

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1406 be amended to read as follows:

- 1 Page 1, line 14, strike "in a county containing a".
- 2 Page 1, line 15, strike "consolidated city,".
- 3 Page 2, line 16, strike "may" and insert "**shall**".
- 4 Page 2, delete lines 24 through 36, begin a new paragraph and insert:
- 5 "SECTION 3. IC 7.1-3-1-18 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. ~~Publication of~~
- 7 ~~Notice:~~ (a) Whenever, under the provisions of this title, publication of
- 8 notice of application for a permit is required, the publication shall be
- 9 made in ~~two (2) newspapers of opposite political faith published in the~~
- 10 ~~city, town or township~~ **one (1) newspaper of general circulation**
- 11 **published in the county** where the permit is to be in effect.
- 12 (b) ~~If there is only one (1) newspaper published in the city or town;~~
- 13 ~~the notice shall be published in that newspaper and in another~~
- 14 ~~newspaper of opposite political faith published in the county; if there~~
- 15 ~~is one; and if not, then in any newspaper of general circulation~~
- 16 ~~published in the county:~~
- 17 (c) ~~If there is no newspaper published in the city or town where the~~
- 18 ~~permit is to be in effect, then the publication shall be made in two (2)~~
- 19 ~~newspapers published in the city or town nearest to the city or town~~
- 20 ~~where the permit is to be in effect:~~
- 21 (d) (b) Publication required by this section may be made in any
- 22 newspaper of general circulation published one (1) or more times each
- 23 week.
- 24 (e) (c) The rates which shall be paid for the advertising of a notice
- 25 required under this title shall be those required to be paid in case of

- 1 other notices published for or on behalf of the state."
 2 Page 3, delete lines 6 through 24.
 3 Page 4, delete lines 36 through 42.
 4 Page 5, delete lines 1 through 15.
 5 Page 6, line 38, delete "ten" and insert "**five**".
 6 Page 6, line 39, delete "(\$10)." and insert "**(\$5)**".
 7 Page 7, delete lines 35 through 42, begin a new paragraph and insert:
 8 "SECTION 10. IC 7.1-3-19-5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. ~~Publication of~~
 10 ~~Notice of investigation~~: The commission shall cause ~~two (2) notices~~
 11 **one (1) notice** of the pending investigation to be published in a
 12 newspaper in accordance with the provisions of IC ~~1971~~, 7.1-3-1-18.
 13 The publication of ~~notices~~ **the notice** shall be ~~one (1) calendar week~~
 14 ~~apart, and the first publication shall be at least fifteen (15)~~ **thirty (30)**
 15 days before the investigation."
 16 Page 8, delete lines 1 through 6.
 17 Page 8, line 9, delete "chapter and" and insert "chapter,".
 18 Page 8, line 10, strike "IC 7.1-3-16.5-2(c)".
 19 Page 8, line 11, strike "or".
 20 Page 8, line 12, strike "a supplemental retailer's permit".
 21 Page 9, delete lines 31 through 42, begin a new paragraph and insert:
 22 "**(g) The commission may issue a three-way permit for the sale**
 23 **of alcoholic beverages for on premises consumption to an applicant**
 24 **who will locate as the proprietor, owner, or lessee, or both, of a**
 25 **restaurant within an economic development area under IC 36-7-14**
 26 **in:**
 27 (1) a town with a population of more than twenty thousand
 28 (20,000); or
 29 (2) a city with a population of more than twenty-seven
 30 thousand (27,000) but less than twenty-seven thousand four
 31 hundred (27,400);
 32 located in a county having a population of more than ninety
 33 thousand (90,000) but less than one hundred thousand (100,000).
 34 The commission may issue not more than five (5) licenses under
 35 this section to premises within each municipality. The commission
 36 shall conduct an auction of the permits under IC 7.1-3-22-9, except
 37 that the auction may be conducted at any time as determined by
 38 the commission. Notwithstanding any other law, the minimum bid
 39 for an initial license under this subsection is thirty-five thousand
 40 dollars (\$35,000), and the renewal fee for a license under this
 41 subsection is one thousand three hundred fifty dollars (\$1,350).
 42 Before the district expires, a permit issued under this subsection
 43 may not be transferred. After the district expires, a permit issued
 44 under this subsection may be renewed, and the ownership of the
 45 permit may be transferred, but the permit may not be transferred
 46 from the permit premises."
 47 Page 11, line 27, delete "of termination".

1 Page 13, line 4, delete "from".

2 Page 13, line 5, delete "the successor".

3 Page 13, delete lines 25 through 31, begin a new paragraph and
4 insert:

5 "SECTION 15. IC 7.1-4-4.1-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The following
7 biennial license fee is imposed for an employee's permit:

8 (1) ~~Five Fifteen~~ dollars ~~(\$5)~~ **(\$15)** if the permit is used only to
9 perform volunteer service that benefits a nonprofit organization.

