

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Public Policy, to which was referred Senate Bill 75, 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:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 3-10-8-4.5, AS AMENDED BY P.L.145-2006,
- 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 UPON PASSAGE]: Sec. 4.5. Whenever the election division receives
- 6 a notice under section 4 of this chapter, the election division shall
- 7 notify the following offices and agencies that a special election will be
- 8 conducted within all or part of Indiana:
- 9 (1) Each agency serving persons with disabilities and designated
- 10 as a voter registration site under IC 3-7-16.
- 11 (2) Armed forces recruitment offices in accordance with
- 12 procedures established under IC 3-7-17.
- 13 (3) Each agency designated as a voter registration site and subject
- 14 to IC 3-7-18.
- 15 ~~(4) The alcohol and tobacco commission for purposes of~~

- 1 enforcing ~~IC 7.1-5-10-1.~~
- 2 ~~(5)~~ (4) The bureau of motor vehicles for voter registration
- 3 purposes under IC 9-24-2.5.
- 4 ~~(6)~~ (5) The adjutant general for purposes of enforcing
- 5 IC 10-16-7-17.
- 6 ~~(7)~~ (6) The division of family resources for voter registration
- 7 purposes under IC 12-14-1.5, IC 12-14-25, and IC 12-15-1.5.
- 8 ~~(8)~~ (7) The state department of health for voter registration
- 9 purposes under IC 16-35-1.6.
- 10 ~~(9)~~ (8) The Federal Voting Assistance Program of the United
- 11 States Department of Defense, for notification of absent
- 12 uniformed services voters and overseas voters.

13 SECTION 2. IC 3-10-8-9 IS AMENDED TO READ AS FOLLOWS

14 [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) If the special election

15 occurs during the period when registration is open under IC 3-7-13, the

16 registration period continues through the twenty-ninth day before the

17 special election occurs and resumes on the date specified by

18 IC 3-7-13-10(d).

19 (b) The election board conducting the special election shall provide

20 poll lists for use at the precincts that include the names of voters in the

21 precinct who:

- 22 (1) have registered through the twenty-ninth day before the
- 23 special election is to be conducted; or
- 24 (2) are absent uniformed services voters or overseas voters
- 25 registered under IC 3-7-36.

26 (c) This subsection applies when a special election is ordered by a

27 court under IC 3-12-8-17 or the state recount commission under

28 IC 3-12-11-18. A candidate may not be placed on the special election

29 ballot unless the candidate was on the ballot or was a declared write-in

30 candidate for the office at the general election preceding the special

31 election.

32 ~~(d) The restrictions on the sale of alcoholic beverages set forth in~~

33 ~~IC 7.1-5-10-1 apply in each precinct in which the special election is~~

34 ~~conducted.~~

35 SECTION 3. IC 7.1-3-1-14, AS AMENDED BY P.L.165-2006,

36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

37 UPON PASSAGE]: Sec. 14. (a) It is lawful for an appropriate

38 permittee, unless otherwise specifically provided in this title, to sell

1 alcoholic beverages each day Monday through Saturday from 7 a.m.,
 2 prevailing local time, until 3 a.m., prevailing local time, the following
 3 day. Sales shall cease wholly on Sunday at 3 a.m., prevailing local
 4 time, and not be resumed until the following Monday at 7 a.m.,
 5 prevailing local time.

6 (b) It is lawful for the holder of a retailer's permit to sell the
 7 appropriate alcoholic beverages for consumption on the licensed
 8 premises only on Sunday from ~~10 a.m.~~ 7 a.m., prevailing local time,
 9 until ~~12:30 a.m.~~ 3 a.m., prevailing local time, the following day.

10 (c) It is lawful for the holder of a permit under this article to sell
 11 alcoholic beverages at athletic or sports events held on Sunday upon
 12 premises that:

- 13 (1) are described in section 25(a) of this chapter;
- 14 (2) are a facility used in connection with the operation of a paved
 15 track more than two (2) miles in length that is used primarily in
 16 the sport of auto racing; or
- 17 (3) are being used for a professional or an amateur tournament;
 18 beginning one (1) hour before the scheduled starting time of the event
 19 or, if the scheduled starting time of the event is 1 p.m. or later,
 20 beginning at noon.

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

24 (e) ~~Notwithstanding subsection (b), if December 31 (New Year's~~
 25 ~~Eve) is on a Sunday, it is lawful for the holder of a retailer's permit to~~
 26 ~~sell the appropriate alcoholic beverages on Sunday, December 31, from~~
 27 ~~10 a.m., prevailing local time, until 3 a.m., prevailing local time, the~~
 28 ~~following day."~~

29 Page 3, after line 8, begin a new paragraph and insert:

30 "SECTION 5. IC 7.1-3-20-16, AS AMENDED BY P.L.165-2006,
 31 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2010]: Sec. 16. (a) A permit that is authorized by this section
 33 may be issued without regard to the quota provisions of IC 7.1-3-22.

