



Reprinted  
April 7, 1999

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# ENGROSSED SENATE BILL No. 55

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DIGEST OF SB 55 (Updated April 6, 1999 5:25 pm - DI 51)

**Citations Affected:** IC 7.1-3; IC 7.1-4; IC 7.1-5.

**Synopsis:** Alcoholic beverages. Makes numerous changes concerning alcoholic beverages, including the following: (1) Corrects a reference to the Indiana Administrative Code in order to cite the current rule on Sunday sales of alcoholic beverages by certain retailers. (2) Revises the description of auto racing facilities in the law concerning the time to begin Sunday sales of alcoholic beverages so that the law is not limited to an oval track. (3) Provides that at certain auto racing facilities, the owner or operator may permit a person to enter with an alcoholic beverage for consumption at the facility and that a person may carry on,  
(Continued next page)

**Effective:** January 1, 1998 (retroactive); upon passage; July 1, 1999.

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## Clark, Wyss

(HOUSE SPONSORS — KUZMAN, YOUNG M, BARDON, ATTERHOLT)

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January 6, 1999, read first time and referred to Committee on Rules and Legislative Procedure.

January 21, 1999, amended; reassigned to Committee on Public Policy.

February 8, 1999, amended, reported favorably — Do Pass.

February 18, 1999, read second time, ordered engrossed.

February 19, 1999, engrossed.

March 1, 1999, read third time, passed. Yeas 38, nays 11.

### HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

March 25, 1999, amended, reported — Do Pass.

March 29, 1999, read second time, amended, ordered engrossed.

March 30, 1999, engrossed.

April 6, 1999, read third time, placed back on second reading; reread second time, amended, ordered engrossed.

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convey to, or consume, on or about the facility, an alcoholic beverage that was not then and there purchased at the facility. (4) Provides that the alcoholic beverage commission may not issue a beer retailer's permit to a person who, within ten years before the date of application, has been convicted of certain federal or state crimes. (5) Allows minors to be present in indoor golf facilities where alcoholic beverages are sold. (6) Changes from \$20 to \$5 the fee for an alcoholic beverage employee's permit when the permit holder uses the permit only to perform volunteer service that benefits a nonprofit organization. Provides that it is unlawful to use for any other purpose an employee's permit obtained for volunteer use that benefits a nonprofit organization. (7) Provides that certain wholesaler's permits are effective for a two year period. (8) Eliminates the requirement of a \$500 surety bond for alcoholic beverage wholesalers, wine bottlers, and alcoholic beverage carriers. (9) Provides that payments required under the alcoholic beverage laws may be made by a check drawn on a business bank account. (10) Provides that the city of Mishawaka may obtain a permit for the retail sale of alcoholic beverages at the city golf course. (11) Provides that the holder of an alcoholic beverages club permit may keep a guest book listing members and their nonmember guests, except on designated guest days. (12) Allows the alcoholic beverage commission to transfer the beer wholesaler permit of a person to an immediate relative who has another beer wholesaler permit if the person holding the permit dies or is legally adjudicated as mentally incapacitated. (13) Provides a procedure for allowing a veterans service organization that has had its permit revoked for operating an illegal gambling device to obtain a temporary probationary verterans club permit and to have its permanent license reinstated.

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Reprinted  
April 7, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## ENGROSSED SENATE BILL No. 55

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A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 7.1-3-1-3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A permit of any  
3 type issued by the commission, **except as provided in subsections (b)**  
4 **and (f) or** unless otherwise provided in this title, shall be in force for  
5 one (1) calendar year only, including the day upon which it is granted.  
6 At the end of the one (1) year period the permit shall be fully expired  
7 and null and void.

8 (b) Notwithstanding subsection (a), in a county containing a  
9 consolidated city, a permit that is subject to section 5.5 or 5.6 of this  
10 chapter is effective for two (2) calendar years, including the day upon  
11 which the permit is granted. However, a local board may recommend  
12 to the commission that the permit be issued or renewed for only a one  
13 (1) year period. The commission may issue or renew a permit for the  
14 period recommended by the local board.

15 (c) A permittee who is granted a two (2) year permit under

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1 subsection (b) or (f) is liable for any annual fees assessed by the  
 2 commission. The annual fee is due on the annual anniversary date upon  
 3 which the permit was granted.

4 (d) If the commission grants a two (2) year permit, the commission  
 5 may ask a local board to hold a hearing to reconsider the duration of a  
 6 permittee's permit. A hearing held under this subsection is subject to  
 7 section 5.5 or 5.6 of this chapter. A local board shall hold the hearing  
 8 requested by the commission within thirty (30) days before the  
 9 permittee's next annual anniversary date and forward a  
 10 recommendation to the commission following the hearing.

11 (e) If a permittee is granted a permit for more than one (1) year, the  
 12 commission may require the permittee to file annually with the  
 13 commission the information required for an annual permit renewal.

14 **(f) Notwithstanding subsection (a), the following are effective**  
 15 **for two (2) calendar years, including the day upon which the**  
 16 **permit is granted:**

17 **(1) A beer wholesaler's permit issued under IC 7.1-3-3-1.**

18 **(2) A wine wholesaler's permit issued under IC 7.1-3-13-1.**

19 SECTION 2. IC 7.1-3-1-7 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) An applicant for  
 21 a brewer's permit, a distiller's permit, or a liquor wholesaler's permit  
 22 shall file with the commission a surety bond in the penal sum of ten  
 23 thousand dollars (\$10,000).

