



February 9, 1999

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## HOUSE BILL No. 1053

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DIGEST OF HB 1053 (Updated February 3, 1999 10:10 am - DI 87)

**Citations Affected:** IC 7.1-3.

**Synopsis:** Alcoholic beverage permits for corporations. Changes the stockholders' residency requirement for a corporation to obtain an alcoholic beverage wholesaler's, retailer's, or dealer's permit of any type. Provides that the alcoholic beverage commission may not issue a small winery permit to a person who has not been a continuous and bona fide resident of Indiana for at least one year.

**Effective:** Upon passage; July 1, 1999.

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**Robertson, Welch, Steele, Ruppel**

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January 6, 1999, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.  
February 8, 1999, amended, reported — Do Pass.

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HB 1053—LS 6330/DI 2+



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February 9, 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 a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1053

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 7.1-3-12-3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~Small Winery~~  
3 ~~Permit~~. The commission may issue a small winery permit to a person  
4 who is the proprietor of a small winery and who desires to  
5 commercially manufacture wine. A small winery permit shall be valid  
6 from July 1 of the then current year to June 30 of the following year.  
7 **IC 7.1-3-21-5 does not apply to a small winery permit issued under**  
8 **this chapter. The commission may not issue a small winery permit**  
9 **to a person who has not been a continuous and bona fide resident**  
10 **of Indiana for at least one (1) year preceding the date of the**  
11 **application for a small winery permit.**

12 SECTION 2. IC 7.1-3-21-5 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) ~~Corporations~~.  
14 The commission shall not issue an alcoholic beverage wholesaler's,  
15 retailer's, or dealer's permit of any type to a corporation unless sixty  
16 percent (60%) of the outstanding common stock is owned by persons  
17 who have been continuous and bona fide residents of this state for ~~five~~

HB 1053—LS 6330/DI 2+



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1     ~~(5) years.~~ **one (1) year.**  
2         (b) The commission shall not issue an alcoholic beverage  
3     wholesaler's permit of any type to a corporation unless at least one (1)  
4     of the stockholders shall have been a resident, for at least one (1) year  
5     immediately prior to making application for the permit, of the county  
6     in which the licensed premises are to be situated.  
7         (c) Each officer and stockholder of a corporation shall possess all  
8     other qualifications required of an individual applicant for that  
9     particular type of permit.  
10         **SECTION 3. An emergency is declared for this act.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1053, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-3-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~Small Winery Permit~~. The commission may issue a small winery permit to a person who is the proprietor of a small winery and who desires to commercially manufacture wine. A small winery permit shall be valid from July 1 of the then current year to June 30 of the following year. **IC 7.1-3-21-5 does not apply to a small winery permit issued under this chapter. The commission may not issue a small winery permit to a person who has not been a continuous and bona fide resident of Indiana for at least one (1) year preceding the date of the application for a small winery permit.**"

Page 1, after line 15, begin a new paragraph and insert:

"SECTION 3. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1053 as introduced.)

KUZMAN, Chair

Committee Vote: yeas 12, nays 0.

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