

IN THE SENATE

SENATE BILL NO. 1354

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ALCOHOL BEVERAGE CATERING PERMITS; AMENDING SECTION 23-902,
2 IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
3 SECTION 23-934A, IDAHO CODE, TO REVISE PROVISIONS REGARDING ALCOHOL
4 BEVERAGE CATERING PERMITS; AMENDING SECTION 23-934B, IDAHO CODE, TO
5 REVISE PROVISIONS REGARDING FILING AND APPROVAL OF AN APPLICATION FOR
6 AN ALCOHOL BEVERAGE CATERING PERMIT; AND AMENDING SECTION 23-217, IDAHO
7 CODE, TO PROVIDE A CORRECT CODE REFERENCE.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 23-902, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 23-902. DEFINITIONS. The following words and phrases used in this
13 chapter shall be given the following interpretation:

14 (1) "Club" includes any of the following organizations where the sale
15 of spirituous liquor for consumption on the premises is made to members and
16 to bona fide guests of members only:

17 (a) A post, chapter, camp or other local unit composed solely of vet-
18 erans and their duly recognized auxiliary, and which is a post, chap-
19 ter, camp or other local unit composed solely of veterans which has been
20 chartered by the congress of the United States for patriotic, fraternal
21 or benevolent purposes, and which has, as the owner, lessee or occupant,
22 operated an establishment for that purpose in this state; or

23 (b) A chapter, aerie, parlor, lodge or other local unit of an Ameri-
24 can national fraternal organization, which has, as the owner, lessee
25 or occupant, operated an establishment for fraternal purposes in this
26 state and actively operates in not less than thirty-six (36) states or
27 has been in continuous existence for not less than twenty (20) years;
28 and which has ~~not less~~ no fewer than fifty (50) bona fide members in each
29 unit, and which owns, maintains or operates club quarters, and is au-
30 thorized and incorporated to operate as a nonprofit club under the laws
31 of this state, and which has recognized tax exempt status under section
32 501(c) (8) or 501(c) (10) of the Internal Revenue Code, and has been con-
33 tinuously incorporated and operating for a period of not less than one
34 (1) year. The club shall have had, during that period of one (1) year,
35 a bona fide membership with regular meetings conducted at least once
36 each month, and the membership shall be and shall have been actively en-
37 gaged in carrying out the objects of the club. The club membership shall
38 consist of bona fide dues-paying members, recorded by the secretary of
39 the club, paying at least six dollars (\$6.00) per year in dues, payable
40 monthly, quarterly or annually; and the members at the time of applica-
41 tion for a club license shall be in good standing, having paid dues for
42 at least one (1) full year.

1 (2) "Convention" means a formal meeting of members, representatives,
2 or delegates, as of a political party, fraternal society, profession or in-
3 dustry.

4 (3) "Director" means the director of the Idaho state police.

5 (4) "Festival" means a period or program of festive activities, cul-
6 tural events or entertainment lasting three (3) or more consecutive days.

7 (5) "Gaming" means any and all gambling or games of chance defined in
8 chapters 38 and 49, title 18, Idaho Code, or any section or sections thereof,
9 whether those games are licensed or unlicensed.

10 (56) "Interdicted person" means a person to whom the sale of liquor is
11 prohibited under law.

12 (67) "License" means a license issued by the director to a qualified
13 person, under which it shall be lawful for the licensee to sell and dispense
14 liquor by the drink at retail, as provided by law.

15 (78) "Licensee" means the person to whom a license is issued under the
16 provisions of law.

17 (89) "Liquor" means all kinds of liquor sold by and in a state liquor
18 store of the state of Idaho.

19 (910) "Live performance" means a performance occurring in a theater and
20 not otherwise in violation of any provision of Idaho law.

21 (101) "Municipal license" means a license issued by a municipality of
22 the state of Idaho under the provisions of law.

23 (112) "Party" means a social gathering especially for pleasure or
24 amusement and includes, but is not limited to, such social events as wed-
25 dings, birthdays, and special holiday celebrations to include, but not be
26 limited to, New Year's celebrations, Super Bowl Sunday, St. Patrick's Day,
27 the Fourth of July and Labor Day.

28 (123) "Person" means every individual, partnership, corporation,
29 organization, or association holding a retail liquor license, whether con-
30 ducting the business singularly or collectively.

31 (134) "Premises" means the building and contiguous property owned, or
32 leased or used under a government permit by a licensee as part of the busi-
33 ness establishment in the business of sale of liquor by the drink at retail,
34 which property is improved to include decks, docks, boardwalks, lawns, gar-
35 dens, golf courses, ski resorts, courtyards, patios, poolside areas or simi-
36 lar improved appurtenances in which the sale of liquor by the drink at retail
37 is authorized under the provisions of law.

