

PROPOSED

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.

1           5. Playing area of a golf course issued a license pursuant to this  
2 article.

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

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

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

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

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

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

16           C. Notwithstanding subsection A of this section:

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

26           2. A person may be issued a spirituous liquor license pursuant to  
27 sections 4-201, 4-202 and 4-203 of the same class for premises that, on the  
28 date the application is filed, have a valid transferable or nontransferable  
29 license of the same series if the premises are, on the date an application  
30 for such license is filed, 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

1 three hundred horizontal feet of a fenced recreational area adjacent to such  
2 school building and the license remains in full force until the license is  
3 terminated in any manner, unless renewed pursuant to section 4-209,  
4 subsection A.

5 3. A person may be issued a liquor store license pursuant to sections  
6 4-201, 4-202, 4-203 and 4-206.01 for premises that have a beer and wine store  
7 license validly issued if the premises, on the date an application for such  
8 license is filed, are within three hundred horizontal feet of a church,  
9 within three hundred horizontal feet of a public or private school building  
10 with kindergarten programs or any of grades one through twelve or within  
11 three hundred horizontal feet of a fenced recreational area adjacent to such  
12 school building and the license remains in full force until the license is  
13 terminated in any manner, unless renewed pursuant to section 4-209,  
14 subsection A.

15 4. The governing body of a city or town, on a case-by-case basis, may  
16 approve an exemption from the distance restrictions prescribed in this  
17 section for a church or a public or private school that is located in an area  
18 that is designated an entertainment district by the governing body of that  
19 city or town. A city or town with a population of at least five hundred  
20 thousand persons may designate no more than three entertainment districts  
21 within the boundaries of the city or town pursuant to this paragraph. A city  
22 or town with a population of at least two hundred thousand persons but less  
23 than five hundred thousand persons may designate no more than two  
24 entertainment districts within the boundaries of the city or town pursuant to  
25 this paragraph. A city or town with a population of less than two hundred  
26 thousand persons may designate no more than one entertainment district within  
27 the boundaries of the city or town pursuant to this paragraph.

28 5. A person may be issued a beer and wine store license pursuant to  
29 sections 4-201, 4-202, 4-203 and 4-206.01 for premises that have a liquor  
30 store license validly issued if the premises, on the date of an application  
31 for which the license is filed, are within three hundred horizontal feet of a  
32 church, within three hundred horizontal feet of a public or private school

1 building with kindergarten programs or any of grades one through twelve or  
2 within three hundred horizontal feet of a fenced recreation area adjacent to  
3 such school building and the license remains in full force until the license  
4 is terminated in any manner, unless renewed pursuant to section 4-209,  
5 subsection A.

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

13 E. A GROCERY STORE THAT IS 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 RECREATIONAL AREA ADJACENT  
17 TO SUCH SCHOOL BUILDING AND THAT MEETS THE CONDITIONS PRESCRIBED IN  
18 SUBSECTION B, PARAGRAPH 7 OF THIS SECTION SHALL SUBMIT THE BUILDING PLANS OF  
19 THE STORE TO THE DIRECTOR. IF THE DIRECTOR DETERMINES THAT THE PRIMARY  
20 PURPOSE OF THE GROCERY STORE IS TO SELL SPIRITUOUS LIQUOR, THE DIRECTOR MAY  
21 REVOKE OR DENY THE LICENSE.

22 F. IF THE DEPARTMENT DETERMINES THAT RANDOM AUDITS ARE NECESSARY, THE  
23 DIRECTOR MAY CONDUCT RANDOM AUDITS OF GROCERY STORES THAT ARE WITHIN THREE  
24 HUNDRED HORIZONTAL FEET OF A CHURCH, WITHIN THREE HUNDRED HORIZONTAL FEET OF  
25 A PUBLIC OR PRIVATE SCHOOL BUILDING WITH KINDERGARTEN PROGRAMS OR ANY OF  
26 GRADES ONE THROUGH TWELVE OR WITHIN THREE HUNDRED HORIZONTAL FEET OF A FENCED  
27 RECREATIONAL AREA ADJACENT TO SUCH SCHOOL BUILDING AND THAT MEET THE  
28 CONDITIONS PRESCRIBED IN SUBSECTION B, PARAGRAPH 7 OF THIS SECTION. IF THE  
29 AUDIT FINDINGS DEMONSTRATE THAT A GROCERY STORE DOES NOT MEET THE CONDITIONS  
30 PRESCRIBED IN SUBSECTION B, PARAGRAPH 7 OF THIS SECTION, THE DIRECTOR MAY  
31 DENY, REVOKE OR SUSPEND THE LICENSE.

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

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

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

13 Amend title to conform

ANTHONY KERN

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C: tdb