



April 10, 2015

ENGROSSED SENATE BILL No. 515

DIGEST OF SB 515 (Updated April 9, 2015 11:13 am - DI 107)

Citations Affected: IC 7.1-3; IC 14-18.

Synopsis: Alcoholic beverage permits. Allows the alcohol and tobacco commission (commission) to issue: (1) eight new three-way permits to sell alcoholic beverages for on-premise consumption to applicants who are proprietors of restaurants located within, or not more than 1,500 feet from, a motorsports investment district; and (2) two new three-way permits to sell alcoholic beverages for on-premise consumption for premises located within a qualified motorsports facility. Requires, as a condition of eligibility for certain: (1) three-way, two-way, and one-way alcoholic beverage permits issued in a historic area; (2) three-way, two-way, and one-way alcoholic beverage permits issued in a municipal riverfront development project area; (3) three-way alcoholic beverage permits issued in a motorsports investment district area; and (4) three-way alcoholic beverage permits located within a qualified motorsports facility; that a municipal legislative body enter into a formal written commitment with the permit applicant regarding the
(Continued next page)

Effective: July 1, 2015.

Charbonneau, Alting, Lanane, Young R Michael

(HOUSE SPONSORS — SOLIDAY, DERMODY, MACER, GIAQUINTA)

January 14, 2015, read first time and referred to Committee on Public Policy.
February 19, 2015, amended, reported favorably — Do Pass.
February 23, 2015, read second time, amended, ordered engrossed.
February 24, 2015, engrossed. Read third time, passed. Yeas 39, nays 10.

HOUSE ACTION

March 5, 2015, read first time and referred to Committee on Public Policy.
April 9, 2015, amended, reported — Do Pass.

ES 515—LS 7096/DI 87



Digest Continued

character and type of business for which the permit is issued. Limits the applicability of language concerning formal written commitments and certain permits to units where ordinances have been adopted requiring a formal written commitment. Provides that the commission has discretion to deny an application to renew a certain permit or revoke certain permits. Provides that a formal written commitment: (1) may not be limited or restricted; and (2) is terminated at the time a permit is lost, revoked, or not renewed. Specifies that the ownership and location of a permit may not be transferred. Provides that if business operations cease at the location for which the permit was issued for more than six months, the permit reverts to the commission. Requires the commission to deny the renewal of a permit or revoke a permit if the written commitments are violated. Provides that if alcoholic beverages are sold within the Indiana Dunes State Park, the alcoholic beverages may be consumed within 100 feet of the pavilion and the pavilion parking lot.

ES 515—LS 7096/DI 87



April 10, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED SENATE BILL No. 515

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 7.1-3-19-17 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]: **Sec. 17. (a) This section applies to a permit issued under**
4 **IC 7.1-3-20-16(d), IC 7.1-3-20-16(g), IC 7.1-3-20-16(k), or**
5 **IC 7.1-3-20-16(l) if a local unit has adopted an ordinance requiring**
6 **a formal written commitment as a condition of eligibility for a**
7 **permit, as described in subsection (b).**
8 **(b) As a condition of eligibility for a permit, the applicant must**
9 **enter into a formal written commitment with the municipal**
10 **legislative body regarding the character or type of business that**
11 **will be conducted on the permit premises. The municipal legislative**
12 **body must adopt an ordinance approving the formal written**
13 **commitment. A formal written commitment is binding on the**
14 **permit holder and on any lessee or proprietor of the permit**
15 **premises. When an application for renewal of a permit is filed, the**
16 **applicant shall forward a copy of the application to the municipal**

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1 legislative body. The municipal legislative body shall receive notice
 2 of any filings, hearings, or other proceedings on the application for
 3 renewal from the applicant.

4 (c) A formal written commitment may be modified by the
 5 municipal legislative body with the agreement of the permit holder.

6 (d) Except as provided in subsection (f), the amount of time that
 7 a formal written commitment is valid may not be limited or
 8 restricted.

9 (e) A formal written commitment is terminated at the time a
 10 permit is lost, revoked, or not renewed.

