizontal feet of a church, within
15 three hundred horizontal feet of a public or private school building with
16 kindergarten programs or any of grades one through twelve or within three
17 hundred horizontal feet of a fenced recreational area adjacent to such school
18 building.

19 B. Subsection A of this section does not apply to a:

- 20 1. Restaurant issued a license pursuant to section 4-205.02.
21 2. Special event license issued pursuant to section 4-203.02.
22 3. Hotel-motel issued a license pursuant to section 4-205.01.
23 4. Government license issued pursuant to section 4-205.03.
24 5. Fenced playing area of a golf course issued a license pursuant to
25 this article.

26 C. Notwithstanding subsection A of this section:

- 27 1. A spirituous liquor license which is validly issued and which is,
28 on the date an application for a transfer is filed, within three hundred

1 horizontal feet of a church, within three hundred horizontal feet of a public
2 or private school building with kindergarten programs or any of grades one
3 through twelve or within three hundred horizontal feet of a fenced
4 recreational area adjacent to such school building may be transferred person
5 to person pursuant to sections 4-201, 4-202 and 4-203 and remains in full
6 force until the license is terminated in any manner, unless renewed pursuant
7 to section 4-209, subsection A.

8 2. A person may be issued a spirituous liquor license pursuant to
9 sections 4-201, 4-202 and 4-203 of the same class for premises which have a
10 nontransferable spirituous liquor license validly issued if the premises are,
11 on the date an application for such license is filed, within three hundred
12 horizontal feet of a church, within three hundred horizontal feet of a public
13 or private school building with kindergarten programs or any of grades one
14 through twelve or within three hundred horizontal feet of a fenced
15 recreational area adjacent to such school building and the license remains in
16 full force until the license is terminated in any manner, unless renewed
17 pursuant to section 4-209, subsection A.

18 3. A person may be issued a liquor store license pursuant to sections
19 4-201, 4-202, 4-203 and 4-206.01 for premises which have a beer and wine
20 store license validly issued if the premises, on the date an application for
21 such license is filed, are within three hundred horizontal feet of a church,
22 within three hundred horizontal feet of a public or private school building
23 with kindergarten programs or any of grades one through twelve or within
24 three hundred horizontal feet of a fenced recreational area adjacent to such
25 school building and the license remains in full force until the license is
26 terminated in any manner, unless renewed pursuant to section 4-209,
27 subsection A.

28 4. THE GOVERNING BODY OF A CITY OR TOWN, ON A CASE-BY-CASE BASIS, MAY
29 APPROVE AN EXEMPTION FROM THE DISTANCE RESTRICTIONS PRESCRIBED IN THIS
30 SECTION FOR A CHURCH OR CHARTER SCHOOL THAT IS LOCATED IN AN AREA THAT IS
31 DESIGNATED AN ENTERTAINMENT DISTRICT BY THE GOVERNING BODY OF THAT CITY OR
32 TOWN. A CITY OR TOWN WITH A POPULATION OF AT LEAST FIVE HUNDRED THOUSAND

1 PERSONS MAY DESIGNATE NO MORE THAN THREE ENTERTAINMENT DISTRICTS WITHIN THE
2 BOUNDARIES OF THE CITY OR TOWN PURSUANT TO THIS PARAGRAPH. A CITY OR TOWN
3 WITH A POPULATION OF AT LEAST TWO HUNDRED THOUSAND PERSONS BUT LESS THAN FIVE
4 HUNDRED THOUSAND PERSONS MAY DESIGNATE NO MORE THAN TWO ENTERTAINMENT
5 DISTRICTS WITHIN THE BOUNDARIES OF THE CITY OR TOWN PURSUANT TO THIS
6 PARAGRAPH. A CITY OR TOWN WITH A POPULATION OF LESS THAN TWO HUNDRED
7 THOUSAND PERSONS MAY DESIGNATE NO MORE THAN ONE ENTERTAINMENT DISTRICT WITHIN
8 THE BOUNDARIES OF THE CITY OR TOWN PURSUANT TO THIS PARAGRAPH.

9 D. For the purposes of this section:

10 1. "Church" means a building which is erected or converted for use as
11 a church, where services are regularly convened, which is used primarily for
12 religious worship and schooling and which a reasonable person would conclude
13 is a church by reason of design, signs or architectural or other features.

14 2. "ENTERTAINMENT DISTRICT" MEANS A SPECIFIC CONTIGUOUS AREA THAT IS
15 DESIGNATED AN ENTERTAINMENT DISTRICT BY A RESOLUTION ADOPTED BY THE GOVERNING
16 BODY OF A CITY OR TOWN, THAT CONSISTS OF NO MORE THAN ONE SQUARE MILE, THAT
17 IS NO LESS THAN ONE-EIGHTH OF A MILE IN WIDTH AND THAT CONTAINS A SIGNIFICANT
18 NUMBER OF ENTERTAINMENT, ARTISTIC AND CULTURAL VENUES, INCLUDING MUSIC HALLS,
19 CONCERT FACILITIES, THEATERS, ARENAS, STADIUMS, MUSEUMS, STUDIOS, GALLERIES,
20 RESTAURANTS, BARS AND OTHER RELATED FACILITIES."

21 Renumber to conform

22 Amend title to conform

2596cg
04/08/2010
8:55 AM
C: tdb