

As Reported by the Senate Agriculture Committee

**130th General Assembly
Regular Session
2013-2014**

S. B. No. 48

Senator Balderson

Cosponsors: Senators Hite, Burke

—

A B I L L

To amend section 4303.29 of the Revised Code to allow 1
a specified C or D liquor permit that has been 2
transferred to an economic development project to 3
be subsequently transferred to a location that 4
does not qualify as an economic development 5
project. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4303.29 of the Revised Code be 7
amended to read as follows: 8

Sec. 4303.29. (A) No permit, other than an H permit, shall be 9
issued to a firm or partnership unless all the members of the firm 10
or partnership are citizens of the United States. No permit, other 11
than an H permit, shall be issued to an individual who is not a 12
citizen of the United States. No permit, other than an E or H 13
permit, shall be issued to any corporation organized under the 14
laws of any country, territory, or state other than this state 15
until it has furnished the division of liquor control with 16
evidence that it has complied with the laws of this state relating 17
to the transaction of business in this state. 18

The division may refuse to issue any permit to or refuse to 19

renew any permit of any person convicted of any felony that is 20
reasonably related to the person's fitness to operate a liquor 21
permit business in this state. No holder of a permit shall sell, 22
assign, transfer, or pledge the permit without the written consent 23
of the division. 24

(B)(1) No D-3 permit shall be issued to any club unless the 25
club has been continuously engaged in the activity specified in 26
section 4303.15 of the Revised Code, as a qualification for that 27
class of permit, for two years at the time the permit is issued. 28

(2)(a) Subject to division (B)(2)(b) of this section, upon 29
application by properly qualified persons, one C-1 and C-2 permit 30
shall be issued for each one thousand population or part of that 31
population, and one D-1 and D-2 permit shall be issued for each 32
two thousand population or part of that population, in each 33
municipal corporation and in the unincorporated area of each 34
township. 35

Subject to division (B)(2)(b) of this section, not more than 36
one D-3, D-4, or D-5 permit shall be issued for each two thousand 37
population or part of that population in any municipal corporation 38
and in the unincorporated area of any township, except that, in 39
any city of a population of fifty-five thousand or more, one D-3 40
permit may be issued for each fifteen hundred population or part 41
of that population. 42

(b)(i) Division (B)(2)(a) of this section does not prohibit 43
the transfer of location or the transfer of ownership and location 44
of a C-1, C-2, D-1, D-2, D-3, or D-5 permit from a municipal 45
corporation or the unincorporated area of a township to an 46
economic development project located in another municipal 47
corporation or the unincorporated area of another township in 48
which no additional permits of that class may be issued to the 49
applicant under division (B)(2)(a) of this section. However, the 50
transfer may occur only if the applicant notifies the municipal 51

corporation or township to which the location of the permit will 52
be transferred regarding the transfer and the municipal 53
corporation or township acknowledges in writing to the division of 54
liquor control that the transfer will be to an economic 55
development project. The municipal corporation or township shall 56
submit the acknowledgment at the time the application for the 57
transfer is filed with the division. 58

The acknowledgment by the municipal corporation or township 59
does not prohibit it from requesting a hearing under section 60
4303.26 of the Revised Code. The applicant is eligible to apply 61
for and receive the transfer of location of the permit under 62
division (B)(2)(b) of this section if permits of that class that 63
may be issued under division (B)(2)(a) of this section in the 64
applicable municipal corporation or unincorporated area of the 65
township have already been issued or if the number of applications 66
filed for permits of that class in that municipal corporation or 67
the unincorporated area of that township exceed the number of 68
permits of that class that may be issued there under division 69
(B)(2)(a) of this section. 70

A permit transferred under division (B)(2)(b) of this section 71
may be subsequently transferred to a different owner at the same 72
location, or to the same owner or a different owner at a different 73
location in the same municipal corporation or in the 74
unincorporated area of the same township, ~~as long as the same or~~ 75
~~new location meets the economic development project criteria set~~ 76
~~forth in this section.~~ 77

(ii) Factors that ~~shall~~ may be used to determine the 78
designation of an economic development project include, but are 79
not limited to, architectural certification of the plans and the 80
cost of the project, the number of jobs that will be created by 81
the project, projected earnings of the project, projected tax 82
revenues for the political subdivisions in which the project will 83

be located, and the amount of financial investment in the project. 84
The superintendent of liquor control shall determine whether the 85
existing or proposed business that is seeking a permit described 86
in division (B)(2)(b) of this section qualifies as an economic 87
development project and, if the superintendent determines that it 88
so qualifies, shall designate the business as an economic 89
development project. 90

(3) Nothing in this section shall be construed to restrict 91
the issuance of a permit to a municipal corporation for use at a 92
municipally owned airport at which commercial airline companies 93
operate regularly scheduled flights on which space is available to 94
the public. A municipal corporation applying for a permit for such 95
a municipally owned airport is exempt, in regard to that 96
application, from the population restrictions contained in this 97
section and from population quota restrictions contained in any 98
rule of the liquor control commission. A municipal corporation 99
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a 100
municipally owned airport is subject to section 4303.31 of the 101
Revised Code. 102