11 (f) If the character or type of business violates the formal
 12 written commitments, the municipality may adopt a
 13 recommendation to the local board and the commission to:

14 (1) deny the permit holder's application to renew the permit;
 15 or

16 (2) revoke the permit holder's permit.

17 (g) The commission shall consider evidence at the hearing on the
 18 issue of whether the business violated the formal written
 19 commitments. If the commission determines there is sufficient
 20 evidence that the commitments have been violated by the
 21 permittee, the commission may:

22 (1) deny the application to renew the permit; or

23 (2) revoke the permit;

24 as applicable.

25 SECTION 2. IC 7.1-3-20-16, AS AMENDED BY P.L.176-2013,
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2015]: Sec. 16. (a) A permit that is authorized by this section
 28 may be issued without regard to the quota provisions of IC 7.1-3-22.

29 (b) The commission may issue a three-way permit to sell alcoholic
 30 beverages for on-premises consumption only to an applicant who is the
 31 proprietor, as owner or lessee, or both, of a restaurant facility in the
 32 passenger terminal complex of a publicly owned airport. A permit
 33 issued under this subsection shall not be transferred to a location off
 34 the airport premises.

35 (c) The commission may issue a three-way, two-way, or one-way
 36 permit to sell alcoholic beverages for on-premises consumption only to
 37 an applicant who is the proprietor, as owner or lessee, or both, of a
 38 restaurant within a redevelopment project consisting of a building or
 39 group of buildings that:

40 (1) was formerly used as part of a union railway station;

41 (2) has been listed in or is within a district that has been listed in
 42 the federal National Register of Historic Places maintained



1 pursuant to the National Historic Preservation Act of 1966, as
2 amended; and

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

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

8 (d) **Subject to section 16.1 of this chapter**, the commission may
9 issue a three-way, two-way, or one-way permit to sell alcoholic
10 beverages for on-premises consumption only to an applicant who is the
11 proprietor, as owner or lessee, or both, of a restaurant:

12 (1) on land; or

13 (2) in a historic river vessel;

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

29 (e) The commission may issue a three-way, two-way, or one-way
30 permit to sell alcoholic beverages for on-premises consumption only to
31 an applicant who is the proprietor, as owner or lessee, or both, of a
32 restaurant within a renovation project consisting of a building that:

33 (1) was formerly used as part of a passenger and freight railway
34 station; and

35 (2) was built before 1900.

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

38 (f) The commission may issue a three-way permit for the sale of
39 alcoholic beverages for on-premises consumption at a cultural center
40 for the visual and performing arts to the following:

41 (1) A town that:

42 (A) is located in a county having a population of more than



- 1 four hundred thousand (400,000) but less than seven hundred
 2 thousand (700,000); and
 3 (B) has a population of more than twenty thousand (20,000)
 4 but less than twenty-three thousand seven hundred (23,700).
 5 (2) A city that has an indoor theater as described in section 26 of
 6 this chapter.
- 7 (g) The commission may issue not more than ten (10) new
 8 three-way, two-way, or one-way permits to sell alcoholic beverages for
 9 on-premises consumption to applicants, each of whom must be the
 10 proprietor, as owner or lessee, or both, of a restaurant located within a
 11 district, or not more than seven hundred (700) feet from a district, that
 12 meets the following requirements:
- 13 (1) The district has been listed in the National Register of Historic
 14 Places maintained under the National Historic Preservation Act
 15 of 1966, as amended.
 16 (2) A county courthouse is located within the district.
 17 (3) A historic opera house listed on the National Register of
 18 Historic Places is located within the district.
 19 (4) A historic jail and sheriff's house listed on the National
 20 Register of Historic Places is located within the district.
- 21 The legislative body of the municipality in which the district is located
 22 shall recommend to the commission sites that are eligible to be permit
 23 premises. The commission shall consider, but is not required to follow,
 24 the municipal legislative body's recommendation in issuing a permit
 25 under this subsection. An applicant is not eligible for a permit if, less
 26 than two (2) years before the date of the application, the applicant sold
 27 a retailer's permit that was subject to IC 7.1-3-22 and that was for
 28 premises located within the district described in this section or within
 29 seven hundred (700) feet of the district. **The ownership of a permit**
 30 **issued under this subsection and the location for which the permit**
 31 **was issued shall not be transferred. A permit holder and any lessee**
 32 **or proprietor of the permit premises is subject to the formal**
 33 **written commitment required under IC 7.1-3-19-17.**
 34 **Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the**
 35 **permit premises for more than six (6) months, the permit shall**
 36 **revert to the commission. The permit holder is not entitled to any**
 37 **refund or other compensation.** The total number of active permits
 38 issued under this subsection may not exceed ten (10) at any time. The
 39 cost of an initial permit issued under this subsection is six thousand
 40 dollars (\$6,000).
 41 (h) The commission may issue a three-way permit for the sale of
 42 alcoholic beverages for on-premises consumption to an applicant who



