

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1369 be amended to read as follows:

- 1 Page 4, delete lines 19 through 42, begin a new paragraph and
- 2 insert:
- 3 "SECTION 4. IC 7.1-3-21-3 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. ~~Residency~~
- 5 ~~Requirements~~. The commission shall not issue:
- 6 (1) an alcoholic beverage ~~wholesaler's~~, retailer's or dealer's permit
- 7 of any type; or
- 8 (2) **a wine wholesaler's or liquor wholesaler's permit;**
- 9 to a person who has not been a continuous and bona fide resident of
- 10 this state for five (5) years immediately preceding the date of the
- 11 application for a permit.
- 12 SECTION 5. IC 7.1-3-21-4 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. The commission
- 14 shall not issue:
- 15 (1) an alcoholic beverage ~~wholesaler's~~, retailer's or dealer's permit
- 16 of any type; or
- 17 (2) **a wine wholesaler's or liquor wholesaler's permit;**
- 18 to a partnership unless each member of the partnership possesses the
- 19 same qualifications as those required of an individual applicant for that
- 20 particular type of permit.
- 21 SECTION 6. IC 7.1-3-21-5 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) ~~Corporations~~.
- 23 The commission shall not issue:
- 24 (1) an alcoholic beverage ~~wholesaler's~~, retailer's or dealer's permit

1 of any type; or  
 2 **(2) a wine wholesaler's or liquor wholesaler's permit;**  
 3 to a corporation unless sixty percent (60%) of the outstanding common  
 4 stock is owned by persons who have been continuous and bona fide  
 5 residents of this state for five (5) years.

6 (b) The commission shall not issue ~~an alcoholic beverage~~ **a wine**  
 7 **wholesaler's or liquor** wholesaler's permit ~~of any type~~ to a corporation  
 8 unless at least one (1) of the stockholders shall have been a resident,  
 9 for at least one (1) year immediately prior to making application for the  
 10 permit, of the county in which the licensed premises are to be situated.

11 (c) Each officer and stockholder of a corporation shall possess all  
 12 other qualifications required of an individual applicant for that  
 13 particular type of permit.

14 SECTION 7. IC 7.1-3-21-5.2 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5.2. (a) The  
 16 commission shall not issue:

17 **(1) an alcoholic beverage** ~~wholesalers~~; retailer's or dealer's permit  
 18 of any type; or

19 **(2) a wine wholesaler's or liquor wholesaler's permit;**  
 20 to a limited partnership unless at least sixty percent (60%) of the  
 21 partnership interest is owned by persons who have been continuous and  
 22 bona fide residents of Indiana for five (5) years.

23 (b) The commission shall not issue ~~an alcoholic beverage~~ **a wine**  
 24 **wholesaler's or liquor** wholesaler's permit ~~of any type~~ to a limited  
 25 partnership unless for at least one (1) year immediately before making  
 26 application for the permit, at least one (1) of the persons having a  
 27 partnership interest has been a resident of the county in which the  
 28 licensed premises are to be situated.

29 (c) Each general partner and limited partner of a limited partnership  
 30 must possess all other qualifications required of an individual applicant  
 31 for that particular type of permit.

32 SECTION 8. IC 7.1-3-21-5.4 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5.4. (a) The  
 34 commission shall not issue:

35 **(1) an alcoholic beverage** ~~wholesalers~~; retailer's or dealer's permit  
 36 of any type; or

37 **(2) a wine wholesaler's or liquor wholesaler's permit;**  
 38 to a limited liability company unless at least sixty percent (60%) of the  
 39 membership interest is owned by persons who have been continuous  
 40 and bona fide residents of Indiana for five (5) years.

41 (b) The commission shall not issue ~~an alcoholic beverage~~ **a wine**  
 42 **wholesaler's or liquor** wholesaler's permit ~~of any type~~ to a limited  
 43 liability company unless for at least one (1) year immediately before  
 44 making application for the permit, at least one (1) of the persons having  
 45 a membership interest has been a resident of the county in which the  
 46 licensed premises are to be situated.

1 (c) Each manager and member of a limited liability company must  
2 possess all other qualifications required of an individual applicant for  
3 that particular type of permit.

4 SECTION 9. IC 7.1-5-9-10 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. ~~Retailer Owning~~  
6 ~~Interest in Another Permit Prohibited:~~ **(a) Except as provided in**  
7 **subsection (b), it is unlawful for a holder of a retailer's permit of any**  
8 **type to acquire, hold, own, or possess an interest of any type in a**  
9 **manufacturer's or wholesaler's permit of any type.**

10 **(b) It is lawful for a holder of a retailer's permit of any type to**  
11 **acquire, hold, own, or possess an interest of any type in a brewer's**  
12 **permit for a brewery that manufactures not more than twenty**  
13 **thousand (20,000) barrels of beer in a calendar year."**

14 Page 5, delete lines 1 through 36.

15 Renumber all SECTIONS consecutively.

(Reference is to HB 1369 as printed February 25, 2003.)

---

Representative Kuzman