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| PREVAILED | Roll Call No. _____ |
| FAILED | Ayes _____ |
| WITHDRAWN | Noes _____ |
| RULED OUT OF ORDER | |

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1299 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

- 1 Page 1, line 3, delete ""farm winery"" and insert ""**small winery**""
- 2 **farm winery**"".
- 3 Page 1, line 15, delete ""farm winery"" and insert ""**small winery**""
- 4 **farm winery**"".
- 5 Page 1, line 16, after "a" insert "**small**".
- 6 Page 1, line 17, after "establishment" insert ":".
- 7 Page 2, line 3, delete "state; and, ~~and,~~" and insert "state; and".
- 8 Page 2, line 4, delete "Its annual production of wine".
- 9 Page 2, line 4, delete "exceed" and insert "**annually produce more**
- 10 **than**".
- 11 Page 2, line 5, after "gallons" insert "**of wine**".
- 12 Page 2, line 12, after "of a" insert "**small**".
- 13 Page 2, line 15, after "holder's" insert "**small**".
- 14 Page 3, after line 3, begin a new paragraph and insert:
- 15 "SECTION 6. IC 7.1-3-16.5-2 IS AMENDED TO READ AS
- 16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The commission
- 17 may issue a supplemental retailer's permit only to a person:
- 18 (1) who is, and continues to be, the holder of a beer retailer's
- 19 permit, a liquor retailer's permit, or a wine retailer's permit;
- 20 (2) whose business:
- 21 (A) has had annual gross sales of food and beverages of at
- 22 least one hundred thousand dollars (\$100,000), of which at
- 23 least fifty percent (50%) was in the retail sale of food; or
- 24 (B) has had annual gross retail sales of food of at least one

1 hundred thousand dollars (\$100,000);
2 for the year immediately preceding the person's application for the
3 permit; and
4 (3) whose business operates during seven (7) or more months of
5 the year.

6 (b) Notwithstanding subsection (a), the commission may issue a
7 supplemental retailer's permit to a person whose business operates
8 during fewer than seven (7) months of the year if:

9 (1) the person is, and continues to be, the holder of a beer
10 retailer's permit, a liquor retailer's permit, or a wine retailer's
11 permit; and

12 (2) the person's business, for each month of business during the
13 year immediately preceding the application for a permit has had:

14 (A) average monthly gross sales of food and beverages of at
15 least eight thousand five hundred dollars (\$8,500), of which at
16 least fifty percent (50%) was in the retail sale of food; or

17 (B) average monthly gross retail sales of food of at least eight
18 thousand five hundred dollars (\$8,500).

19 (c) Notwithstanding subsection (a), the commission may issue a
20 supplemental retailer's permit to a person who meets the following
21 requirements:

22 (1) Is the proprietor of a recreational facility such as a golf course,
23 bowling center, or similar facility.

24 (2) Has the recreational activity and not the sale of food and
25 beverages as the principal purpose or function of the person's
26 business.

27 (3) Is, and continues to be, the holder of a beer retailer's permit,
28 a liquor retailer's permit, or a wine retailer's permit.

29 (4) Has had at the person's business annual gross sales of food and
30 beverages of at least twenty-five thousand dollars (\$25,000), of
31 which at least twelve thousand five hundred dollars (\$12,500) was
32 in the retail sale of food.

33 (d) The commission may issue a supplemental retailer's permit to a
34 person who is, and continues to be, the holder of a **small farm** winery
35 permit under IC 7.1-3-12.

36 SECTION 7. IC 7.1-3-16.5-5 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. Scope of Permit. The
38 holder of a supplemental retailer's permit shall be entitled to purchase
39 alcoholic beverages only from a permittee entitled to sell to him under
40 this title. A supplemental retailer shall be entitled to possess and sell
41 only those types of alcoholic beverages which he may lawfully possess
42 and sell under his beer retailer's, liquor retailer's, wine retailer's permit,
43 or **small farm** winery permit, that qualifies him to hold a supplemental
44 retailer's permit. A supplemental retailer shall be entitled to sell the
45 appropriate alcoholic beverages at retail for on the licensed premises
46 consumption only on Sunday as provided in IC 7.1-3-1-14. The holder
47 of a supplemental retailer's permit shall not be entitled to sell alcoholic
48 beverages at wholesale, nor for carryout or at-home delivery. However,
49 the holder of both a **small farm** winery permit and supplemental
50 retailer's permit is entitled to sell wine as authorized under IC 7.1-3-12-
51 5 for carryout on Sunday.

1 SECTION 8. IC 7.1-4-1-25 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. **Small Farm**
3 Winery Permit Fee. The annual license fee for a **small farm** winery
4 permit is two hundred fifty dollars (\$250).

5 SECTION 9. IC 7.1-4-4-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. Persons Liable for
7 Tax. The wine excise tax shall be paid by the holder of a vintner's
8 permit, a **small farm** winery permit, a wine wholesaler's permit, a
9 dining car wine permit, or a boat wine permit on the alcoholic beverage
10 to which the tax is applicable and which has been manufactured or
11 imported by him into this state. However, the same article shall be
12 taxed only once for wine excise tax purposes.

13 SECTION 10. IC 7.1-4-4-5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. Power of
15 Commission and Department. The commission and the department
16 shall have the power to prescribe regulations and maintain gauges in a
17 winery, **small farm** winery, or a wholesaler's premises for the proper
18 gauging of the alcoholic beverages to which the wine excise tax is
19 applicable and the assessment of that tax.

20 SECTION 11. IC 7.1-4-4.5-3 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The hard cider
22 excise tax shall be paid by the holder of a vintner's permit, a **small**
23 **farm** winery permit, a wine wholesaler's permit, a dining car wine
24 permit, or a boat wine permit on the hard cider to which the tax is
25 applicable and that is manufactured or imported by the person into this
26 state. However, an item may only be taxed once for hard cider excise
27 tax purposes.

28 SECTION 12. IC 7.1-4-4.5-4 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. The commission and
30 the department may adopt rules and maintain gauges in a winery, **small**
31 **farm** winery, or a wholesaler's premises for the proper gauging of the
32 alcoholic beverages to which the hard cider excise tax is applicable and
33 the assessment of that tax.

34 SECTION 13. IC 7.1-4-7-1 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Collection of Annual
36 License Fees. The chairman shall collect the required annual license
37 fee paid in connection with the issuance of a brewer's permit, a beer
38 wholesaler's permit, a temporary beer permit, a dining car permit of any
39 type, a boat permit of any type, a distiller's permit, a rectifier's permit,
40 a liquor wholesaler's permit, a vintner's permit, a **small farm** winery
41 permit, a wine wholesaler's permit, a wine bottler's permit, a temporary
42 wine permit, a salesman's permit, and a carrier's alcoholic permit."

43 Renumber all SECTIONS consecutively.

(Reference is to HB 1299 as reprinted February 12, 1999.)

Representative Kruzan, Author



Adopted

Rejected

COMMITTEE REPORT

MR. SPEAKER:

Your Committee of One, to which was referred House Bill 1299, begs leave to report that said bill has been amended as directed.

Representative Kruzan, Author