24 (b) An applicant for a rectifier's permit shall file with the  
 25 commission a surety bond in the penal sum of fifteen thousand dollars  
 26 (\$15,000).

27 (c) An applicant for a vintner's permit shall file with the commission  
 28 a surety bond in the penal sum of one thousand dollars (\$1,000).

29 ~~(d) An applicant for a wine wholesaler's permit; a wine bottler's~~  
 30 ~~permit; a beer wholesaler's permit; or a carrier's alcoholic permit shall~~  
 31 ~~file with the commission a surety bond in the penal sum of five~~  
 32 ~~hundred dollars (\$500).~~

33 SECTION 3. IC 7.1-3-1-13 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. ~~Payment in Cash.~~  
 35 Payment by a valid postal money order of the United States or by a **one**  
 36 **(1) of the following:**

37 **(1) Certified check;**

38 **(2) Cashier's check;**

39 **(3) Check drawn on the bank deposit of a business; or**

40 **(4) Bank draft; ~~of, or drawn upon, a solvent bank or trust company~~**  
 41 **may be made in lieu of a cash payment whenever a sum is required to**  
 42 **be paid in cash under the provisions of this title. However, payment**



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1 **made by one (1) of the methods listed in subdivisions (1) through**  
 2 **(4) must be of or drawn upon a solvent bank or trust company.**

3 SECTION 4. IC 7.1-3-1-14 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) It is lawful for  
 5 an appropriate permittee, unless otherwise specifically provided in this  
 6 title, to sell alcoholic beverages each day Monday through Saturday  
 7 from 7 a.m., prevailing local time, until 3 a.m., prevailing local time,  
 8 the following day. Sales shall cease wholly on Sunday at 3 a.m.,  
 9 prevailing local time, and not be resumed until the following Monday  
 10 at 7 a.m., prevailing local time.

11 (b) It is lawful for the holder of a supplemental retailer's permit  
 12 which is not specified in subsection (c) to sell the appropriate alcoholic  
 13 beverages on Sunday from noon, prevailing local time, until 12:30 a.m.,  
 14 prevailing local time, the following day.

15 (c) It is lawful for the holder of a supplemental retailer's permit to  
 16 sell the appropriate alcoholic beverages on Sunday from 11:00 a.m.,  
 17 prevailing local time, until 12:30 a.m., prevailing local time, the  
 18 following day if the holder of the permit meets the following criteria:

19 (1) the holder of the permit is a hotel; or

20 (2) the holder of the permit meets the requirements of ~~905~~  
 21 ~~IAC 1-15.1-2(a)~~; **905 IAC 1-41-2(a)**.

22 (d) Notwithstanding subsections (b) and (c), if December 31 (New  
 23 Year's Eve) is on a Sunday, it is lawful for the holder of a supplemental  
 24 retailer's permit to sell the appropriate alcoholic beverages on Sunday,  
 25 December 31 from the time provided in subsection (b) or (c) until 3  
 26 a.m. the following day.

27 (e) It is lawful for the holder of a permit under this article to sell  
 28 alcoholic beverages at athletic or sports events held on Sunday upon  
 29 premises:

30 (1) described in section 25(a) of this chapter;

31 (2) **that are a facility** used in connection with the operation of a  
 32 paved oval track more than two (2) miles in ~~circumference~~ **length**  
 33 that is used primarily in the sport of auto racing; or

34 (3) being used for a professional or an amateur tournament;

35 beginning one (1) hour before the scheduled starting time of the event  
 36 or, if the scheduled starting time of the event is 1 p.m. or later,  
 37 beginning at noon.

38 **(f) It is lawful for the holder of a valid beer, wine, or liquor**  
 39 **wholesaler's permit to sell to the holder of a valid retailer's or**  
 40 **dealer's permit at any time.**

41 SECTION 5. IC 7.1-3-1-25 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. (a) A city or county

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1 listed in this subsection that by itself or in combination with any other  
 2 municipal body acquires by ownership or by lease any stadium,  
 3 exhibition hall, auditorium, theater, convention center, or civic center  
 4 may permit the retail sale of alcoholic beverages upon the premises if  
 5 the governing board of the facility first applies for and secures the  
 6 necessary permits as required by this title. The cities and counties to  
 7 which this subsection applies are as follows:

8 (1) A consolidated city or its county.

9 (2) A city of the second class.

10 (3) A county having a population of more than one hundred thirty  
 11 thousand six hundred (130,600) but less than two hundred  
 12 thousand (200,000).

13 (4) A county having a population of more than three hundred  
 14 thousand (300,000) but less than four hundred thousand  
 15 (400,000).

16 (5) A city having a population of less than ten thousand (10,000)  
 17 that is located in a county having a population of more than four  
 18 hundred thousand (400,000) but less than seven hundred thousand  
 19 (700,000).

20 (6) A county having a population of more than one hundred eight  
 21 thousand nine hundred fifty (108,950) but less than one hundred  
 22 twelve thousand (112,000).

23 (7) A county having a population of more than one hundred eight  
 24 thousand (108,000) but less than one hundred eight thousand nine  
 25 hundred fifty (108,950).

26 (b) A county having a population of more than four hundred  
 27 thousand (400,000) but less than seven hundred thousand (700,000) or  
 28 a township located in such a county that has established a public park  
 29 with a golf course within its jurisdiction under IC 36-10-3 or  
 30 IC 36-10-7 may be issued a permit for the retail sale of alcoholic  
 31 beverages on the premises of any community center within the park,  
 32 including a clubhouse, social center, or pavilion.