34 (b) The commission may issue a three-way permit to sell alcoholic
 35 beverages for on-premises consumption only to an applicant who is the
 36 proprietor, as owner or lessee, or both, of a restaurant facility in the
 37 passenger terminal complex of a publicly owned airport. ~~which is~~
 38 ~~served by a scheduled commercial passenger airline certified to~~

1 ~~enplane and deplane passengers on a scheduled basis by a federal~~
 2 ~~aviation agency.~~ A permit issued under this subsection shall not be
 3 transferred to a location off the airport premises.

4 (c) The commission may issue a three-way, two-way, or one-way
 5 permit to sell alcoholic beverages for on-premises consumption only to
 6 an applicant who is the proprietor, as owner or lessee, or both, of a
 7 restaurant within a redevelopment project consisting of a building or
 8 group of buildings that:

9 (1) was formerly used as part of a union railway station;

10 (2) has been listed in or is within a district that has been listed in
 11 the federal National Register of Historic Places maintained
 12 pursuant to the National Historic Preservation Act of 1966, as
 13 amended; and

14 (3) has been redeveloped or renovated, with the redevelopment or
 15 renovation being funded in part with grants from the federal,
 16 state, or local government.

17 A permit issued under this subsection shall not be transferred to a
 18 location outside of the redevelopment project.

19 (d) The commission may issue a three-way, two-way, or one-way
 20 permit to sell alcoholic beverages for on-premises consumption only to
 21 an applicant who is the proprietor, as owner or lessee, or both, of a
 22 restaurant:

23 (1) on land; or

24 (2) in a historic river vessel;

25 within a municipal riverfront development project funded in part with
 26 state and city money. A permit issued under this subsection may not be
 27 transferred.

28 (e) The commission may issue a three-way, two-way, or one-way
 29 permit to sell alcoholic beverages for on-premises consumption only to
 30 an applicant who is the proprietor, as owner or lessee, or both, of a
 31 restaurant within a renovation project consisting of a building that:

32 (1) was formerly used as part of a passenger and freight railway
 33 station; and

34 (2) was built before 1900.

35 The permit authorized by this subsection may be issued without regard
 36 to the proximity provisions of IC 7.1-3-21-11.

37 (f) The commission may issue a three-way permit for the sale of
 38 alcoholic beverages for on-premises consumption at a cultural center

1 for the visual and performing arts to a town that:

2 (1) is 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); and

5 (2) has a population of more than twenty thousand (20,000) but
6 less than twenty-three thousand (23,000).

7 (g) After June 30, 2005, the commission may issue not more than
8 ten (10) new three-way, two-way, or one-way permits to sell alcoholic
9 beverages for on-premises consumption to applicants, each of whom
10 must be the proprietor, as owner or lessee, or both, of a restaurant
11 located within a district, or not more than five hundred (500) feet from
12 a district, that meets the following requirements:

13 (1) The district has been listed in the National Register of Historic
14 Places maintained under the National Historic Preservation Act
15 of 1966, as amended.

16 (2) A county courthouse is located within the district.

17 (3) A historic opera house listed on the National Register of
18 Historic Places is located within the district.

19 (4) A historic jail and sheriff's house listed on the National
20 Register of Historic Places is located within the district.

21 The legislative body of the municipality in which the district is located
22 shall recommend to the commission sites that are eligible to be permit
23 premises. The commission shall consider, but is not required to follow,
24 the municipal legislative body's recommendation in issuing a permit
25 under this subsection. An applicant is not eligible for a permit if, less
26 than two (2) years before the date of the application, the applicant sold
27 a retailer's permit that was subject to IC 7.1-3-22 and that was for
28 premises located within the district described in this section or within
29 five hundred (500) feet of the district. A permit issued under this
30 subsection shall not be transferred. The cost of an initial permit issued
31 under this subsection is six thousand dollars (\$6,000).

