

COMMITTEE ON JUDICIARY

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1419

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and 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 that are,
7 at the time the license application is received by the director, within three
8 hundred horizontal feet of a church, within three hundred horizontal feet of
9 a public or private school building with kindergarten programs or any of
10 grades one through twelve or within three hundred horizontal feet of a fenced
11 recreational area adjacent to such school building. This section does not
12 prohibit the renewal of a valid license issued pursuant to this title if, on
13 the date that the original application for the license is filed, the premises
14 were not within three hundred horizontal feet of a church, within three
15 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. Playing area of a golf course issued a license pursuant to this
25 article.

26 6. ~~A~~ Beer and wine license at a ~~not-for-profit~~ NONPROFIT performing
27 arts theatre with a permanent seating capacity of at least two hundred fifty
28 persons.

29 7. GROCERY STORE WITH OR THAT IS APPLYING FOR A BEER AND WINE STORE
30 LICENSE OR A LIQUOR STORE LICENSE IF THE STORE MEETS ALL OF THE FOLLOWING
31 CONDITIONS:

32 (a) THE STORE CONSISTS OF AT LEAST FOUR THOUSAND FIVE HUNDRED SQUARE
33 FEET OF RETAIL SPACE THAT IS COVERED BY A ROOF.

1 (b) THE STORE DOES NOT HOLD MULTIPLE ACTIVE LICENSES ISSUED PURSUANT
2 TO THIS TITLE.

3 (c) THE STORE OFFERS FRESH PRODUCE FOR SALE.

4 (d) THE STORE DOES NOT PROVIDE DRIVE-THROUGH SERVICE FOR SPIRITUOUS
5 LIQUOR SALES.

6 C. Notwithstanding subsection A of this section:

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

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

27 3. A person may be issued a liquor store license pursuant to sections
28 4-201, 4-202, 4-203 and 4-206.01 for premises that have a beer and wine store
29 license validly issued if the premises, on the date an application for such
30 license is filed, are within three hundred horizontal feet of a church,
31 within three hundred horizontal feet of a public or private school building
32 with kindergarten programs or any of grades one through twelve or within
33 three hundred horizontal feet of a fenced recreational area adjacent to such
34 school building and the license remains in full force until the license is
35 terminated in any manner, unless renewed pursuant to section 4-209,
36 subsection A.

37 4. The governing body of a city or town, on a case-by-case basis, may
38 approve an exemption from the distance restrictions prescribed in this
39 section for a church or a public or private school that is located in an area
40 that is designated an entertainment district by the governing body of that

1 city or town. A city or town with a population of at least five hundred
2 thousand persons may designate no more than three entertainment districts
3 within the boundaries of the city or town pursuant to this paragraph. A city
4 or town with a population of at least two hundred thousand persons but less
5 than five hundred thousand persons may designate no more than two
6 entertainment districts within the boundaries of the city or town pursuant to
7 this paragraph. A city or town with a population of less than two hundred
8 thousand persons may designate no more than one entertainment district within
9 the boundaries of the city or town pursuant to this paragraph.

10 5. A person may be issued a beer and wine store license pursuant to
11 sections 4-201, 4-202, 4-203 and 4-206.01 for premises that have a liquor
12 store license validly issued if the premises, on the date of an application
13 for which the license is filed, are within three hundred horizontal feet of a
14 church, within three hundred horizontal feet of a public or private school
15 building with kindergarten programs or any of grades one through twelve or
16 within three hundred horizontal feet of a fenced recreation area adjacent to
17 such school building and the license remains in full force until the license
18 is terminated in any manner, unless renewed pursuant to section 4-209,
19 subsection A.

20 D. A GROCERY STORE THAT IS WITHIN THREE HUNDRED HORIZONTAL FEET OF A
21 CHURCH, WITHIN THREE HUNDRED HORIZONTAL FEET OF A PUBLIC OR PRIVATE SCHOOL
22 BUILDING WITH KINDERGARTEN PROGRAMS OR ANY OF GRADES ONE THROUGH TWELVE OR
23 WITHIN THREE HUNDRED HORIZONTAL FEET OF A FENCED RECREATIONAL AREA ADJACENT
24 TO SUCH SCHOOL BUILDING MAY CONTINUE TO HOLD A PREVIOUSLY ISSUED BEER AND
25 WINE BAR OR LIQUOR STORE LICENSE IF THE STORE CONTINUES TO DERIVE LESS THAN
26 SIXTY PERCENT OF ITS GROSS REVENUE FROM THE SALE OF SPIRITUOUS LIQUOR.

27 E. A GROCERY STORE THAT IS WITHIN THREE HUNDRED HORIZONTAL FEET OF A
28 CHURCH, WITHIN THREE HUNDRED HORIZONTAL FEET OF A PUBLIC OR PRIVATE SCHOOL
29 BUILDING WITH KINDERGARTEN PROGRAMS OR ANY OF GRADES ONE THROUGH TWELVE OR
30 WITHIN THREE HUNDRED HORIZONTAL FEET OF A FENCED RECREATIONAL AREA ADJACENT
31 TO SUCH SCHOOL BUILDING AND THAT MEETS THE CONDITIONS PRESCRIBED IN
32 SUBSECTION B, PARAGRAPH 7 OF THIS SECTION SHALL SUBMIT THE BUILDING PLANS OF
33 THE STORE TO THE DIRECTOR. IF THE DIRECTOR DETERMINES THAT THE PRIMARY
34 PURPOSE OF THE GROCERY STORE IS TO SELL SPIRITUOUS LIQUOR, THE DIRECTOR MAY
35 REVOKE OR DENY THE LICENSE.

36 F. IF THE DEPARTMENT DETERMINES THAT RANDOM AUDITS ARE NECESSARY, THE
37 DIRECTOR MAY CONDUCT RANDOM AUDITS OF GROCERY STORES THAT ARE WITHIN THREE
38 HUNDRED HORIZONTAL FEET OF A CHURCH, WITHIN THREE HUNDRED HORIZONTAL FEET OF
39 A PUBLIC OR PRIVATE SCHOOL BUILDING WITH KINDERGARTEN PROGRAMS OR ANY OF
40 GRADES ONE THROUGH TWELVE OR WITHIN THREE HUNDRED HORIZONTAL FEET OF A FENCED

1 RECREATIONAL AREA ADJACENT TO SUCH SCHOOL BUILDING AND THAT MEET THE
2 CONDITIONS PRESCRIBED IN SUBSECTION B, PARAGRAPH 7 OF THIS SECTION. IF THE
3 AUDIT FINDINGS DEMONSTRATE THAT A GROCERY STORE DOES NOT MEET THE CONDITIONS
4 PRESCRIBED IN SUBSECTION B, PARAGRAPH 7 OF THIS SECTION, THE DIRECTOR MAY
5 DENY, REVOKE OR SUSPEND THE LICENSE.

6 ~~D.~~ G. For the purposes of this section:

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

12 2. "Entertainment district" means a specific contiguous area that is
13 designated an entertainment district by a resolution adopted by the governing
14 body of a city or town, that consists of no more than one square mile, that
15 is no less than one-eighth of a mile in width and that contains a significant
16 number of entertainment, artistic and cultural venues, including music halls,
17 concert facilities, theaters, arenas, stadiums, museums, studios, galleries,
18 restaurants, bars and other related facilities."

19 Amend title to conform

and, as so amended, it do pass

EDWIN W. FARNSWORTH
Chairman

1419-se-jud
3/18/15
H:laa

1419ak.doc
03/16/2015
03:17 PM
C: tdb