33 (c) A township that:

34 (1) is located in a county having a population of more than one  
 35 hundred thousand (100,000) but less than one hundred seven  
 36 thousand (107,000); and

37 (2) acquires ownership of a golf course;

38 may permit the retail sale of alcoholic beverages upon the premises of  
 39 the golf course, if the governing board of the golf course first applies  
 40 for and secures the necessary permits required by this title.

41 (d) A township:

42 (1) having a population of more than thirty thousand (30,000) and

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- 1 less than seventy-five thousand (75,000); and  
 2 (2) located in a county having a population of more than four  
 3 hundred thousand (400,000) but less than seven hundred thousand  
 4 (700,000);  
 5 may be issued a permit for the retail sale of alcoholic beverages on the  
 6 premises of any community center or social center that is located  
 7 within the township and operated by the township.  
 8 (e) A city that:  
 9 (1) has a population of:  
 10 (A) more than fifty-eight thousand (58,000) but less than sixty  
 11 thousand (60,000); **or**  
 12 (B) **more than forty thousand (40,000) but less than**  
 13 **forty-three thousand (43,000); and**  
 14 (2) owns a golf course;  
 15 may permit the retail sale of alcoholic beverages upon the premises of  
 16 the golf course if the governing board of the golf course first applies for  
 17 and secures the necessary permits required by this title.  
 18 (f) A city that:  
 19 (1) has a population of more than thirty-three thousand eight  
 20 hundred fifty (33,850) but less than thirty-five thousand (35,000);  
 21 and  
 22 (2) owns or leases a marina;  
 23 may permit the retail sale of alcoholic beverages upon the premises of  
 24 the marina, if the governing board of the marina first applies for and  
 25 secures the necessary permits required by this title.  
 26 (g) A city listed in this subsection that owns a marina may be issued  
 27 a permit for the retail sale of alcoholic beverages on the premises of the  
 28 marina. However, the city must apply for and secure the necessary  
 29 permits that this title requires. This subsection applies to the following  
 30 cities:  
 31 (1) A city having a population of more than one hundred ten  
 32 thousand (110,000) but less than one hundred twenty thousand  
 33 (120,000).  
 34 (2) A city having a population of more than seventy-five thousand  
 35 (75,000) but less than ninety thousand (90,000).  
 36 (3) A city having a population of more than thirty-three thousand  
 37 (33,000) but less than thirty-three thousand eight hundred fifty  
 38 (33,850).  
 39 (4) A city having a population of more than twenty-seven  
 40 thousand (27,000) but less than thirty thousand (30,000).  
 41 (5) A city having a population of more than twenty-one thousand  
 42 eight hundred thirty (21,830) but less than twenty-three thousand



1 (23,000).

2 (h) Notwithstanding subsection (a), the commission may issue a  
3 civic center permit to a person that:

4 (1) by the person's self or in combination with another person is  
5 the proprietor, as owner or lessee, of an entertainment complex;  
6 or

7 (2) has an agreement with a person described in subdivision (1)  
8 to act as a concessionaire for the entertainment complex for the  
9 full period for which the permit is to be issued.

10 SECTION 6. IC 7.1-3-3-4 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. ~~Premises Described~~  
12 ~~in Application.~~ (a) The premises to be used as a warehouse by an  
13 applicant shall be described in the application for the permit. The  
14 commission shall not issue a beer wholesaler's permit to an applicant  
15 for any other warehouse or premises than that described in the  
16 application. The commission shall issue only one (1) beer wholesaler's  
17 permit to an applicant, but a permittee may be permitted to transfer his  
18 warehouse to another location within the county, upon application to,  
19 and approval of, the commission.

20 (b) **As used in this subsection, "immediate relative" means**  
21 **father, mother, brother, sister, son, or daughter of a wholesaler**  
22 **permittee. Notwithstanding subsection (a), the commission, upon**  
23 **the death or legally adjudged mental incapacitation of a wholesaler**  
24 **permittee, may allow the transfer of the wholesaler permit only to**  
25 **an immediate relative of the wholesaler permittee who**  
26 **concurrently holds a majority share in a valid wholesaler permit.**

27 SECTION 7. IC 7.1-3-4-2 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The commission  
29 shall not issue a beer retailer's permit, except as otherwise authorized  
30 in this title and subject to the other restrictions contained in this title,  
31 to the following persons:

32 (1) An alien.

33 (2) A person who:

34 (A) is not of good moral character and of good repute in the  
35 community in which the person resides; **or**

36 (B) **has been convicted within ten (10) years before the date**  
37 **of application of:**

38 (i) **a federal crime resulting in an executed sentence of**  
39 **imprisonment in excess of at least one (1) year;**

40 (ii) **an Indiana Class A, Class B, or Class C felony; or**

41 (iii) **a crime in a state other than Indiana having a**  
42 **penalty equal to the penalty for an Indiana Class A,**