38 (145) "Rules" means rules promulgated by the director in accordance
39 with the provisions of law.

40 (156) "State liquor store" means a liquor store or distributor estab-
41 lished under and pursuant to the laws of the state of Idaho for the package
42 sale of liquor at retail.

43 (167) "Theater" means a room, place or outside structure for perfor-
44 mances or readings of dramatic literature, plays or dramatic representa-
45 tions of an art form not in violation of any provision of Idaho law.

46 (17) All other words and phrases used in this chapter, the definitions of
47 which are not herein given, shall be given their ordinary and commonly under-
48 stood and acceptable meanings.

49 SECTION 2. That Section 23-934A, Idaho Code, be, and the same is hereby
50 amended to read as follows:

1 23-934A. ALCOHOL BEVERAGE CATERING PERMIT -- APPLICATION. An alcohol
 2 beverage catering permit is a permit issued pursuant to this section ~~which~~
 3 that authorizes the permittee to serve and sell liquor by the drink, beer
 4 and wine, or beer, or wine, at a party, festival or convention, and not to
 5 exceed ~~three five (35)~~ consecutive days, with an option to request one (1)
 6 permit extension on the same terms and conditions as the original permit,
 7 which extension may be issued or denied at the sole and absolute discretion
 8 of the original issuing entity. An alcohol beverage catering permit shall be
 9 limited to authorization to sell liquor or beer or wine, or any combination
 10 thereof, based upon the type of license ~~which~~ the applicant possesses. Ap-
 11 plications for such permit shall be made to the city within which the liquor,
 12 beer or wine is to be served, or if not within a city then to the county, on
 13 such form as prescribed by the city or county which shall contain at a mini-
 14 mum, but not limited to, the following information:

15 (1) The name and address of the applicant and the number of his state
 16 liquor, beer or wine license.

17 (2) The dates and hours during which the original permit is to be effec-
 18 tive, not to exceed ~~three five (35)~~ consecutive days.

19 (3) The names of the organizations, groups, or persons sponsoring the
 20 event.

21 (4) The address at which the liquor, beer or wine is to be served, and
 22 if a public building, the rooms in which the liquor, beer or wine is to be
 23 served.

24 The application shall be verified by the applicant and filed with the
 25 appropriate governing body or its designee. A filing fee in the amount of
 26 twenty dollars (\$20.00) for each day the permit is to be effective shall be
 27 paid to the treasury of the governing body which shall not be refunded in any
 28 event. Any alcohol beverage catering permit shall be valid only within the
 29 issuing jurisdiction.

30 No alcohol beverage catering permit issued pursuant to this section
 31 shall be used on a licensed premise. An alcohol beverage catering permit
 32 issued pursuant to this section shall only be exercised by the licensee on
 33 record.

34 SECTION 3. That Section 23-934B, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 23-934B. FILING OF APPLICATION -- APPROVAL. Upon the filing of an ap-
 37 plication for an alcohol beverage catering permit, the city council or its
 38 designee, or county commissioners or their designee receiving the applica-
 39 tion shall, upon the advice and recommendation of the chief of police and
 40 chief of fire or sheriff, approve or disapprove the application and indicate
 41 the determination on the face of the application by ~~indorsement~~ endorsement
 42 signed by the clerk of the city or county. The chief of police and chief of
 43 fire are, or the sheriff is, authorized to endorse an application for an al-
 44 cohol beverage catering permit with sufficient conditions to ensure public
 45 safety. Copies of the application with signed ~~indorsements~~ endorsements
 46 thereon shall be mailed, delivered by electronic mail or delivered immedi-
 47 ately to the chief of police or sheriff, the director and the applicant, and
 48 a signed copy retained by the clerk. An application approved in this manner
 49 shall constitute an alcohol beverage catering permit.

1 SECTION 4. That Section 23-217, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 23-217. SURCHARGE ADDED TO PRICE OF ALCOHOLIC LIQUOR AND ALL OTHER
4 MERCHANDISE SOLD -- COLLECTION AND REMISSION BY DIRECTOR. (1) The director
5 of the division is hereby authorized and directed to include in the price
6 of alcoholic liquor and all other merchandise sold in the division, and its
7 branches, a surcharge equal to two percent (2%) of the current price per unit
8 computed to the nearest multiple of five cents (5¢).

9 (2) After the price of the surcharge has been included, the director of
10 the division is hereby authorized and directed to allow a discount of five
11 percent (5%) from the price of each order of alcoholic liquor and all other
12 merchandise sold to any licensee, as defined in section 23-902(78), Idaho
13 Code.

14 (3) The surcharge imposed pursuant to this section shall be collected
15 and credited monthly to the drug court, mental health court and family court
16 services fund, as set forth in section 1-1625, Idaho Code.