
HOUSE BILL No. 1214

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-20.

Synopsis: Municipal lakefront development projects. Allows the alcohol and tobacco commission to issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant on land or in a historic lake vessel within a municipal lakefront development project funded in part with state and city money. Specifies the criteria that an applicant must demonstrate in applying for a special permit in a municipal lakefront development project.

Effective: July 1, 2011.

Candelaria Reardon

January 12, 2011, read first time and referred to Committee on Public Policy.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1214



A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

1 SECTION 1. IC 7.1-3-20-16, AS AMENDED BY P.L.10-2010,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 16. (a) A permit that is authorized by this section
4 may be issued without regard to the quota provisions of IC 7.1-3-22.
5 (b) The commission may issue a three-way permit to sell alcoholic
6 beverages for on-premises consumption only to an applicant who is the
7 proprietor, as owner or lessee, or both, of a restaurant facility in the
8 passenger terminal complex of a publicly owned airport. A permit
9 issued under this subsection shall not be transferred to a location off
10 the airport premises.
11 (c) The commission may issue a three-way, two-way, or one-way
12 permit to sell alcoholic beverages for on-premises consumption only to
13 an applicant who is the proprietor, as owner or lessee, or both, of a
14 restaurant within a redevelopment project consisting of a building or
15 group of buildings that:
16 (1) was formerly used as part of a union railway station;
17 (2) has been listed in or is within a district that has been listed in



1 the federal National Register of Historic Places maintained
2 pursuant to the National Historic Preservation Act of 1966, as
3 amended; and

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

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

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

- 13 (1) on land; or
- 14 (2) in a historic river vessel;

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

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

- 22 (1) was formerly used as part of a passenger and freight railway
23 station; and
- 24 (2) was built before 1900.

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

27 (f) The commission may issue a three-way permit for the sale of
28 alcoholic beverages for on-premises consumption at a cultural center
29 for the visual and performing arts to a town that:

- 30 (1) is located in a county having a population of more than four
31 hundred thousand (400,000) but less than seven hundred thousand
32 (700,000); and
- 33 (2) has a population of more than twenty thousand (20,000) but
34 less than twenty-three thousand (23,000).

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

- 41 (1) The district has been listed in the National Register of Historic
42 Places maintained under the National Historic Preservation Act

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1 of 1966, as amended.

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

3 (3) A historic opera house listed on the National Register of

4 Historic Places is located within the district.

5 (4) A historic jail and sheriff's house listed on the National

6 Register of Historic Places is located within the district.

7 The legislative body of the municipality in which the district is located

8 shall recommend to the commission sites that are eligible to be permit

9 premises. The commission shall consider, but is not required to follow,

10 the municipal legislative body's recommendation in issuing a permit

11 under this subsection. An applicant is not eligible for a permit if, less

12 than two (2) years before the date of the application, the applicant sold

13 a retailer's permit that was subject to IC 7.1-3-22 and that was for

14 premises located within the district described in this section or within

15 five hundred (500) feet of the district. A permit issued under this

16 subsection shall not be transferred. The cost of an initial permit issued

17 under this subsection is six thousand dollars (\$6,000).

18 (h) The commission may issue a three-way permit for the sale of

19 alcoholic beverages for on-premises consumption to an applicant who

20 will locate as the proprietor, as owner or lessee, or both, of a restaurant

21 within an economic development area under IC 36-7-14 in:

22 (1) a town with a population of more than twenty thousand

23 (20,000); or

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

25 (27,000) but less than twenty-seven thousand four hundred

26 (27,400);

27 located in a county having a population of more than ninety thousand

28 (90,000) but less than one hundred thousand (100,000). The

29 commission may issue not more than five (5) licenses under this

30 section to premises within a municipality described in subdivision (1)

31 and not more than five (5) licenses to premises within a municipality

32 described in subdivision (2). The commission shall conduct an auction

33 of the permits under IC 7.1-3-22-9, except that the auction may be

34 conducted at any time as determined by the commission.

35 Notwithstanding any other law, the minimum bid for an initial license

36 under this subsection is thirty-five thousand dollars (\$35,000), and the

37 renewal fee for a license under this subsection is one thousand three

38 hundred fifty dollars (\$1,350). Before the district expires, a permit

39 issued under this subsection may not be transferred. After the district

40 expires, a permit issued under this subsection may be renewed, and the

41 ownership of the permit may be transferred, but the permit may not be

42 transferred from the permit premises.

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

- 7 (1) The district is within an economic development area, an area
8 needing redevelopment, or a redevelopment district as established
9 under IC 36-7-14.
- 10 (2) A unit of the National Park Service is partially located within
11 the district.
- 12 (3) An international deep water seaport is located within the
13 district.