1 will locate as the proprietor, as owner or lessee, or both, of a restaurant
 2 within an economic development area under IC 36-7-14 in:

3 (1) a town with a population of more than twenty thousand
 4 (20,000); or

5 (2) a city with a population of more than forty-four thousand five
 6 hundred (44,500) but less than forty-five thousand (45,000);

7 located in a county having a population of more than one hundred ten
 8 thousand (110,000) but less than one hundred eleven thousand
 9 (111,000). The commission may issue not more than five (5) licenses
 10 under this section to premises within a municipality described in
 11 subdivision (1) and not more than five (5) licenses to premises within
 12 a municipality described in subdivision (2). The commission shall
 13 conduct an auction of the permits under IC 7.1-3-22-9, except that the
 14 auction may be conducted at any time as determined by the
 15 commission. Notwithstanding any other law, the minimum bid for an
 16 initial license under this subsection is thirty-five thousand dollars
 17 (\$35,000), and the renewal fee for a license under this subsection is one
 18 thousand three hundred fifty dollars (\$1,350). Before the district
 19 expires, a permit issued under this subsection may not be transferred.
 20 After the district expires, a permit issued under this subsection may be
 21 renewed, and the ownership of the permit may be transferred, but the
 22 permit may not be transferred from the permit premises.

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

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

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

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

36 An applicant is not eligible for a permit under this subsection if, less
 37 than two (2) years before the date of the application, the applicant sold
 38 a retailers' permit that was subject to IC 7.1-3-22 and that was for
 39 premises located within the district described in this subsection or
 40 within five hundred (500) feet of the district. A permit issued under this
 41 subsection may not be transferred. If the commission issues five (5)
 42 new permits under this subsection, and a permit issued under this



1 subsection is later revoked or is not renewed, the commission may
 2 issue another new permit, as long as the total number of active permits
 3 issued under this subsection does not exceed five (5) at any time. The
 4 commission shall conduct an auction of the permits under
 5 IC 7.1-3-22-9, except that the auction may be conducted at any time as
 6 determined by the commission.

7 (j) Subject to section 16.2 of this chapter, the commission may issue
 8 not more than six (6) new three-way, two-way, or one-way permits to
 9 sell alcoholic beverages for on-premises consumption only to an
 10 applicant who is the proprietor, as owner or lessee, or both, of a
 11 restaurant on land within a municipal lakefront development project
 12 funded in part with state, local, and federal money. A permit issued
 13 under this subsection may not be transferred. If the commission issues
 14 six (6) new permits under this subsection, and a permit issued under
 15 this subsection is later revoked or is not renewed, the commission may
 16 issue another new permit, as long as the total number of active permits
 17 issued under this subsection does not exceed six (6) at any time. The
 18 commission shall conduct an auction of the permits under
 19 IC 7.1-3-22-9, except that the auction may be conducted at any time as
 20 determined by the commission. Notwithstanding any other law, the
 21 minimum bid for an initial permit under this subsection is ten thousand
 22 dollars (\$10,000).

