

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 362, As Amended in the Senate

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING SECTION 23-902,  
IDAHO CODE, TO REVISE THE DEFINITION OF "PERSON" AND TO MAKE A TECHNICAL  
CORRECTION; AND DECLARING AN EMERGENCY.

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

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

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

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

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

(b) A chapter, aerie, parlor, lodge or other local unit of an Ameri-  
can national fraternal organization, which has as the owner, lessee  
or occupant, operated an establishment for fraternal purposes in this  
state and actively operates in not less than thirty-six (36) states or  
has been in continuous existence for not less than twenty (20) years;  
and which has not less than fifty (50) bona fide members in each unit,  
and which owns, maintains or operates club quarters, and is autho-  
rized and incorporated to operate as a nonprofit club under the laws of  
this state, and which has recognized tax exempt status under section  
501(c) (8) or 501(c) (10) of the Internal Revenue Code, and has been con-  
tinuously incorporated and operating for a period of not less than one  
(1) year. The club shall have had during that period of one (1) year, a  
bona fide membership with regular meetings conducted at least once each  
month, and the membership shall be and shall have been actively engaged  
in carrying out the objects of the club. The club membership shall  
consist of bona fide dues paying members, recorded by the secretary of  
the club, paying at least six dollars (\$6.00) per year in dues, payable  
monthly, quarterly or annually; and the members at the time of applica-  
tion for a club license shall be in good standing, having paid dues for  
at least one (1) full year.

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

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

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

4 (5) "Interdicted person" means a person to whom the sale of liquor is  
5 prohibited under law.

6 (6) "License" means a license issued by the director to a qualified per-  
7 son, under which it shall be lawful for the licensee to sell and dispense  
8 liquor by the drink at retail, as provided by law.

9 (7) "Licensee" means the person to whom a license is issued under the  
10 provisions of law.

11 (8) "Liquor" means all kinds of liquor sold by and in a state liquor  
12 store of the state of Idaho.

13 (9) "Live performance" means a performance occurring in a theater and  
14 not otherwise in violation of any provision of Idaho law.

15 (10) "Municipal license" means a license issued by a municipality of the  
16 state of Idaho under the provisions of law.

17 (11) "Party" means a social gathering especially for pleasure or amuse-  
18 ment and includes, but is not limited to, such social events as weddings,  
19 birthdays, and special holiday celebrations to include, but not be limited  
20 to, New Year's celebrations, Super Bowl Sunday, St. Patrick's Day, the  
21 Fourth of July and Labor Day.

22 (12) "Person" means ~~every any individual, partnership, corporation,~~  
23 ~~organization, or association holding a retail liquor license~~ business cor-  
24 poration, nonprofit corporation, benefit corporation as defined in section  
25 30-2002(1), Idaho Code, partnership, limited partnership, limited liabil-  
26 ity company, general cooperative association, limited cooperative asso-  
27 ciation, estate, unincorporated nonprofit association, statutory trust,  
28 business trust, common-law business trust, estate trust, association,  
29 joint venture, public corporation, government or governmental subdivision,  
30 agency or instrumentality, any entity defined in section 30-21-102, Idaho  
31 Code, or any other commercial entity, whether conducting the business sin-  
32 gularly or collectively.

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

40 (14) "Rules" means rules promulgated by the director in accordance with  
41 the provisions of law.

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

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

48 (17) All other words and phrases used in this chapter, the definitions  
49 of which are not herein given, shall be given their ordinary and commonly un-  
50 derstood and acceptable meanings.

1           SECTION 2. An emergency existing therefor, which emergency is hereby  
2 declared to exist, this act shall be in full force and effect on and after its  
3 passage and approval.