14 An applicant is not eligible for a permit under this subsection if, less
15 than two (2) years before the date of the application, the applicant sold
16 a retailers' permit that was subject to IC 7.1-3-22 and that was for
17 premises located within the district described in this subsection or
18 within five hundred (500) feet of the district. A permit issued under this
19 subsection may not be transferred. If the commission issues five (5)
20 new permits under this subsection, and a permit issued under this
21 subsection is later revoked or is not renewed, the commission may
22 issue another new permit, as long as the total number of active permits
23 issued under this subsection does not exceed five (5) at any time. The
24 commission shall conduct an auction of the permits under
25 IC 7.1-3-22-9, except that the auction may be conducted at any time as
26 determined by the commission.

27 **(j) The commission may issue a three-way, two-way, or one-way
28 permit to sell alcoholic beverages for on-premises consumption
29 only to an applicant who is the proprietor, as owner or lessee, or
30 both, of a restaurant:**

- 31 **(1) on land; or**
 - 32 **(2) in a historic lake vessel;**
- 33 **within a municipal lakefront development project funded in part**
34 **with state and city money. A permit issued under this subsection**
35 **may not be transferred.**

36 SECTION 2. IC 7.1-3-20-16.1, AS AMENDED BY P.L.2-2007,
37 SECTION 131, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2011]: Sec. 16.1. (a) This section applies to **the**
39 **following:**

- 40 **(1) A municipal riverfront development project authorized under**
41 **section 16(d) of this chapter.**
- 42 **(2) A municipal lakefront development project authorized**

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under section 16(j) of this chapter.

(b) In order to qualify for a permit, an applicant must demonstrate that the municipal riverfront development project area **or the municipal lakefront development project area** where the permit is to be located meets the following criteria:

(1) The project boundaries must border on at least one (1) side of a:

(A) river **for a riverfront development project area; or**
 (B) lake **for a lakefront development project area.**

(2) The proposed permit premises may not be located more than:

(A) one thousand five hundred (1,500) feet; or
 (B) three (3) city blocks;
 from the river **for a municipal riverfront development project area or a lake for a municipal lakefront development project area**, whichever is greater. However, if the area adjacent to the river **or lake** is incapable of being developed because the area is in a floodplain, or for any other reason that prevents the area from being developed, the distances described in clauses (A) and (B) are measured from the city blocks located nearest to the river **or lake** that are capable of being developed.

(3) The permit premises are located within:

(A) an economic development area, a redevelopment project area, an urban renewal area, or a redevelopment area established under IC 36-7-14, IC 36-7-14.5, or IC 36-7-15.1;
 (B) an economic development project district under IC 36-7-15.2 or IC 36-7-26; or
 (C) a community revitalization enhancement district designated under IC 36-7-13-12.1.

(4) The project must be funded in part with state and city money.

(5) The boundaries of the municipal riverfront development project **or municipal lakefront development project** must be designated by ordinance or resolution by the legislative body (as defined in IC 36-1-2-9(3) or IC 36-1-2-9(4)) of the city in which the project is located.

(c) Proof of compliance with subsection (b) must consist of the following documentation, which is required at the time the permit application is filed with the commission:

(1) A detailed map showing:

(A) definite boundaries of the entire municipal riverfront development project **or municipal lakefront development project**; and
 (B) the location of the proposed permit within the project.

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- 1 (2) A copy of the local ordinance or resolution of the local
- 2 governing body authorizing the municipal riverfront development
- 3 project **or municipal lakefront development project.**
- 4 (3) Detailed information concerning the expenditures of state and
- 5 city funds on the municipal riverfront development project **or**
- 6 **municipal lakefront development project.**
- 7 (d) Notwithstanding subsection (b), the commission may issue a
- 8 permit for premises, the location of which does not meet the criteria of
- 9 subsection (b)(2), if all the following requirements are met:
- 10 (1) All other requirements of this section and:
- 11 (A) section 16(d) of this chapter are satisfied **for a municipal**
- 12 **riverfront development project; and**
- 13 **(B) section 16(j) of this chapter are satisfied for a**
- 14 **municipal lakefront development project.**
- 15 (2) The proposed premises is located not more than:
- 16 (A) three thousand (3,000) feet; or
- 17 (B) six (6) blocks;
- 18 from the river **for a municipal riverfront development project**
- 19 **area and lake for a municipal lakefront development project**
- 20 **area**, whichever is greater. However, if the area adjacent to the
- 21 river **or lake** is incapable of being developed because the area is
- 22 in a floodplain, or for any other reason that prevents the area from
- 23 being developed, the distances described in clauses (A) and (B)
- 24 are measured from the city blocks located nearest to the river **or**
- 25 **lake** that are capable of being developed.
- 26 (3) The permit applicant satisfies the criteria established by the
- 27 commission by rule adopted under IC 4-22-2. The criteria
- 28 established by the commission may require that the proposed
- 29 premises be located in an area or district set forth in subsection
- 30 (b)(3).
- 31 (4) The permit premises may not be located less than two hundred
- 32 (200) feet from facilities owned by a state educational institution.
- 33 (e) A permit may not be issued if the proposed permit premises is
- 34 the location of an existing three-way permit subject to IC 7.1-3-22-3.

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