10 (2) Thirty dollars (\$30) if subdivision (1) does not apply.

11 The term of a biennial employee's license is two (2) years."

12 Page 13, delete lines 37 through 42, begin a new paragraph and
13 insert:

14 "SECTION 17. IC 7.1-4-4.1-9 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) This section
16 applies to the following ~~seasonal or annual~~ **biennial** permits:

17 (1) Beer retailer's permit.

18 (2) Liquor retailer's permit.

19 (3) Wine retailer's permit.

20 (4) One-way permit.

21 (5) Two-way permit.

22 (6) Three-way permit.

23 (7) Airplane beer permit.

24 (8) Airplane liquor permit.

25 (9) Airplane wine permit.

26 (10) Boat beer permit.

27 (11) Boat liquor permit.

28 (12) Boat wine permit.

29 (13) Dining car beer permit.

30 (14) Dining car liquor permit.

31 (15) Dining car wine permit.

32 (16) Hotel seasonal permit.

33 (17) Supplemental retailer's permit.

34 (b) The commission shall charge a single fee for the issuance of any
35 combination of retailer's permits issued for the same location or
36 conveyance. Except as provided in sections 10 and 11 of this chapter,
37 the fee is equal to the sum of the amount determined under subsection
38 (c) and the amount determined under subsection (d).

39 (c) An annual permit fee in the following amount is imposed on a
40 retailer:

41 (1) ~~Two hundred fifty~~ **Three hundred seventy-five** dollars
42 ~~(\$250); (\$375)~~, if the retailer serves only beer or only wine.

43 (2) ~~Five hundred~~ **Six hundred twenty-five** dollars ~~(\$500); (\$625)~~,
44 if the retailer serves both beer and wine but no liquor.

45 (3) ~~Seven hundred fifty~~ **Eight hundred seventy-five** dollars
46 ~~(\$750); (\$875)~~, if the retailer serves beer, wine, and liquor.

47 (d) An additional **annual** fee ~~in the following amount~~ is imposed on

1 a retailer

2 ~~(1) Two hundred fifty dollars (\$250); if the retailer under the~~
 3 ~~authority of IC 7.1-3-16.5 sells food and any combination of beer,~~
 4 ~~wine, or liquor on Sunday.~~

5 ~~(2) One thousand five hundred dollars (\$1,500) of five hundred~~
 6 ~~dollars (\$500) if the retailer who is not under the authority of~~
 7 ~~IC 7.1-3-16.5; sells any combination of beer, wine, or liquor on~~
 8 ~~Sunday.~~

9 SECTION 18. IC 7.1-4-4.1-12 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section
 11 applies to the following **biennial** permits:

- 12 (1) Beer dealer's permit.
 13 (2) Liquor dealer's permit.
 14 (3) Malt dealer's permit.
 15 (4) Wine dealer's permit.

16 (b) The commission shall charge a single fee for the issuance of any
 17 combination of dealers' permits issued for the same location. The fee is
 18 equal to the sum of the amount determined under subsection (c).

19 (c) An annual permit fee in the following amount is imposed on a
 20 dealer:

21 ~~(1) Two hundred fifty~~ **Three hundred seventy-five** dollars
 22 ~~(\$250); (\$375),~~ if the dealer sells only beer, only liquor, or only
 23 wine.

24 ~~(2) Five hundred~~ **Six hundred twenty-five** dollars ~~(\$500); (\$625),~~
 25 if the dealer sells:

- 26 (A) both beer and wine but no liquor;
 27 (B) both wine and liquor but no beer; or
 28 (C) both beer and liquor but no wine.

29 ~~(3) Seven hundred fifty~~ **Eight hundred seventy-five** dollars
 30 ~~(\$750); (\$875),~~ if the dealer sells beer, wine, and liquor.".

31 Delete page 14.

32 Page 15, delete lines 1 through 26.

33 Page 15, line 33, delete "forty percent (40%)" and insert
 34 **"thirty-four percent (34%)".**

35 Page 15, line 36 delete "sixty percent (60%)" and insert **"sixty-six**
 36 **percent (66%)".**

37 Page 16, delete lines 4 through 10.

38 Page 16, line 12, strike "Fees".

39 Page 16, line 19, delete "IC 7.1-3-20-16" and insert
 40 **"IC 7.1-3-20-16(g)".**

41 Page 17, delete lines 2 through 14.

42 Page 17, line 19, delete "IC 7.1-3-20-16" and insert
 43 **"IC 7.1-3-20-16(g)".**

44 Page 19, line 26, delete "IC 7.1-3-1-18;".

45 Page 19, line 26, delete "IC 7.1-3-16.5-4; and insert
 46 "IC 7.1-3-16.5-4.".

47 Page 19, delete line 27.

- 1 Renumber all SECTIONS consecutively.
 (Reference is to HB 1406 as printed February 22, 2005.)

Representative Whetstone