32 (h) The commission may issue a three-way permit for the sale of
33 alcoholic beverages for on-premises consumption to an applicant who
34 will locate as the proprietor, as owner or lessee, or both, of a restaurant
35 within an economic development area under IC 36-7-14 in:

36 (1) a town with a population of more than twenty thousand
37 (20,000); or

38 (2) a city with a population of more than twenty-seven thousand

1 (27,000) but less than twenty-seven thousand four hundred
2 (27,400);

3 located in a county having a population of more than ninety thousand
4 (90,000) but less than one hundred thousand (100,000). The
5 commission may issue not more than five (5) licenses under this
6 section to premises within a municipality described in subdivision (1)
7 and not more than five (5) licenses to premises within a municipality
8 described in subdivision (2). The commission shall conduct an auction
9 of the permits under IC 7.1-3-22-9, except that the auction may be
10 conducted at any time as determined by the commission.
11 Notwithstanding any other law, the minimum bid for an initial license
12 under this subsection is thirty-five thousand dollars (\$35,000), and the
13 renewal fee for a license under this subsection is one thousand three
14 hundred fifty dollars (\$1,350). Before the district expires, a permit
15 issued under this subsection may not be transferred. After the district
16 expires, a permit issued under this subsection may be renewed, and the
17 ownership of the permit may be transferred, but the permit may not be
18 transferred from the permit premises.

19 (i) After June 30, 2006, the commission may issue not more than
20 five (5) new three-way, two-way, or one-way permits to sell alcoholic
21 beverages for on-premises consumption to applicants, each of whom
22 must be the proprietor, as owner or lessee, or both, of a restaurant
23 located within a district, or not more than five hundred (500) feet from
24 a district, that meets all of the following requirements:

25 (1) The district is within an economic development area, an area
26 needing redevelopment, or a redevelopment district as established
27 under IC 36-7-14.

28 (2) A unit of the National Park Service is partially located within
29 the district.

30 (3) An international deep water seaport is located within the
31 district.

32 An applicant is not eligible for a permit under this subsection if, less
33 than two (2) years before the date of the application, the applicant sold
34 a retailers' permit that was subject to IC 7.1-3-22 and that was for
35 premises located within the district described in this subsection or
36 within five hundred (500) feet of the district. A permit issued under this
37 subsection may not be transferred. If the commission issues five (5)
38 new permits under this subsection, and a permit issued under this

1 subsection is later revoked or is not renewed, the commission may
 2 issue another new permit, as long as the total number of active permits
 3 issued under this subsection does not exceed five (5) at any time. The
 4 commission shall conduct an auction of the permits under
 5 IC 7.1-3-22-9, except that the auction may be conducted at any time as
 6 determined by the commission.

7 SECTION 6. IC 7.1-3-20-26 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2010]: **Sec. 26. (a) The commission may issue a one-way,
 10 two-way, or three-way permit to sell alcoholic beverages for
 11 on-premises consumption only to an applicant who is the owner of
 12 an indoor theater that:**

13 **(1) is located in a city having a population of more than two
 14 hundred thousand (200,000) but less than three hundred
 15 thousand (300,000); and**

16 **(2) has been listed in the National Register of Historic Places
 17 maintained under the National Historic Preservation Act of
 18 1966, as amended. A permit issued under this subsection may
 19 not be transferred.**

20 **(b) A permit issued under this section is subject to the quota
 21 requirements of IC 7.1-3-22-3.**

22 SECTION 7. IC 7.1-5-7-5.1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 5.1. (a) A permittee in
 24 a criminal prosecution or in a proceeding before the commission or a
 25 local board based upon a charge of unlawfully furnishing an alcoholic
 26 beverage to a minor may offer either or both of the following proofs as
 27 a defense or defenses to the prosecution or proceeding:**

28 **(1) That:**

29 **(A) the purchaser:**

30 **(i) falsely represented the purchaser's age in a written
 31 statement, such as that prescribed by subsection (b),
 32 supported by two (2) forms of identification showing the
 33 purchaser to be at least twenty-one (21) years of age;**

34 **(ii) produced a driver's license bearing the purchaser's
 35 photograph; or**

36 **(iii) produced a photographic identification card, issued
 37 under IC 9-24-16-1 or a similar card, issued under the laws
 38 of another state or the federal government, showing that the**

1 purchaser was of legal age to make the purchase; **or**
 2 **(iv) produced a government issued document bearing the**
 3 **purchaser's photograph and showing the purchaser to be**
 4 **at least twenty-one (21) years of age;**
 5 (B) the appearance of the purchaser was such that an ordinary
 6 prudent person would believe the purchaser to be of legal age
 7 to make the purchase; and
 8 (C) the sale was made in good faith based upon the reasonable
 9 belief that the purchaser was actually of legal age to make the
 10 purchase.

11 (2) That the permittee or ~~his~~ **the permittee's** agent had taken all
 12 reasonable precautions in instructing ~~his~~ **the permittee's**
 13 employees, in hiring ~~his~~ **the permittee's** employees, and in
 14 supervising them as to sale of alcoholic beverages to minors.

