

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 112 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 7.1-3-3-5.5 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2011]: **Sec. 5.5. (a) This section applies only to a beer wholesaler
5 that also holds a wine wholesaler permit.**
6 **(b) Notwithstanding any other provision of this title, a beer
7 wholesaler may:**
8 **(1) purchase and import liquor from a primary source of
9 supply; and**
10 **(2) possess liquor and sell liquor at wholesale;**
11 **if the primary source of supply or any subsidiary or affiliate of the
12 primary source of supply for liquor has been a primary source of
13 supply for wine to the wholesaler for at least five (5) consecutive
14 years immediately preceding the selling of liquor to the wholesaler
15 and if the brands of liquor to be purchased, imported, sold, or
16 possessed by the beer wholesaler previously had not been in
17 distribution in Indiana by a liquor wholesaler.**
18 **(c) A beer wholesaler that wholesales liquor under this section
19 may not:**
20 **(1) be required by the commission to apply for or maintain a
21 liquor wholesaler permit; or**
22 **(2) keep or store liquor at a place other than the premises
23 described in the application and permit for the beer
24 wholesaler's permit.**
25 **(d) A beer wholesaler to whom this section applies is subject to
26 IC 7.1-3-8-3 and any other law or rule of the commission
27 applicable to the holder of a liquor wholesaler permit as to the beer
28 wholesaler's sale of liquor, to the extent the law or rule does not
29 conflict with this section.**
30 SECTION 2. IC 7.1-4-4.1-13, AS AMENDED BY P.L.165-2006,

1 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2011]: Sec. 13. (a) This section applies to the following
3 permits:

- 4 (1) Beer wholesaler's permit.
- 5 (2) Malt wholesaler's permit.
- 6 (3) Liquor wholesaler's permit.
- 7 (4) Wine wholesaler's permit.

8 (b) Except as provided in ~~subsection~~ **subsections (c) and (d)**, a
9 permit fee of two thousand dollars (\$2,000) is annually imposed for the
10 issuance of each of the permits described in subsection (a).

11 (c) A permit fee of one hundred dollars (\$100) is annually imposed
12 for the issuance of a wine wholesaler's permit to a permit applicant
13 who:

- 14 (1) has never previously held a wine wholesaler's permit and
15 anticipates selling less than twelve thousand (12,000) gallons of
16 wine and brandy in a year; or
- 17 (2) previously held a wine wholesaler's permit and certifies to the
18 commission that the permit applicant sold less than twelve
19 thousand (12,000) gallons of wine and brandy in the previous
20 year.

21 **(d) A permit fee of four thousand dollars (\$4,000) is annually**
22 **imposed for the issuance of a beer wholesaler's permit for a beer**
23 **wholesaler selling liquor under IC 7.1-3-3-5.5."**

24 Delete page 2.

25 Page 3, delete lines 1 through 26.

26 Page 3, line 30, delete "It" and insert "**Except as provided in**
27 **subsection (b)**, it".

28 Page 3, line 31, reset in roman "or beer wholesaler's".

29 Page 3, delete lines 33 through 35, begin a new paragraph and
30 insert:

31 **"(b) This section does not prohibit the holder of a beer**
32 **wholesaler's permit from wholesaling liquor under IC 7.1-3-3-5.5."**

33 Page 3, delete lines 36 through 42, begin a new paragraph and
34 insert:

35 "SECTION 4. IC 7.1-5-9-4 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. **(a)** Except as
37 provided in IC 7.1-3-3-4 **and subsection (b)**, an applicant for a beer
38 wholesaler's permit shall have no interest in the following:

- 39 (1) A permit to manufacture or to sell at retail alcoholic beverages
40 of any kind.
- 41 (2) Any other permit to wholesale alcoholic beverages.
- 42 (3) Through stock ownership or otherwise, a partnership, limited
43 liability company, or corporation that holds:
 - 44 (A) a permit to manufacture or to sell at retail alcoholic
45 beverages of any kind; or
 - 46 (B) any other permit to wholesale alcoholic beverages of any

1 kind.

2 **(b) This section does not prohibit the holder of a beer**
3 **wholesaler's permit from wholesaling liquor under IC 7.1-3-3-5.5.**

4 SECTION 5. IC 7.1-5-9-6 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. ~~Liquor Permittee's~~
6 ~~Interests Limited.~~ **(a) Except as provided in subsection (b),** it is
7 unlawful for the holder of a distiller's, rectifier's, or liquor wholesaler's
8 permit to have an interest in a beer permit of any type under this title.

9 **(b) This section does not prohibit the holder of a beer**
10 **wholesaler's permit from wholesaling liquor under IC 7.1-3-3-5.5."**

11 Delete page 4.

12 Renumber all SECTIONS consecutively.

(Reference is to SB 112 as printed January 21, 2011.)

Senator MERRITT