



1 such residency, that the applicant has been a resident of the state  
2 for a period of two years next preceding the date of the  
3 application and that the applicant is twenty-one years of age. If  
4 the applicant is a firm, association, partnership, limited  
5 partnership or corporation, the application shall include the  
6 residence of the members or officers for a period of two years next  
7 preceding the date of such application: *Provided*, That if any  
8 person, firm, partnership, limited partnership, association or  
9 corporation applies for a license as a distributor, ~~such~~ the  
10 person, or in the case of a firm, partnership, limited partnership  
11 or association, the members or officers thereof shall state under  
12 oath that each has been a bona fide resident of the state for four  
13 years preceding the date of ~~such~~ application;

14 (2) The place of birth of applicant, that he or she is a  
15 citizen of the United States and of good moral character and, if a  
16 naturalized citizen, when and where naturalized; and, if a  
17 corporation organized or authorized to do business under the laws  
18 of the state, when and where incorporated, with the name and  
19 address of each officer; that each officer is a citizen of the  
20 United States and a person of good moral character; and if a firm,  
21 association, partnership or limited partnership, the place of birth  
22 of each member of the firm, association, partnership or limited  
23 partnership, and that each member is a citizen of the United States  
24 and if a naturalized citizen, when and where naturalized, each of

1 whom must qualify and sign the application: *Provided*, That the  
2 requirements as to residence shall not apply to the officers of a  
3 corporation which shall apply for a retailer's license, but the  
4 officers, agent or employee who shall manage and be in charge of  
5 the licensed premises shall possess all of the qualifications  
6 required of an individual applicant for a retailer's license,  
7 including the requirement as to residence;

8 (3) The particular place for which the license is desired and  
9 a detailed description thereof;

10 (4) The name of the owner of the building and, if the owner is  
11 not the applicant, that ~~such~~ the applicant is the actual and bona  
12 fide lessee of the premises;

13 (5) (A) That the place or building in which is proposed to do  
14 business conforms to all laws of health, fire and zoning  
15 regulations applicable thereto, and is a safe and proper place or  
16 building, and is not within three hundred feet of any school or  
17 church, measured from front door to front door, along the street or  
18 streets: *Provided*, That this requirement shall not apply to a  
19 Class B license, or to any place now occupied by a beer licensee,  
20 so long as it is continuously so occupied: *Provided, however*, That  
21 the prohibition against locating any such proposed business in a  
22 place or building within three hundred feet of any school shall not  
23 apply to any college or university that has notified the  
24 commissioner, in writing, that it has no objection to the location

1 of any ~~such~~ proposed business in a place or building within three  
2 hundred feet of ~~such~~ the college or university;

3 (B) Notwithstanding any provision of paragraph (A) of this  
4 subdivision to the contrary, for applications for licenses filed  
5 for periods beginning after June 30, 2011, where the location of  
6 the proposed business is within three hundred feet of a church, the  
7 application shall state that each of the requirements of paragraph  
8 (B), subdivision (2), subsection (c) of this section have been met;

9 (6) That the applicant is not incarcerated and has not during  
10 the five years immediately preceding the date of said application  
11 been convicted of a felony;

12 (7) That the applicant is the only person in any manner  
13 pecuniarily interested in the business so asked to be licensed, and  
14 that no other person shall be in any manner pecuniarily interested  
15 therein during the continuance of the license; and

16 (8) That the applicant has not during five years next  
17 immediately preceding the date of said application had a  
18 nonintoxicating beer license revoked.

19 (b) The provisions and requirements of subsection (a) of this  
20 section are mandatory prerequisites for the issuance, and in the  
21 event any applicant fails to qualify under the same, license shall  
22 be refused. In addition to the information furnished in any  
23 application, the commissioner may make ~~such~~ additional and  
24 independent investigation of each applicant, and of the place to be

1 occupied, as deemed necessary or advisable; and for this reason  
2 each and all applications, with license fee and bond, must be filed  
3 thirty days prior to the beginning of any fiscal year, and if  
4 application is for an unexpired portion of any fiscal year,  
5 issuance of license may be withheld for ~~such~~ a reasonable time as  
6 necessary for investigation.

7 (c) The commissioner may refuse a license to any applicant  
8 under the provisions of this article if the commissioner ~~shall be~~  
9 is of the opinion:

10 (1) That the applicant is not a suitable person to be  
11 licensed;

12 (2) (A) That the place to be occupied by the applicant is not  
13 a suitable place; or is within three hundred feet of any school or  
14 church, measured from front door to front door along the street or  
15 streets: *Provided*, That this requirement shall not apply to a  
16 Class B licensee, or to any place now occupied by a beer licensee,  
17 so long as it is continuously so occupied: *Provided, however*, That  
18 the prohibition against locating any such place to be occupied by  
19 an applicant within three hundred feet of any school shall not  
20 apply to any college or university that has notified the  
21 commissioner, in writing, that it has no objection to the location  
22 of any ~~such~~ place within three hundred feet of ~~such~~ the college or  
23 university; or

24 (B) That the requirements of this paragraph are not met.

1 Notwithstanding any provision of paragraph (A) of this subdivision  
2 to the contrary, for applications for licenses filed for periods  
3 beginning after June 30, 2011, the location of the place or  
4 building in which a licensee or applicant does or proposes to do  
5 business not otherwise exempted pursuant to paragraph (A) may be  
6 within three hundred feet of a church if the following requirements  
7 are met:

8       (i) The governing body of the church has notified the  
9 commissioner, in writing, that it has no objection to the operation  
10 and location of the business proposed by the applicant in a place  
11 or building within three hundred feet of the church;

12       (ii) The applicant provided information about the outside  
13 appearance and floor plan of the business location to the governing  
14 body of the church prior to gaining the church's approval;

15       (iii) The business has been in operation by the applicant or  
16 the applicant's predecessor in interest in the business at the  
17 location for at least one year prior to making application;

18       (iv) During the period of beer licensure, no video lottery  
19 machines are operated at the location unless video lottery machines  
20 were duly operated at the location by the applicant or the  
21 applicant's predecessor in interest in the business on the  
22 effective date of the amendment and reenactment of this section in  
23 2011; and

24       (v) The governing body of the church has not rescinded its

1 approval of the operation and location of the business within three  
2 hundred feet of the church, which the governing body is authorized  
3 to do effective one year after the issuance of the license and each  
4 successive anniversary thereafter; or

5 (3) That the license should not be issued for reason of  
6 conduct declared to be unlawful by this article.

NOTE: The purpose of this bill is to permit a beer licensee to locate within three hundred feet of a church if agreed to by the church under certain circumstances.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.