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- 1                   **Class B, or Class C felony.**
- 2                   (3) A person who does not own the premises to which the permit
- 3                   will be applicable, or who does not have a bona fide lease on the
- 4                   premises for the full period for which the permit is to be issued.
- 5                   (4) A law enforcement officer or an officer who is not an elected
- 6                   officer of a municipal corporation, or governmental subdivision,
- 7                   or of this state, charged with any duty or function in the
- 8                   enforcement of this title.
- 9                   (5) An officer or employee of a person engaged in the alcoholic
- 10                  beverage traffic, which person is a nonresident of this state, or is
- 11                  engaged in carrying on any phase of the manufacture of, traffic in,
- 12                  or transportation of alcoholic beverages without a permit under
- 13                  this title when a permit is required by this title.
- 14                  (6) If the permit applicant does not hold a brewer's permit, a
- 15                  person who leases from a person, or an officer or agent of that
- 16                  person, who holds a brewer's permit or a beer wholesaler's permit.
- 17                  (7) If the permit applicant does not hold a brewer's permit, a
- 18                  person who is indebted to a person who holds a brewer's permit
- 19                  or a beer wholesaler's permit, or an officer or agent of that person,
- 20                  for a debt secured by a lien, mortgage, or otherwise, upon the
- 21                  premises for which the beer retailer's permit is to be applicable,
- 22                  or upon any of the property or fixtures on the premises, or used,
- 23                  or to be used in connection with the premises.
- 24                  (8) A person whose place of business is conducted by a manager
- 25                  or agent, unless the manager or agent possesses the same
- 26                  qualifications required for the issuance of a beer retailer's permit
- 27                  to the person.
- 28                  (9) A minor.
- 29                  (10) A person non compos mentis.
- 30                  (11) A person who has held a permit under this title and who has
- 31                  had that permit revoked within one (1) year prior to the date of
- 32                  application for a beer retailer's permit.
- 33                  (12) A person who has made an application for a permit of any
- 34                  type which has been denied less than one (1) year prior to the
- 35                  person's application for a beer retailer's permit unless the first
- 36                  application was denied by reason of a procedural or technical
- 37                  defect.
- 38                  (13) A person who is not the proprietor of a restaurant located and
- 39                  being operated on the premises described in the application for
- 40                  the beer retailer's permit, or of a hotel, or of a club, owning, or
- 41                  leasing the premises as a part of it. The disqualification contained
- 42                  in this subdivision shall not apply to the qualifications for or

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1 affect the privileges to be accorded under a beer dealer's permit  
2 or a dining car beer permit.

3 (b) Subsection (a)(9) does not prevent a minor from being a  
4 stockholder in a corporation.

5 SECTION 8. IC 7.1-3-18-9 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The  
7 commission may issue an employee's permit to a person who desires to  
8 act as a clerk in a package liquor store or as a bartender, waiter,  
9 waitress, or manager in a retail establishment, excepting dining car and  
10 boat employees.

11 (b) A permit authorized by this section is conditioned upon the  
12 compliance by the holder with reasonable rules relating to the permit  
13 which the commission may prescribe from time to time.

14 (c) A permit issued under this section entitles its holder to work for  
15 any lawful employer. However, a person may work without an  
16 employee's permit for thirty (30) days from the date shown on a receipt  
17 for a cashier's check or money order payable to the commission for that  
18 person's employee's permit application.

19 (d) A person who, for a package liquor store or retail establishment,  
20 is:

- 21 (1) the sole proprietor;
- 22 (2) a partner, a general partner, or a limited partner in a  
23 partnership or limited partnership that owns the business  
24 establishment;
- 25 (3) a member of a limited liability company that owns the  
26 business establishment; or
- 27 (4) a stockholder in a corporation that owns the business  
28 establishment;

29 is not required to obtain an employee's permit in order to perform any  
30 of the acts listed in subsection (a).

31 (e) **An applicant may declare on the application form that the**  
32 **applicant will use the employee's permit only to perform volunteer**  
33 **service that benefits a nonprofit organization. It is unlawful for an**  
34 **applicant who makes a declaration under this subsection to use an**  
35 **employee's permit for any purpose other than to perform volunteer**  
36 **service that benefits a nonprofit organization.**

37 SECTION 9. IC 7.1-3-20-5.5 IS ADDED TO THE INDIANA  
38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
39 [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: **A veterans**  
40 **service organization that meets the qualifications set forth in**  
41 **section 7(a)(2) of this chapter may apply for a temporary**  
42 **probationary veterans club permit.**

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1 (b) A temporary probationary veterans club permit shall be  
2 issued for a period of one (1) year and may not be renewed. The  
3 permit holder has all of the rights, privileges, and obligations that  
4 are incident to the permit previously held by the permit holder.  
5 The applicant shall pay the same annual fee that the permit holder  
6 would have paid for the permit previously held by the permit  
7 holder.

8 (c) The commission shall issue a temporary probationary  
9 veterans club permit to an applicant if the commission finds all of  
10 the following:

11 (1) The applicant is a veterans service organization that meets  
12 the requirements in section 7(a)(2) of this chapter.

13 (2) The applicant previously was the holder of a permit issued  
14 by the commission that was not renewed by the commission  
15 because the applicant was previously found to have possessed  
16 illegal gambling devices on not more than two (2) separate  
17 occasions within a three (3) year period.

18 (3) Except for the violations described in subdivision (2), the  
19 applicant has not committed a violation of law, including a  
20 violation of the rules of the commission, within the five (5)  
21 year period immediately preceding the submission of an  
22 application for a temporary probationary veterans club  
23 permit.

24 (4) The applicant has submitted to the commission a written  
25 plan, approved by the governing body of the applicant, setting  
26 forth in detail the applicant's plan to prevent violations of law  
27 on the licensed premises.

28 (5) The applicant has submitted to the commission a written  
29 plan, approved by the governing body of the applicant,  
30 committing the applicant to complete a meaningful  
31 community service project not later than the expiration of the  
32 temporary probationary veterans club permit.