15 (b) The following written statement is sufficient for the purposes of
 16 subsection (a)(1)(A)(i):

17 REPRESENTATION AND STATEMENT
 18 OF AGE
 19 FOR PURCHASE OF ALCOHOLIC
 20 BEVERAGES

21 I understand that misrepresentation of age to induce the sale,
 22 service, or delivery of alcoholic beverages to me is cause for my arrest
 23 and prosecution, which can result in punishment as follows:

- 24 (1) Possible payment of a fine of up to \$500.
- 25 (2) Possible imprisonment for up to 60 days.
- 26 (3) Possible loss or deferment of driver's license privileges for up
 27 to one year.
- 28 (4) Possible requirement to participate in an alcohol education or
 29 treatment program.

30 Knowing the possible penalties for misstatement, I hereby represent
 31 and state, for the purpose of inducing _____

32 (Name of licensee)

33 to sell, serve, or deliver alcoholic beverages to me, that I was born:
 34 _____, _____, _____ and am _____ years of age.
 35 (Month) (Day) (Year)

36 Date _____ Signed _____

37 Address _____

38 _____

1 Other Identification Signature of person
 2 Presented: who witnessed completion
 3 Nonphoto driver's of this statement
 4 license: (number & state) by patron:
 5 _____
 6 Social Security Number _____
 7 _____
 8 Other _____
 9 _____
 10 _____

11 SECTION 8. IC 7.1-5-7-11, AS AMENDED BY P.L.2-2007,
 12 SECTION 133, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) The provisions of sections
 14 9 and 10 of this chapter shall not apply if the public place involved is
 15 one (1) of the following:

- 16 (1) Civic center.
- 17 (2) Convention center.
- 18 (3) Sports arena.
- 19 (4) Bowling center.
- 20 (5) Bona fide club.
- 21 (6) Drug store.
- 22 (7) Grocery store.
- 23 (8) Boat.
- 24 (9) Dining car.
- 25 (10) Pullman car.
- 26 (11) Club car.
- 27 (12) Passenger airplane.
- 28 (13) Horse racetrack facility holding a recognized meeting permit
 29 under IC 4-31-5.
- 30 (14) Satellite facility (as defined in IC 4-31-2-20.5).
- 31 (15) Catering hall under IC 7.1-3-20-24 that is not open to the
 32 public.
- 33 (16) That part of a hotel or restaurant which is separate from a
 34 room in which is located a bar over which alcoholic beverages are
 35 sold or dispensed by the drink.
- 36 (17) Entertainment complex.
- 37 (18) Indoor golf facility.
- 38 (19) A recreational facility such as a golf course, bowling center,

1 or similar facility that has the recreational activity and not the sale
2 of food and beverages as the principal purpose or function of the
3 person's business.

4 (20) A licensed premises owned or operated by a postsecondary
5 educational institution described in IC 21-17-6-1.

6 (21) An automobile racetrack.

7 **(22) An indoor theater under IC 7.1-3-20-26.**

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

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

19 . SECTION 9. IC 7.1-5-10-1, AS AMENDED BY P.L.1-2009,
20 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (c), it
22 is unlawful to sell alcoholic beverages at the following times:

- 23 (1) At a time other than that made lawful by the provisions of
24 IC 7.1-3-1-14.
- 25 (2) On Christmas Day and until 7:00 o'clock in the morning,
26 prevailing local time, the following day.
- 27 ~~(3) On primary election day, and general election day, from 3:00~~
28 ~~o'clock in the morning, prevailing local time, until the voting polls~~
29 ~~are closed in the evening on these days:~~
- 30 ~~(4) During a special election under IC 3-10-8-9 (within the~~
31 ~~precincts where the special election is being conducted), from~~
32 ~~3:00 o'clock in the morning until the voting polls are closed in the~~
33 ~~evening on these days:~~

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

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

4 SECTION 10. IC 7.1-5-10-23 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2010]: **Sec. 23. (a) It is a Class B**
7 **misdemeanor for a permittee or an employee or agent of a**
8 **permittee to recklessly, knowingly, or intentionally sell, barter,**
9 **exchange, provide, or furnish another person an alcoholic beverage**
10 **for consumption off the licensed premises without first requiring**
11 **the person to produce:**

- 12 (1) a driver's license;
 - 13 (2) an identification card issued under IC 9-24-16-1 or a
 - 14 similar card issued under the laws of another state or the
 - 15 federal government; or
 - 16 (3) a government issued document;
- 17 bearing the person's photograph and birth date showing that the
18 person is at least twenty-one (21) years of age.

19 (b) In a criminal or administrative proceeding, it is a defense to
20 a charge under this section that the individual to whom the
21 permittee or employee or agent of the permittee sold, bartered,
22 exchanged, provided, or furnished alcoholic beverages for
23 consumption off the licensed premises was or reasonably appeared
24 to be more than fifty (50) years of age.

25 SECTION 11. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 75 as printed January 15, 2010.)

and when so amended that said bill do pass.

Representative Van Haaften