



January 27, 2012

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## HOUSE BILL No. 1054

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DIGEST OF HB 1054 (Updated January 25, 2012 11:41 am - DI 14)

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

**Synopsis:** Alcoholic beverage permits in or near historic districts. Provides that a restaurant located not more than 1,000 feet (instead of 500 feet) from a historic district is eligible for a permit to sell alcoholic beverages without regard to the permit quota. Provides that not more than ten permits issued to restaurants within or not more than 1,000 feet from a historic district may be active at any time. Provides for a cultural center permit for a city with an indoor theater listed on the National Register of Historic Places and with a population of more than two hundred thousand but less than three hundred thousand.

**Effective:** July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Public Policy.  
January 26, 2012, amended, reported — Do Pass.

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HB 1054—LS 6110/DI 87+



January 27, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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## HOUSE BILL No. 1054

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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, 2012]: 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

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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: **the following:**

- 30 **(1) A town that:**
  - 31 **(A) is located in a county having a population of more than**
  - 32 **four hundred thousand (400,000) but less than seven**
  - 33 **hundred thousand (700,000); and**
  - 34 **(B) has a population of more than twenty thousand**
  - 35 **(20,000) but less than twenty-three thousand (23,000).**
- 36 **(2) A city that has an indoor theater as described in section 26**  
 37 **of this chapter.**
  - 38 **(1) is located in a county having a population of more than four**  
 39 **hundred thousand (400,000) but less than seven hundred thousand**  
 40 **(700,000); and**
  - 41 **(2) has a population of more than twenty thousand (20,000) but**  
 42 **less than twenty-three thousand (23,000).**

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1 (g) ~~After June 30, 2005~~, The commission may issue not more than  
 2 ten (10) 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)~~ **seven**  
 6 **hundred (700)** feet from a district, that meets the following  
 7 requirements:

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

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

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

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

16 The legislative body of the municipality in which the district is located  
 17 shall recommend to the commission sites that are eligible to be permit  
 18 premises. The commission shall consider, but is not required to follow,  
 19 the municipal legislative body's recommendation in issuing a permit  
 20 under this subsection. An applicant is not eligible for a permit if, less  
 21 than two (2) years before the date of the application, the applicant sold  
 22 a retailer's permit that was subject to IC 7.1-3-22 and that was for  
 23 premises located within the district described in this section or within  
 24 ~~five hundred (500)~~ **seven hundred (700)** feet of the district. A permit  
 25 issued under this subsection shall not be transferred. **The total number**  
 26 **of active permits issued under this subsection may not exceed ten**  
 27 **(10) at any time.** The cost of an initial permit issued under this  
 28 subsection is six thousand dollars (\$6,000).

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

33 (1) a town with a population of more than twenty thousand  
 34 (20,000); or

35 (2) a city with a population of more than twenty-seven thousand  
 36 (27,000) but less than twenty-seven thousand four hundred  
 37 (27,400);

38 located in a county having a population of more than ninety thousand  
 39 (90,000) but less than one hundred thousand (100,000). The  
 40 commission may issue not more than five (5) licenses under this  
 41 section to premises within a municipality described in subdivision (1)  
 42 and not more than five (5) licenses to premises within a municipality



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1 described in subdivision (2). The commission shall conduct an auction  
2 of the permits under IC 7.1-3-22-9, except that the auction may be  
3 conducted at any time as determined by the commission.  
4 Notwithstanding any other law, the minimum bid for an initial license  
5 under this subsection is thirty-five thousand dollars (\$35,000), and the  
6 renewal fee for a license under this subsection is one thousand three  
7 hundred fifty dollars (\$1,350). Before the district expires, a permit  
8 issued under this subsection may not be transferred. After the district  
9 expires, a permit issued under this subsection may be renewed, and the  
10 ownership of the permit may be transferred, but the permit may not be  
11 transferred from the permit premises.

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

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

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

23 (3) An international deep water seaport is located within the  
24 district.

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

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1054, 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 2, line 29, strike "a town that:" and insert "**the following:**

**(1) A town that:**

**(A) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and**

**(B) has a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).**

**(2) A city that has an indoor theater as described in section 26 of this chapter."**

Page 2, strike lines 30 through 34.

Page 2, line 39, delete "one" and insert "**seven hundred (700)**".

Page 2, line 40, delete "thousand (1,000)".

Page 3, line 16, delete "one thousand (1,000)" and insert "**seven hundred (700)**".

and when so amended that said bill do pass.

(Reference is to HB 1054 as introduced.)

DAVIS, Chair

Committee Vote: yeas 9, nays 0.

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