33 (6) The applicant has entered into an agreement with the  
34 commission providing that its temporary probationary  
35 veterans club permit may be immediately revoked by the  
36 commission if the permit holder is cited for possession of an  
37 illegal gambling device on the licensed premises.

38 (d) The commission shall renew the permit held by a veterans  
39 service organization before the issuance of a temporary  
40 probationary veterans club permit if:

41 (1) the permit holder has not been cited for possession of an  
42 illegal gambling device and has not violated a law or rule of

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- 1           **the commission during the term of the temporary**
- 2           **probationary veterans club permit;**
- 3           **(2) the permit holder has satisfactorily completed the plan of**
- 4           **community service presented to the commission; and**
- 5           **(3) the permit holder has filed with the commission the**
- 6           **required application and tendered the applicable permit fee.**

7           SECTION 10. IC 7.1-3-20-8.6 IS AMENDED TO READ AS  
 8           FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8.6. (a) The holder of  
 9           a club permit may do the following:

- 10           (1) Designate one (1) day in each month as "guest day".
- 11           (2) Keep a record of all designated guest days.
- 12           (3) Invite guests who are not members of the club to attend the
- 13           club on a guest day.
- 14           (4) Sell or give alcoholic beverages to guests for consumption on
- 15           the permit premises on a guest day.
- 16           **(5) Keep a guest book listing members and their nonmember**
- 17           **guests, except on a designated guest day.**

18           (b) This subsection applies to a club that furnishes alcoholic  
 19           beverages on not more than two (2) days in each week.  
 20           Notwithstanding subsection (a)(1), the holder of a club permit to which  
 21           this subsection applies may designate twenty-four (24) guest days in  
 22           each calendar year rather than one (1) guest day in each month.

23           SECTION 11. IC 7.1-4-1-38 IS AMENDED TO READ AS  
 24           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 38. (a) The  
 25           biennial license fee for an employee's permit is:

- 26           **(1) twenty dollars (\$20); or**
- 27           **(2) five dollars (\$5) if the permit is used only to perform**
- 28           **volunteer service that benefits a nonprofit organization. and**
- 29           **(b) The term of the permit is two (2) years.**

30           SECTION 12. IC 7.1-5-7-11 IS AMENDED TO READ AS  
 31           FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) The provisions  
 32           of sections 9 and 10 of this chapter shall not apply if the public place  
 33           involved is one (1) of the following:

- 34           (1) Civic center.
- 35           (2) Convention center.
- 36           (3) Sports arena.
- 37           (4) Bowling center.
- 38           (5) Bona fide club.
- 39           (6) Drug store.
- 40           (7) Grocery store.
- 41           (8) Boat.
- 42           (9) Dining car.

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- 1 (10) Pullman car.
- 2 (11) Club car.
- 3 (12) Passenger airplane.
- 4 (13) Horse racetrack facility holding a recognized meeting permit
- 5 under IC 4-31-5.
- 6 (14) Satellite facility (as defined in IC 4-31-2-20.5).
- 7 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
- 8 public.
- 9 (16) That part of a hotel or restaurant which is separate from a
- 10 room in which is located a bar over which alcoholic beverages are
- 11 sold or dispensed by the drink.
- 12 (17) Entertainment complex.
- 13 **(18) An indoor golf facility.**

14 (b) For the purpose of this subsection, "food" means meals prepared  
 15 on the licensed premises. It is lawful for a minor to be on licensed  
 16 premises in a room in which is located a bar over which alcoholic  
 17 beverages are sold or dispensed by the drink if all the following  
 18 conditions are met:

- 19 (1) The minor is eighteen (18) years of age or older.
- 20 (2) The minor is in the company of a parent, guardian, or family
- 21 member who is twenty-one (21) years of age or older.
- 22 (3) The purpose for being on the licensed premises is the
- 23 consumption of food and not the consumption of alcoholic
- 24 beverages.

25 SECTION 13. IC 7.1-5-8-4 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~Serving of~~  
 27 ~~Setups Prohibited.~~ (a) It is unlawful for a person who owns or operates  
 28 a private or public restaurant or place of public or private entertainment  
 29 to permit another person to come into ~~his~~ **the** establishment with an  
 30 alcoholic beverage for sale or gift, or for consumption in the  
 31 establishment by that person or another, or to serve a setup to a person  
 32 who comes into ~~his~~ **the** establishment. However, the provisions of this  
 33 section shall not apply to **the following**:

- 34 (1) A private room hired by a guest of a bona fide club or hotel
- 35 that holds a retail permit.
- 36 (2) **A facility that is used in connection with the operation of**
- 37 **a paved track of more than two (2) miles in length that is used**
- 38 **primarily in the sport of auto racing.**

39 (b) An establishment operated in violation of this section ~~hereby~~ is  
 40 declared to be a public nuisance and subject to abatement as other  
 41 public nuisances are abated under the provisions of this title.

42 SECTION 14. IC 7.1-5-8-5 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. ~~Taking~~  
 2 ~~Alcoholic Beverage On Licensed Premises Prohibited.~~ It is a Class C  
 3 misdemeanor for a person, for ~~his~~ **the person's** own use, to knowingly  
 4 carry on, convey to, or consume, on or about the licensed premises of  
 5 a permittee, an alcoholic beverage that was not then and there  
 6 purchased from that permittee. **However, this section does not apply**  
 7 **to a person at a facility that is used in connection with the**  
 8 **operation of a paved track more than two (2) miles in length that**  
 9 **is used primarily in the sport of auto racing.**

10 SECTION 15. IC 7.1-5-10-1 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) **Except as**  
 12 **provided in subsection (d),** it is unlawful to sell alcoholic beverages  
 13 at the following times:

14 (1) At a time other than that made lawful by the provisions of  
 15 IC 7.1-3-1-14.