23 **(k) The commission may issue not more than eight (8) new**
 24 **three-way permits to sell alcoholic beverages for on-premises**
 25 **consumption to applicants, each of whom must be a proprietor, as**
 26 **owner or lessee, or both, of a restaurant located:**

27 **(1) within a motorsports investment district (as defined in**
 28 **IC 5-1-17.5-11); or**

29 **(2) not more than one thousand five hundred (1,500) feet from**
 30 **a motorsports investment district.**

31 **The ownership of a permit issued under this subsection and the**
 32 **location for which the permit was issued shall not be transferred.**
 33 **If the commission issues eight (8) new permits under this**
 34 **subsection, and a permit issued under this subsection is later**
 35 **revoked or is not renewed, the commission may issue another new**
 36 **permit, as long as the total number of active permits issued under**
 37 **this subsection does not exceed eight (8) at any time. A permit**
 38 **holder and any lessee or proprietor of the permit premises are**
 39 **subject to the formal written commitment required under**
 40 **IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business**
 41 **operations cease at the permit premises for more than six (6)**
 42 **months, the permit shall revert to the commission. The permit**



1 holder is not entitled to any refund or other compensation.

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

18 SECTION 3. IC 14-18-2-3, AS AMENDED BY P.L.70-2014,
 19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2015]: Sec. 3. (a) As used in this section, "inn" means a public
 21 facility that has the following:

- 22 (1) At least twenty (20) rooms for the accommodation of
 23 overnight guests.
 24 (2) A dining room that offers table service for at least forty (40)
 25 individuals at one (1) time during normal dining hours.

26 (b) A lease and contract authorized by this chapter must include in
 27 its terms the following provisions and conditions:

- 28 (1) The legal description of the leasehold. A survey for the
 29 description is not required.
 30 (2) The term of the lease. The term may not exceed forty (40)
 31 years with two (2) additional options to renew of thirty (30) years
 32 each.
 33 (3) Provision for the submission of complete plans and
 34 specifications to the department for review and written approval
 35 before beginning any construction.
 36 (4) The manner of payment of rental.
 37 (5) The facilities provided will be available to the public without
 38 discrimination and at charges designed to make the facilities
 39 available to a maximum number of the citizens of Indiana.
 40 (6) That the rates and fees charged for goods and services on the
 41 leased area will be in accord with those charged at similar
 42 developments in the area.



- 1 (7) The disposition of the leasehold and improvements at the
2 termination of the lease.
- 3 (8) Except as provided in subsections (c) and (e), if the lease and
4 contract concerns state owned land under the management and
5 control of the department, including state parks, a prohibition on
6 the sale or public display of alcoholic beverages on the premises.
- 7 (c) A lease and contract authorized by this chapter may permit in its
8 terms the retail sale of alcoholic beverages for consumption on the
9 licensed premises of an inn if the lessee or concessionaire applies for
10 and secures the necessary permits required by IC 7.1.
- 11 (d) A lease and contract authorized by this chapter may permit in its
12 terms the retail sale of alcoholic beverages for consumption on the
13 licensed premises of a public golf course if:
- 14 (1) the lease and contract concerns federally owned land that is:
15 (A) under the control and management of the department; and
16 (B) located on Brookville Reservoir; and
- 17 (2) the lessee or concessionaire applies for and secures the
18 necessary permits required by IC 7.1.
- 19 (e) A lease and contract authorized by this chapter may permit in its
20 terms the retail sale of alcoholic beverages for consumption on the
21 licensed premises of a pavilion located within Indiana Dunes State
22 Park, **and within one hundred (100) feet of the pavilion and the**
23 **pavilion parking lot**, if the lessee or concessionaire applies for and
24 secures the necessary permits required by IC 7.1.
- 25 (f) The retail sale of alcoholic beverages on licensed premises
26 described in subsections (c), (d), and (e) is subject to any other
27 applicable alcoholic beverage provisions under the Indiana Code and
28 any rule adopted to implement any other applicable alcoholic beverage
29 provisions under the Indiana Code.
- 30 (g) A lease and contract may prescribe other terms and conditions
31 that the department considers necessary and advisable to carry out the
32 intent and purposes of this chapter.



COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 515, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, after "under" insert "**IC 7.1-3-20-16(d)**".

Page 1, line 4, delete "IC 7.1-3-20-16(g)." and insert "**IC 7.1-3-20-16(g), or IC 7.1-3-20-16(k)**".

Page 1, line 13, delete "commission" and insert "**applicant**".

Page 1, line 16, delete "commission and local board." and insert "**applicant**".

Page 2, line 42, delete "The" and insert "**Subject to section 16.1 of this chapter, the**".

Page 3, line 7, delete "A" and insert "**The ownership of a**".

Page 3, line 7, after "subsection" insert "**and the location for which the permit was issued**".

Page 3, line 8, after "transferred." insert "**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, 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.**".

Page 6, after line 2, begin a new paragraph and insert:

"(k) The commission may issue not more than eight (8) 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 eight (8) 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 eight (8) 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, 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."

and when so amended that said bill do pass.

(Reference is to SB 515 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 515 be amended to read as follows:

Page 1, line 4, delete "or".

Page 1, line 4, after "IC 7.1-3-20-16(k)" delete "." and insert ", or IC 7.1-3-20-16(l)".

Page 6, after line 35, begin a new paragraph and insert:

"(l) 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, 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."

(Reference is to SB 515 as printed February 20, 2015.)

YOUNG R MICHAEL

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 515, 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 1, line 5, delete "IC 7.1-3-20-16(l)." and insert "**IC 7.1-3-20-16(l) if a local unit has adopted an ordinance requiring a formal written commitment as a condition of eligibility for a permit, as described in subsection (b).**".

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"(d) Except as provided in subsection (f), the amount of time that a formal written commitment is valid may not be limited or restricted.

(e) A formal written commitment is terminated at the time a permit is lost, revoked, or not renewed."

Page 2, line 4, delete "(d)" and insert "**(f)**".

Page 2, line 10, delete "(e)" and insert "**(g)**".

Page 2, line 14, delete "shall:" and insert "**may:**".

Page 7, after line 10, begin a new paragraph and insert:

"SECTION 3. IC 14-18-2-3, AS AMENDED BY P.L.70-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) As used in this section, "inn" means a public facility that has the following:

(1) At least twenty (20) rooms for the accommodation of overnight guests.

(2) A dining room that offers table service for at least forty (40) individuals at one (1) time during normal dining hours.

(b) A lease and contract authorized by this chapter must include in its terms the following provisions and conditions:

(1) The legal description of the leasehold. A survey for the description is not required.



(2) The term of the lease. The term may not exceed forty (40) years with two (2) additional options to renew of thirty (30) years each.

(3) Provision for the submission of complete plans and specifications to the department for review and written approval before beginning any construction.

(4) The manner of payment of rental.

(5) The facilities provided will be available to the public without discrimination and at charges designed to make the facilities available to a maximum number of the citizens of Indiana.

(6) That the rates and fees charged for goods and services on the leased area will be in accord with those charged at similar developments in the area.

(7) The disposition of the leasehold and improvements at the termination of the lease.

(8) Except as provided in subsections (c) and (e), if the lease and contract concerns state owned land under the management and control of the department, including state parks, a prohibition on the sale or public display of alcoholic beverages on the premises.

(c) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of an inn if the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(d) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of a public golf course if:

- (1) the lease and contract concerns federally owned land that is:
 - (A) under the control and management of the department; and
 - (B) located on Brookville Reservoir; and
- (2) the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(e) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of a pavilion located within Indiana Dunes State Park, **and within one hundred (100) feet of the pavilion and the pavilion parking lot**, if the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(f) The retail sale of alcoholic beverages on licensed premises described in subsections (c), (d), and (e) is subject to any other applicable alcoholic beverage provisions under the Indiana Code and any rule adopted to implement any other applicable alcoholic beverage provisions under the Indiana Code.



(g) A lease and contract may prescribe other terms and conditions that the department considers necessary and advisable to carry out the intent and purposes of this chapter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 515 as reprinted February 24, 2015.)

DERMODY

Committee Vote: yeas 13, nays 0.

