

PROPOSED AMENDMENT

SB 89 # 3

DIGEST

Three-way permits. Provides that the alcohol and tobacco commission may issue not more than: (1) three new three-way permits to the city of Lafayette; (2) two new three-way permits to the city of West Lafayette; and (3) eight new three-way permits to restaurants located within a transit development district. Makes the bill effective upon passage.

- 1 Replace the effective date in SECTION 1 with "[EFFECTIVE
- 2 UPON PASSAGE]".
- 3 Page 8, after line 12, begin a new paragraph and insert:
- 4 **"(o) Except as provided in section 16.3 of this chapter, the**
- 5 **commission may issue to the city of Lafayette not more than three**
- 6 **(3) new three-way permits. The following apply to a permit issued**
- 7 **under this subsection:**
- 8 (1) An applicant for a permit must be a proprietor, an owner
- 9 or lessee, or both, of a restaurant located within an economic
- 10 development area, an area needing redevelopment, or a
- 11 redevelopment district as established under IC 36-7-14 in the
- 12 city's:
- 13 (A) downtown redevelopment district; or
- 14 (B) downtown economic revitalization area.
- 15 (2) The cost of an initial permit is forty thousand dollars
- 16 (\$40,000).
- 17 (3) The total number of active permits issued under this
- 18 subsection may not exceed the three (3) new three-way
- 19 permits.
- 20 (4) The city may adopt an ordinance under IC 7.1-3-19-17
- 21 requiring a permit holder to enter into a formal written
- 22 commitment as a condition of eligibility for a permit. As set
- 23 forth in IC 7.1-3-19-17(b), a formal written commitment is
- 24 binding on the permit holder and on any lessee or proprietor
- 25 of the permit premises.
- 26 (5) Notwithstanding 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 and the permit holder is not entitled to any refund or other compensation.

(6) Except as provided in subdivision (8), the ownership of the permit may not be transferred.

(7) The permit may not be transferred from the premises for which the permit was issued.

(8) If the area in which the permit issued to a premises is located is no longer designated an economic development area, an area needing redevelopment, or a redevelopment district, a permit issued under this section may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(p) Except as provided in section 16.3 of this chapter, the commission may issue to the city of West Lafayette not more than two (2) new three-way permits. The following apply to a permit issued under this subsection:

(1) An applicant for a permit must be a proprietor, an owner or lessee, or both, of a restaurant located within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14 in the city's:

(A) downtown redevelopment district; or

(B) downtown economic revitalization area.

(2) The cost of an initial permit is forty thousand dollars (\$40,000).

(3) The total number of active permits issued under this subsection may not exceed the two (2) new three-way permits.

(4) The city may adopt an ordinance under IC 7.1-3-19-17 requiring a permit holder to enter into a formal written commitment as a condition of eligibility for a permit. As set forth in IC 7.1-3-19-17(b), a formal written commitment is binding on the permit holder and on any lessee or proprietor of the permit premises.

(5) Notwithstanding 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 and the permit holder is not entitled to any refund or other compensation.

(6) Except as provided in subdivision (8), the ownership of the permit may not be transferred.

1 (7) The permit may not be transferred from the premises for
2 which the permit was issued.

3 (8) If the area in which the permit issued to a premises is
4 located is no longer designated an economic development
5 area, an area needing redevelopment, or a redevelopment
6 district, a permit issued under this section may be renewed,
7 and the ownership of the permit may be transferred, but the
8 permit may not be transferred from the permit premises.

9 (q) Except as provided in section 16.3 of this chapter, the
10 commission may issue a new three-way permit to an applicant who
11 is a proprietor, as owner or lessee, or both, of a restaurant located
12 within a transit development district established under
13 IC 36-7.5-4.5. The commission may issue not more than eight (8)
14 new three-way permits under this subsection. The following apply
15 to a permit issued under this subsection:

16 (1) The cost of an initial permit is forty thousand dollars
17 (\$40,000).

18 (2) The total number of active permits issued under this
19 subsection may not exceed the eight (8) new three-way
20 permits.

21 (3) The municipality may adopt an ordinance under
22 IC 7.1-3-19-17 requiring a permit holder to enter into a
23 formal written commitment as a condition of eligibility for a
24 permit. As set forth in IC 7.1-3-19-17(b), a formal written
25 commitment is binding on the permit holder and on any lessee
26 or proprietor of the permit premises.

27 (4) Notwithstanding IC 7.1-3-1.1, if business operations cease
28 at the permit premises for more than six (6) months, the
29 permit shall revert to the commission and the permit holder
30 is not entitled to any refund or other compensation.

31 (5) Except as provided in subdivision (7), the ownership of the
32 permit may not be transferred.

33 (6) The permit may not be transferred from the premises for
34 which the permit was issued.

35 (7) If the area in which the permit issued to a premises is
36 located is no longer designated as part of transit development
37 district established under IC 36-7.5-4.5, a permit issued under
38 this section may be renewed, and the ownership of the permit
39 may be transferred, but the permit may not be transferred
40 from the permit premises.

- 1 **SECTION 2. An emergency is declared for this act."**
(Reference is to SB 89 as introduced.)