16 (2) On Christmas Day and until 7:00 o'clock in the morning,  
 17 prevailing local time, the following day.

18 (3) On primary election day, and general election day, from 3:00  
 19 o'clock in the morning, prevailing local time, until the voting polls  
 20 are closed in the evening on these days.

21 (4) During a special election under IC 3-10-8-9 (within the  
 22 precincts where the special election is being conducted), from  
 23 3:00 o'clock in the morning until the voting polls are closed in the  
 24 evening on these days.

25 (b) During the time when the sale of alcoholic beverages is  
 26 unlawful, no alcoholic beverages shall be sold, dispensed, given away,  
 27 or otherwise disposed of on the licensed premises and the licensed  
 28 premises shall remain closed to the extent that the nature of the  
 29 business carried on on the premises, as at a hotel or restaurant, permits.

30 (c) It is unlawful to sell alcoholic beverages on New Years Day for  
 31 off-premises consumption.

32 (d) **It is lawful for the holder of a valid beer, wine, or liquor**  
 33 **wholesaler's permit to sell to the holder of a valid retailer's or**  
 34 **dealer's permit at any time.**

35 SECTION 16. **An emergency is declared for this act.**

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SENATE MOTION

Mr. President: I move that Senator Garton be removed as author of Senate Bill 55 and that Senator Clark be substituted therefor.

GARTON

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SENATE MOTION

Mr. President: I move that Senator Wyss be added as second author of Senate Bill 55.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 55, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Public Policy.

(Reference is to SB 55 as introduced.)

GARTON, Chairperson

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 55, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, delete lines 41 through 42

Page 4, delete lines 1 through 14.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 55 as printed January 22, 1999.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 3.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Senate Bill 55, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 3. IC 7.1-3-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The commission may issue an employee's permit to a person who desires to act as a clerk in a package liquor store or as a bartender, waiter, waitress, or manager in a retail establishment, excepting dining car and boat employees.

(b) A permit authorized by this section is conditioned upon the compliance by the holder with reasonable rules relating to the permit which the commission may prescribe from time to time.

(c) A permit issued under this section entitles its holder to work for any lawful employer. However, a person may work without an employee's permit for thirty (30) days from the date shown on a receipt for a cashier's check or money order payable to the commission for that person's employee's permit application.

(d) A person who, for a package liquor store or retail establishment, is:

- (1) the sole proprietor;
- (2) a partner, a general partner, or a limited partner in a partnership or limited partnership that owns the business establishment;
- (3) a member of a limited liability company that owns the business establishment; or
- (4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection (a).

**(e) An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.**

SECTION 4. IC 7.1-4-1-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 38. (a) The biennial license fee for an employee's permit is:

- (1) twenty dollars (\$20); or

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**(2) five dollars (\$5) if the permit is used only to perform volunteer service that benefits a nonprofit organization. and**

**(b) The term of the permit is two (2) years."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 55 as printed February 9, 1999.)

KUZMAN, Chair

Committee Vote: yeas 13, nays 1.

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HOUSE MOTION

Mr. Speaker: I move that Senate Bill 55 be amended to read as follows:

Page 2, line 32, delete "having a sentence" and insert "resulting in an executed sentence of imprisonment in excess".

(Reference is to Senate Bill as printed March 26, 1999.)

KUZMAN

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HOUSE MOTION

Mr. Speaker: I move that Senate Bill 55 be amended to read as follows:

Page 3, between lines 40 and 41, begin a new paragraph and insert:  
"SECTION 3. IC 7.1-3-16.5-5 IS AMENDED TO READ AS FOLLOWS[EFFECTIVE JULY 1, 1999]: Sec. 5 The holder of a supplemental retailer's permit shall be entitled to purchase alcoholic beverages only from a permittee entitled to sell to him under this title. A supplemental retailer shall be entitled to possess and sell only those types of alcoholic beverages which he may lawfully possess and sell under his beer retailer's, liquor retailer's, wine retailer's permit, or small winery permit, that qualifies him to hold a supplemental retailer's permit. A supplemental retailer shall be entitled to sell the appropriate alcoholic beverages at retail for on the licensed premises consumption only on Sunday as provided in IC 7.1-3-1-14. The holder of a supplemental retailer's permit shall not be entitled to sell alcoholic beverages at wholesale, nor for carryout or at-home delivery. However, the holder of both a small winery permit and supplemental retailer's permit is entitled to sell wine as authorized under IC 7.1-3-12-5 for carryout on Sunday **and the holder of both a brewer's permit and a supplemental retailer's permit is entitled to sell beer manufactured under IC 7.1-3-2-7 for carryout on Sunday.**

(Reference is to ESB 55 as printed March 26, 1999.)

KUZMAN

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 55 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new

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paragraph and insert:

"SECTION 1. IC 7.1-3-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A permit of any type issued by the commission, **except as provided in subsections (b) and (f) or** unless otherwise provided in this title, shall be in force for one (1) calendar year only, including the day upon which it is granted. At the end of the one (1) year period the permit shall be fully expired and null and void.

