Citations Affected: IC 7.1-3-20.

Synopsis: Municipal lakefront development projects. Removes the requirements that: (1) an oil refinery be located within a municipal lakefront development project; and (2) a municipal lakefront development project must be funded in part with local, state, and federal money.

Effective: July 1, 2020.

Harris

January 6, 2020, read first time and referred to Committee on Public Policy.
HOUSE BILL No. 1044

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:

SECTION 1. IC 7.1-3-20-16, AS AMENDED BY P.L.285-2019, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-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 facility in the passenger terminal complex of a publicly owned airport. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) Except as provided in section 16.3 of this chapter, the commission may 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 within a redevelopment project consisting of a building or group of buildings that:

(1) was formerly used as part of a union railway station;
(2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and

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

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

(d) Subject to section 16.1 of this chapter and except as provided in section 16.3 of this chapter, the commission may 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:

(1) on land; or

(2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. The ownership of a permit issued under this subsection and the location for which the permit was issued may not be transferred. The legislative body of the municipality in which the municipal riverfront development project is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

(e) Except as provided in section 16.3 of this chapter, the commission may 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 within a renovation project consisting of:

(1) a building that:

(A) was formerly used as part of a passenger and freight railway station; and

(B) was built before 1900; or

(2) a complex of buildings that:

(A) is part of an economic development area established under IC 36-7-14; and
(B) includes, as part of the renovation project, the use and repurposing of two (2) or more buildings and structures that are:

(i) at least seventy-five (75) years old; and

(ii) located at a site at which manufacturing previously occurred over a period of at least seventy-five (75) years.

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

(f) Except as provided in section 16.3 of this chapter, the commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to 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 seven hundred (23,700).

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

(g) Except as provided in section 16.3 of this chapter, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than seven hundred (700) feet from a district, that meets the following requirements:

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

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

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

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

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for
premises located within the district described in this section or within seven hundred (700) feet of the district. The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. A permit holder and any lessee or proprietor of the permit premises is subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation. The total number of active permits issued under this subsection may not exceed ten (10) at any time. The cost of an initial permit issued under this subsection is six thousand dollars ($6,000).

(h) Except as provided in section 16.3 of this chapter, the commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:

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

(2) a city with a population of more than forty-four thousand five hundred (44,500) but less than forty-five thousand (45,000); located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred eleven thousand (111,000). The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars ($35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars ($1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(i) After June 30, 2006, and except as provided in section 16.3 of this chapter, the commission may issue not more than five (5) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the
proprietor, as owner or lessee, or both, of a restaurant located within a
district, or not more than five hundred (500) feet from a district, that
meets all of the following requirements:

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

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

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

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

(j) Subject to section 16.2 of this chapter and except as provided in
section 16.3 of this chapter, the commission may issue not more than
six (6) new three-way, two-way, or one-way permits 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 within a
municipal lakefront development project. "funded in part with state,
local, and federal money." A permit issued under this subsection may
not be transferred. If the commission issues six (6) new permits under
this subsection, and a permit issued under this subsection is later
revoked or is not renewed, the commission may issue another new
permit, as long as the total number of active permits issued under this
subsection does not exceed six (6) at any time. The commission shall
conduct an auction of the permits under IC 7.1-3-22-9, except that the
auction may be conducted at any time as determined by the
commission. Notwithstanding any other law, the minimum bid for an
initial permit under this subsection is ten thousand dollars ($10,000).

(k) Except as provided in section 16.3 of this chapter, the
commission may issue not more than nine (9) new three-way permits
to sell alcoholic beverages for on-premises consumption to applicants,
each of whom must be a proprietor, as owner or lessee, or both, of a
restaurant located:

1. within a motorsports investment district (as defined in
   IC 5-1-17.5-11); or
2. not more than one thousand five hundred (1,500) feet from a
   motorsports investment district.

The ownership of a permit issued under this subsection and the location
for which the permit was issued shall not be transferred. If the
commission issues nine (9) new permits under this subsection, and a
permit issued under this subsection is later revoked or is not renewed,
the commission may issue another new permit, as long as the total
number of active permits issued under this subsection does not exceed
nine (9) at any time. A permit holder and any lessee or proprietor of the
permit premises are subject to the formal written commitment required
under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1,
if business operations cease at the permit premises for more than six
(6) months, the permit shall revert to the commission. The permit
holder is not entitled to any refund or other compensation.

(i) Except as provided in section 16.3 of this chapter, the
commission may issue not more than two (2) new three-way permits to
sell alcoholic beverages for on-premises consumption for premises
located within a qualified motorsports facility (as defined in
IC 5-1-17.5-14). The ownership of a permit issued under this
subsection and the location for which the permit was issued shall not
be transferred. If the commission issues two (2) new permits under this
subsection, and a permit issued under this subsection is later revoked
or is not renewed, the commission may issue another new permit, as
long as the total number of active permits issued under this subsection
does not exceed two (2) at any time. A permit holder and any lessee or
proprietor of the permit premises are subject to the formal written
commitment required under IC 7.1-3-19-17. Notwithstanding
IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the
permit premises for more than six (6) months, the permit shall revert
to the commission. The permit holder is not entitled to any refund or
other compensation.

SECTION 2. IC 7.1-3-20-16.2, AS ADDED BY P.L.176-2013,
SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2020]: Sec. 16.2. (a) This section applies to a municipal
lakefront development project authorized under section 16(j) of this
chapter.

(b) In order to qualify for a permit, an applicant must demonstrate
that the municipal lakefront development project area where the permit

2020 IN 1044—LS 6341/DI 107
is to be located meets the following criteria:

1. The municipal lakefront development project area must be located in a city (as defined in IC 36-1-2-3).

2. All of the following must be located within the corporate boundaries of the city described in subdivision (1):
   (A) A city park.
   (B) A baseball stadium.
   (C) An oil refinery.

3. The project boundaries must border on Lake Michigan.

4. 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 Lake Michigan, whichever is greater. However, if the area adjacent to Lake Michigan 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 Lake Michigan that are capable of being developed.

5. 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.

6. The project must be funded in part with state, local, and federal money.

7. The boundaries of the municipal lakefront development project must be designated by ordinance or resolution by the legislative body (as defined in IC 36-1-2-9) 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 lakefront development project; and
   (B) the location of the proposed permit within the project.

2. A copy of the local ordinance or resolution of the local governing body authorizing the municipal lakefront development project.
(3) Detailed information concerning the expenditures of state, local, and federal funds on the municipal lakefront development project.

(d) A permit may not be issued if the proposed permit premises is the location of an existing three-way permit subject to IC 7.1-3-22-3.