

IN THE SENATE

SENATE BILL NO. 1364

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LIQUOR; AMENDING SECTION 23-904, IDAHO CODE, TO PROVIDE FOR
2 THE AMOUNT OF CERTAIN LICENSE FEES AND TO MAKE TECHNICAL CORRECTIONS;
3 AMENDING SECTION 23-944, IDAHO CODE, TO PROVIDE A CERTAIN EXCEPTION
4 FROM A RESTRICTION ON MINORS ENTERING OR REMAINING ON CERTAIN PREMISES;
5 AND AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW
6 SECTION 23-958, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF A LICENSE FOR
7 HOTELS IN CERTAIN INSTANCES, TO DEFINE A TERM, TO PROVIDE FOR CERTAIN
8 USES AND ACTIVITIES PERMITTED BY A LICENSE, TO PROVIDE FOR FEES, TO PRO-
9 VIDE APPLICABILITY, TO PROVIDE THAT LICENSES SHALL NOT BE TRANSFERABLE
10 AWAY FROM THE PREMISES, AND TO PROVIDE THAT LICENSES SHALL NOT BE DEEMED
11 AS A RESTAURANT LICENSE.
12

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

14 SECTION 1. That Section 23-904, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 23-904. LICENSE FEES. Each licensee licensed under the provisions of
17 this ~~act~~ chapter shall pay an annual license fee to the director as follows:

18 (1) For each license in a city of one thousand (1,000) population or
19 less, three hundred dollars (\$300) per annum.

20 (2) For each license in a city of from one thousand (1,000) to three
21 thousand (3,000) population, five hundred dollars (\$500) per annum.

22 (3) For each license in a city having a population of more than three
23 thousand (3,000), seven hundred fifty dollars (\$750) per annum.

24 (4) For each railroad train for sale only in buffet, club or dining
25 cars, fifty dollars (\$50.00) per annum of the scheduled run of such train
26 within the state of Idaho; provided, that such license shall be in full~~r~~ and
27 in lieu of all other licenses herein provided for.

28 (5) For each common carrier boat line for sale only in buffet, club din-
29 ing rooms, two hundred fifty dollars (\$250) per annum. Such license shall be
30 in full~~r~~ and in lieu of all other licenses herein provided for.

31 (6) For each license issued to the owner, operator, or lessee of a golf
32 course as described in section 23-903, Idaho Code, or to the lessee of any
33 premises situate on such golf course, situate in any county having a popula-
34 tion of:

35 (a) Less than twenty thousand (20,000), two hundred dollars (\$200) per
36 annum;

37 (b) Twenty thousand (20,000) but less than forty thousand (40,000),
38 three hundred dollars (\$300) per annum; and

39 (c) Forty thousand (40,000) or more, four hundred dollars (\$400) per
40 annum.

1 (7) For each common carrier airline for sale only in common carrier air-
 2 craft, two hundred fifty dollars (\$250) per annum. Such license shall be in
 3 full, and in lieu of all other licenses herein provided for.

4 (8) For each license issued to the owner, operator, or lessee of a
 5 restaurant operated on an airport, as described in section 23-903, Idaho
 6 Code, situate within the corporate limits of a city, the fee shall be the same
 7 as provided in paragraphs (1) through (3), inclusive, of this section.

8 (9) For each license issued to the owner, operator, or lessee of a
 9 restaurant operated on an airport, as described in section 23-903, Idaho
 10 Code, situate without the corporate limits of a city, the fee shall be the
 11 same as provided in paragraph (6) of this section. Licenses issued under and
 12 pursuant to the provisions of this ~~act~~ chapter shall expire at 1:00 ~~o'clock~~
 13 a.m. on the first day of January of the following year.

14 (10) For each license issued to an owner or operator of a year-round
 15 resort as described in section 23-957, Idaho Code, a ~~one (1) time onetime~~
 16 fee of twenty-five thousand dollars (\$25,000), with a subsequent renewal
 17 fee of three thousand five hundred dollars (\$3,500) per annum. For each
 18 license issued to an owner or operator of a beverage, lodging or dining fa-
 19 cility within the premises of a year-round resort as described in section
 20 23-957, Idaho Code, a ~~one (1) time onetime~~ fee of twenty-five thousand dol-
 21 lars (\$25,000) with a subsequent renewal fee of three thousand five hundred
 22 dollars (\$3,500) per annum. For each license issued to a lessee of a bever-
 23 age, lodging or dining facility within the premises of the year-round resort
 24 as described in section 23-957, Idaho Code, a ~~one (1) time onetime~~ fee of
 25 twenty-five thousand dollars (\$25,000) with a subsequent renewal fee of
 26 three thousand five hundred dollars (\$3,500) per annum.

27 Provided that any licensee who operates for only a portion of a year may
 28 have his license fee prorated from the date he commences operation to the end
 29 of the calendar year, but in no event for less than six (6) months.

30 In the event a licensee who was previously issued a license on a prorated
 31 basis under the provisions hereof desires to have such license renewed for
 32 the same period for the next succeeding year, he shall file his intention to
 33 so apply for such license with the director, accompanied by the fee required
 34 for the issuance of such license on or before December 31 of the year preced-
 35 ing.

36 (11) For each license issued to the owner, operator, or lessee of a
 37 hotel as described in section 23-958, Idaho Code, or to the lessee of any
 38 premises situate on such hotel, situate in any county having a population of:

39 (a) Less than twenty thousand (20,000), four hundred dollars (\$400) per
 40 annum;

41 (b) Twenty thousand (20,000) but less than forty thousand (40,000), six
 42 hundred dollars (\$600) per annum; and

43 (c) Forty thousand (40,000) or more, eight hundred dollars (\$800) per
 44 annum.

