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**TITLE 905 ALCOHOL AND TOBACCO
COMMISSION**

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December 8, 2003

Chairman
c/o George Angelone
Administrative Rules Oversight Committee
302 Statehouse
Indianapolis, Indiana 46204

RE: 905 IAC 1-35.1

Dear Mr. Chairman:

This letter is to notify the Administrative Rules Oversight Committee of changes in progress to the above rule, which establishes procedures governing the issuance of annual race track permits in accordance with IC 7.1-3-6-16 and IC 7.1-3-14-6. Under Ind. Code 4-22-2-19, an agency that adopts a rule must begin the rulemaking process not later than sixty (60) days after the effective date of the statute that authorizes the rule.

IC 7.1-3-6-16 (beer) and IC 7.1-3-14-6 (wine) allowing race tracks to sell alcohol were enacted in 1995. At that time, the cost for a 1, 2, or 3-way permit was based on several factors, including whether the location was in a first, second or third class city, as well as the seating capacity of the venue. As a result, many race track operators would have paid in excess of \$1000-\$1500 for an annual permit if it had existed at the time. A great number of race track operators benefited from simply purchasing temporary permits at a fee of \$25 per event. In 2001, the fee structure was greatly simplified and provided for a separate flat fee for a 1, 2, or 3-way permit which was, in many instances, lower than the total amount of temporary permits purchased on an annual basis. Additionally, the Commission recently decided to increase the cost of a temporary permit from \$25 to \$50, thus doubling the cost for temporary alcohol permits on an annual basis. That, along with the general lowering of annual permit fees has created a renewed interest in the availability of a race track permit.

Please let me know if further information on this rule is needed. I can be reached directly at (317) 232-2472 or via email at mwebb@atc.state.in.us. Thank you very much for your kind attention in this regard.

Very truly yours,

Mark C. Webb
Executive Secretary