(b) Notwithstanding subsection (a), in a county containing a consolidated city, a permit that is subject to section 5.5 or 5.6 of this chapter is effective for two (2) calendar years, including the day upon which the permit is granted. However, a local board may recommend to the commission that the permit be issued or renewed for only a one (1) year period. The commission may issue or renew a permit for the period recommended by the local board.

(c) A permittee who is granted a two (2) year permit under subsection (b) **or (f)** is liable for any annual fees assessed by the commission. The annual fee is due on the annual anniversary date upon which the permit was granted.

(d) If the commission grants a two (2) year permit, the commission may ask a local board to hold a hearing to reconsider the duration of a permittee's permit. A hearing held under this subsection is subject to section 5.5 or 5.6 of this chapter. A local board shall hold the hearing requested by the commission within thirty (30) days before the permittee's next annual anniversary date and forward a recommendation to the commission following the hearing.

(e) If a permittee is granted a permit for more than one (1) year, the commission may require the permittee to file annually with the commission the information required for an annual permit renewal.

**(f) Notwithstanding subsection (a), the following are effective for two (2) calendar years, including the day upon which the permit is granted:**

**(1) A beer wholesaler's permit issued under IC 7.1-3-3-1.**

**(2) A wine wholesaler's permit issued under IC 7.1-3-13-1.**

SECTION 2. IC 7.1-3-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) An applicant for a brewer's permit, a distiller's permit, or a liquor wholesaler's permit shall file with the commission a surety bond in the penal sum of ten thousand dollars (\$10,000).

(b) An applicant for a rectifier's permit shall file with the commission a surety bond in the penal sum of fifteen thousand dollars (\$15,000).

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(c) An applicant for a vintner's permit shall file with the commission a surety bond in the penal sum of one thousand dollars (\$1,000).

~~(d) An applicant for a wine wholesaler's permit; a wine bottler's permit; a beer wholesaler's permit; or a carrier's alcoholic permit shall file with the commission a surety bond in the penal sum of five hundred dollars (\$500):~~

SECTION 3. IC 7.1-3-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. ~~Payment in Cash:~~ Payment by a valid postal money order of the United States or by a **one**

**(1) of the following:**

(1) Certified check;

(2) Cashier's check;

**(3) Check drawn on the bank deposit of a business; or**

~~(4) Bank draft; of, or drawn upon; a solvent bank or trust company~~ may be made in lieu of a cash payment whenever a sum is required to be paid in cash under the provisions of this title. **However, payment made by one (1) of the methods listed in subdivisions (1) through (4) must be of or drawn upon a solvent bank or trust company."**

Page 2, between lines 20 and 21, begin a new paragraph and insert:

**"(f) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.**

SECTION 5. IC 7.1-3-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. (a) A city or county listed in this subsection that by itself or in combination with any other municipal body acquires by ownership or by lease any stadium, exhibition hall, auditorium, theater, convention center, or civic center may permit the retail sale of alcoholic beverages upon the premises if the governing board of the facility first applies for and secures the necessary permits as required by this title. The cities and counties to which this subsection applies are as follows:

(1) A consolidated city or its county.

(2) A city of the second class.

(3) A county having a population of more than one hundred thirty thousand six hundred (130,600) but less than two hundred thousand (200,000).

(4) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(5) A city having a population of less than ten thousand (10,000) that is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand

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(700,000).

(6) A county having a population of more than one hundred eight thousand nine hundred fifty (108,950) but less than one hundred twelve thousand (112,000).

(7) A county having a population of more than one hundred eight thousand (108,000) but less than one hundred eight thousand nine hundred fifty (108,950).

(b) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) or a township located in such a county that has established a public park with a golf course within its jurisdiction under IC 36-10-3 or IC 36-10-7 may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center within the park, including a clubhouse, social center, or pavilion.

(c) A township that:

(1) is located in a county having a population of more than one hundred thousand (100,000) but less than one hundred seven thousand (107,000); and

(2) acquires ownership of a golf course;

may permit the retail sale of alcoholic beverages upon the premises of the golf course, if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(d) A township:

(1) having a population of more than thirty thousand (30,000) and less than seventy-five thousand (75,000); and

(2) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center or social center that is located within the township and operated by the township.

(e) A city that:

(1) has a population of:

**(A) more than fifty-eight thousand (58,000) but less than sixty thousand (60,000); or**

**(B) more than forty thousand (40,000) but less than forty-three thousand (43,000); and**

(2) owns a golf course;

may permit the retail sale of alcoholic beverages upon the premises of the golf course if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(f) A city that:

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(1) has a population of more than thirty-three thousand eight hundred fifty (33,850) but less than thirty-five thousand (35,000); and

(2) owns or leases a marina;

may permit the retail sale of alcoholic beverages upon the premises of the marina, if the governing board of the marina first applies for and secures the necessary permits required by this title.

(g) A city listed in this subsection that owns a marina may be issued a permit for the retail sale of alcoholic beverages on the premises of the marina. However, the city must apply for and secure the necessary permits that this title requires. This subsection applies to the following cities:

(1) A city having a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000).

(2) A city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(3) A city having a population of more than thirty-three thousand (33,000) but less than thirty-three thousand eight hundred fifty (33,850).

(4) A city having a population of more than twenty-seven thousand (27,000) but less than thirty thousand (30,000).

(5) A city having a population of more than twenty-one thousand eight hundred thirty (21,830) but less than twenty-three thousand (23,000).