45 The license fees herein provided for are exclusive of and in addition to
 46 other license fees chargeable in the state of Idaho.

47 The basis upon which respective populations of municipalities shall be
 48 determined is the last preceding census or any subsequent special census
 49 conducted by the United States bureau of the census, unless a direct enumer-

1 ation of the inhabitants thereof be made by the state of Idaho, in which case
2 such later direct enumeration shall constitute such basis.

3 SECTION 2. That Section 23-944, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 23-944. EXCEPTIONS FROM RESTRICTION ON ENTERING OR REMAINING. It
6 shall not be unlawful for, nor shall section 23-943, Idaho Code, be construed
7 to restrict, any person under the age of twenty-one (21) years from entering
8 or being:

9 (1) Upon the premises of any restaurant, as herein defined, or in any
10 railroad observation or club car, or any airplane of a commercial airline,
11 or any hotel as defined in section 39-1801, Idaho Code, notwithstanding that
12 such premises may also be licensed for the sale of liquor by the drink or for
13 the sale of beer for consumption on the premises or that alcoholic beverages,
14 or beer, or both, are prepared, mixed or dispensed and served and consumed
15 therein;

16 (2) In any building, a part or portion of which is used as a place, as
17 herein defined, provided such place is separated or partitioned from the re-
18 mainder of said building and access to such place through a doorway or door-
19 ways or other means of ingress can be controlled to prevent persons under the
20 ages specified with respect thereto in section 23-943, Idaho Code, from en-
21 tering therein;

22 (3) In any baseball park, sports arena, convention center, multi-
23 purpose arena, theater, or plaza that is presenting live performances or
24 fairgrounds, notwithstanding that such premises or any portion thereof may
25 be licensed for the sale of liquor by the drink, wine or beer for consumption
26 on the premises or that such products are dispensed and served and consumed
27 therein; provided, that the person under the age of twenty-one (21) years is
28 attending a lawful activity, show, exhibition, performance or event on the
29 premises or is required to be present as a condition of his employment. It is
30 lawful for persons under the age of twenty-one (21) years to enter and remain
31 in a baseball park, sports arena, convention center, multipurpose arena,
32 theater that is presenting live performances or fairgrounds as long as the
33 activity, show, exhibition, performance or event is lawful and the person
34 does not violate section 23-949, Idaho Code;

35 (4) Upon the premises of any licensed brewery or winery notwithstanding
36 that such premises or any portion thereof may also be licensed for the sale of
37 beer or wine for consumption on the premises or that beer or wine is dispensed
38 and served and consumed therein;

39 (5) Upon the licensed premises of a wine retailer, wholly owned and op-
40 erated by a licensed winery that retails exclusively the products of that
41 winery;

42 (6) At a location, other than a liquor, beer, or wine licensed premises,
43 authorized to serve alcoholic beverages under a valid alcohol beverage
44 catering permit; or

45 (7) In any movie theater that is allowed to sell beer or wine for con-
46 sumption on the premises pursuant to a valid license and which movie the-
47 ater had a license that was valid and not suspended or revoked on January 1,
48 2006, or any other theater or movie theater built prior to January 1, 1950,
49 and listed on the national register of historic places. No films, still pic-

1 tures, electronic reproductions or other visual reproductions that are in
2 violation of chapter 41, title 18, Idaho Code (indecent and obscenity), or
3 are in violation of federal law regarding pornography, indecent or obscen-
4 ity shall be shown or displayed on the premises. As used in this subsection,
5 "movie theater" means a motion picture theater that is being utilized solely
6 for exhibition of a motion picture.

7 SECTION 3. That Chapter 9, Title 23, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 23-958, Idaho Code, and to read as follows:

10 23-958. HOTELS -- LICENSING. (1) Nothing contained in this chapter
11 shall prohibit the issuance of a license to the owner, operator, or lessee of
12 a hotel, even if situated outside the incorporated limits of a city.

13 (2) As used in this section, "hotel" means an actual building or struc-
14 ture kept, used, maintained, or advertised as an inn, hotel, or public lodg-
15 ing house, or place where sleeping accommodations are furnished for hire to
16 transient guests, in which more than seventy-five (75) rooms are used for the
17 accommodation of such guests and that has a minimum of one thousand five hun-
18 dred (1,500) square feet of meeting space, exclusive of space dedicated by
19 the licensee to a commercial kitchen. The commercial kitchen must include a
20 type 1 commercial hood and cooking equipment, exclusive of microwave ovens
21 and grills.

22 (3) Except as provided in subsection (4) of this section, a license is-
23 sued pursuant to this section shall be used for catering events on the hotel
24 premises, including but not limited to banquets, dinners, receptions, and
25 conventions.

26 (4) The following activities shall be permitted upon issuance of a li-
27 cense pursuant to this section:

28 (a) The purchase of alcoholic beverages from an in-room minibar or via
29 room service;

30 (b) The taking of alcoholic beverages purchased in the lobby to the ho-
31 tel room of a guest; and

32 (c) The establishment and operation of a lounge in the lobby, wholly
33 owned and operated by the hotel, that serves alcoholic beverages for
34 purchase.

35 (5) The fees for licenses granted pursuant to this section shall be as
36 set forth in section 23-904(11), Idaho Code.

37 (6) The provisions of section 23-910, Idaho Code, shall apply to li-
38 censes issued pursuant to this section.

39 (7) Licenses issued pursuant to this section shall not be transferable
40 away from the hotel premises.

41 (8) No license issued pursuant to this section shall be deemed or used
42 as a license issued to a restaurant under section 23-946, Idaho Code.