(4) Nothing in this section shall be construed to prohibit 103
the issuance of a D permit to the board of trustees of a soldiers' 104
memorial for a premises located at a soldiers' memorial 105
established pursuant to Chapter 345. of the Revised Code. An 106
application for a D permit by the board for those premises is 107
exempt from the population restrictions contained in this section 108
and from the population quota restrictions contained in any rule 109
of the liquor control commission. The location of a D permit 110
issued to the board for those premises shall not be transferred. A 111
board of trustees of a soldiers' memorial applying for a D-1, D-2, 112
D-3, D-4, or D-5 permit for the soldiers' memorial is subject to 113
section 4303.31 of the Revised Code. 114

(5) Nothing in this section shall be construed to restrict 115

the issuance of a permit for a premises located at a golf course 116
owned by a municipal corporation, township, or county, owned by a 117
park district created under Chapter 1545. of the Revised Code, or 118
owned by the state. The location of such a permit issued on or 119
after September 26, 1984, for a premises located at such a golf 120
course shall not be transferred. Any application for such a permit 121
is exempt from the population quota restrictions contained in this 122
section and from the population quota restrictions contained in 123
any rule of the liquor control commission. A municipal 124
corporation, township, county, park district, or state agency 125
applying for a D-1, D-2, D-3, D-4, or D-5 permit for such a golf 126
course is subject to section 4303.31 of the Revised Code. 127

(6) As used in division (B)(6) of this section, "fair" has 128
the same meaning as in section 991.01 of the Revised Code; "state 129
fairgrounds" means the property that is held by the state for the 130
purpose of conducting fairs, expositions, and exhibits and that is 131
maintained and managed by the Ohio expositions commission under 132
section 991.03 of the Revised Code; "capitol square" has the same 133
meaning as in section 105.41 of the Revised Code; and "Ohio 134
judicial center" means the site of the Ohio supreme court and its 135
grounds. 136

Nothing in this section shall be construed to restrict the 137
issuance of one or more D permits to one or more applicants for 138
all or a part of the state fairgrounds, capitol square, or the 139
Ohio judicial center. An application for a D permit for the state 140
fairgrounds, capitol square, or the Ohio judicial center is exempt 141
from the population quota restrictions contained in this section 142
and from the population quota restrictions contained in any rule 143
of the liquor control commission. The location of a D permit 144
issued for the state fairgrounds, capitol square, or the Ohio 145
judicial center shall not be transferred. An applicant for a D-1, 146
D-2, D-3, or D-5 permit for the state fairgrounds is not subject 147

to section 4303.31 of the Revised Code. 148

Pursuant to section 1711.09 of the Revised Code, the holder 149
of a D permit issued for the state fairgrounds shall not deal in 150
spirituous liquor at the state fairgrounds during, or for one week 151
before or for three days after, any fair held at the state 152
fairgrounds. 153

(7) Nothing in this section shall be construed to prohibit 154
the issuance of a D permit for a premises located at a zoological 155
park at which sales have been approved in an election held under 156
former section 4301.356 of the Revised Code. An application for a 157
D permit for such a premises is exempt from the population 158
restrictions contained in this section, from the population quota 159
restrictions contained in any rule of the liquor control 160
commission, and from section 4303.31 of the Revised Code. The 161
location of a D permit issued for a premises at such a zoological 162
park shall not be transferred, and no quota or other restrictions 163
shall be placed on the number of D permits that may be issued for 164
a premises at such a zoological park. 165

(C)(1) No D-3, D-4, D-5, or D-5a permit shall be issued in 166
any election precinct in any municipal corporation or in any 167
election precinct in the unincorporated area of any township, in 168
which at the November, 1933, election a majority of the electors 169
voting thereon in the municipal corporation or in the 170
unincorporated area of the township voted against the repeal of 171
Section 9 of Article XV, Ohio Constitution, unless the sale of 172
spirituous liquor by the glass is authorized by a majority vote of 173
the electors voting on the question in the precinct at an election 174
held pursuant to this section or by a majority vote of the 175
electors of the precinct voting on question (C) at a special local 176
option election held in the precinct pursuant to section 4301.35 177
of the Revised Code. Upon the request of an elector, the board of 178
elections of the county that encompasses the precinct shall 179

furnish the elector with a copy of the instructions prepared by 180
the secretary of state under division (P) of section 3501.05 of 181
the Revised Code and, within fifteen days after the request, a 182
certificate of the number of signatures required for a valid 183
petition under this section. 184

Upon the petition of thirty-five per cent of the total number 185
of voters voting in any such precinct for the office of governor 186
at the preceding general election, filed with the board of 187
elections of the county in which such precinct is located not 188
later than ninety days before a general election, the board shall 189
prepare ballots and hold an election at such general election upon 190
the question of allowing spirituous liquor to be sold by the glass 191
in such precinct. The ballots shall be approved in form by the 192
secretary of state. The results of the election shall be certified 193
by the board to the secretary of state, who shall certify the 194
results to the division. 195

(2) No holder of a class D-3 permit issued for a boat or 196
vessel shall sell spirituous liquor in any precinct, in which the 197
election provided for in this section may be held, unless the sale 198
of spirituous liquor by the drink has been authorized by vote of 199
the electors as provided in this section or in section 4301.35 of 200
the Revised Code. 201

(D) Any holder of a C or D permit whose permit premises were 202
purchased in 1986 or 1987 by the state or any state agency for 203
highway purposes shall be issued the same permit at another 204
location notwithstanding any quota restrictions contained in this 205
chapter or in any rule of the liquor control commission. 206

Section 2. That existing section 4303.29 of the Revised Code 207
is hereby repealed. 208