(h) Notwithstanding subsection (a), the commission may issue a civic center permit to a person that:

(1) by the person's self or in combination with another person is the proprietor, as owner or lessee, of an entertainment complex; or

(2) has an agreement with a person described in subdivision (1) to act as a concessionaire for the entertainment complex for the full period for which the permit is to be issued."

Page 4, between lines 30 and 31, begin a new paragraph and insert: "SECTION 8. IC 7.1-3-20-8.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8.6. (a) The holder of a club permit may do the following:

(1) Designate one (1) day in each month as "guest day".

(2) Keep a record of all designated guest days.

(3) Invite guests who are not members of the club to attend the club on a guest day.

(4) Sell or give alcoholic beverages to guests for consumption on

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the permit premises on a guest day.

**(5) Keep a guest book listing members and their nonmember guests, except on a designated guest day.**

(b) This subsection applies to a club that furnishes alcoholic beverages on not more than two (2) days in each week. Notwithstanding subsection (a)(1), the holder of a club permit to which this subsection applies may designate twenty-four (24) guest days in each calendar year rather than one (1) guest day in each month."

Page 6, between lines 17 and 18, begin a new paragraph and insert:  
"SECTION 13. IC 7.1-5-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) **Except as provided in subsection (d)**, it is unlawful to sell alcoholic beverages at the following times:

(1) At a time other than that made lawful by the provisions of IC 7.1-3-1-14.

(2) On Christmas Day and until 7:00 o'clock in the morning, prevailing local time, the following day.

(3) On primary election day, and general election day, from 3:00 o'clock in the morning, prevailing local time, until the voting polls are closed in the evening on these days.

(4) During a special election under IC 3-10-8-9 (within the precincts where the special election is being conducted), from 3:00 o'clock in the morning until the voting polls are closed in the evening on these days.

(b) During the time when the sale of alcoholic beverages is unlawful, no alcoholic beverages shall be sold, dispensed, given away, or otherwise disposed of on the licensed premises and the licensed premises shall remain closed to the extent that the nature of the business carried on on the premises, as at a hotel or restaurant, permits.

(c) It is unlawful to sell alcoholic beverages on New Years Day for off-premises consumption.

**(d) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 55 as printed March 26, 1999.)

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## HOUSE MOTION

I move that Engrossed Senate Bill 55 be returned to the second reading calendar forthwith.

KUZMAN

## HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 55 be amended to read as follows:

Page 6, between lines 9 and 10, begin a new paragraph and insert: "SECTION 6. IC 7.1-3-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. ~~Premises Described in Application.~~ (a) The premises to be used as a warehouse by an applicant shall be described in the application for the permit. The commission shall not issue a beer wholesaler's permit to an applicant for any other warehouse or premises than that described in the application. The commission shall issue only one (1) beer wholesaler's permit to an applicant, but a permittee may be permitted to transfer his warehouse to another location within the county, upon application to, and approval of, the commission.

**(b) As used in this subsection, "immediate relative" means father, mother, brother, sister, son, or daughter of a wholesaler permittee. Notwithstanding subsection (a), the commission, upon the death or legally adjudged mental incapacitation of a wholesaler permittee, may allow the transfer of the wholesaler permit only to an immediate relative of the wholesaler permittee who concurrently holds a majority share in a valid wholesaler permit."**

Page 7, delete lines 30 through 42.

Page 8, delete lines 1 through 5.

Page 8, between lines 37 and 38, begin a new paragraph and insert: "SECTION 10. IC 7.1-3-20-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1998 (RETROACTIVE)]: **A veterans service organization that meets the qualifications set forth in section 7(a)(2) of this chapter may apply for a temporary probationary veterans club permit.**

**(b) A temporary probationary veterans club permit shall be issued for a period of one (1) year and may not be renewed. The permit holder has all of the rights, privileges, and obligations that are incident to the permit previously held by the permit holder.**



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The applicant shall pay the same annual fee that the permit holder would have paid for the permit previously held by the permit holder.

(c) The commission shall issue a temporary probationary veterans club permit to an applicant if the commission finds all of the following:

(1) The applicant is a veterans service organization that meets the requirements in section 7(a)(2) of this chapter.

(2) The applicant previously was the holder of a permit issued by the commission that was not renewed by the commission because the applicant was previously found to have possessed illegal gambling devices on not more than two (2) separate occasions within a three (3) year period.

(3) Except for the violations described in subdivision (2), the applicant has not committed a violation of law, including a violation of the rules of the commission, within the five (5) year period immediately preceding the submission of an application for a temporary probationary veterans club permit.

(4) The applicant has submitted to the commission a written plan, approved by the governing body of the applicant, setting forth in detail the applicant's plan to prevent violations of law on the licensed premises.

(5) The applicant has submitted to the commission a written plan, approved by the governing body of the applicant, committing the applicant to complete a meaningful community service project not later than the expiration of the temporary probationary veterans club permit.

(6) The applicant has entered into an agreement with the commission providing that its temporary probationary veterans club permit may be immediately revoked by the commission if the permit holder is cited for possession of an illegal gambling device on the licensed premises.

(d) The commission shall renew the permit held by a veterans service organization before the issuance of a temporary probationary veterans club permit if:

(1) the permit holder has not been cited for possession of an illegal gambling device and has not violated a law or rule of the commission during the term of the temporary probationary veterans club permit;

(2) the permit holder has satisfactorily completed the plan of community service presented to the commission; and

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**(3) the permit holder has filed with the commission the required application and tendered the applicable permit fee."**  
Renummer all SECTIONS consecutively.

(Reference is to ESB 55 as reprinted March 30, 1999.)

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