

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 215

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LIQUOR LICENSES; AMENDING SECTION 23-957, IDAHO CODE, TO REVISE
2 THE NUMBER OF YEAR-ROUND LIQUOR LICENSES THAT MAY BE ISSUED UPON CERTAIN
3 CIRCUMSTANCES; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDI-
4 TION OF A NEW SECTION 23-958, IDAHO CODE, TO PROVIDE FOR A RESORT CITY
5 CONFERENCE AND EVENT CENTER LIQUOR LICENSE, TO DEFINE A TERM AND TO ES-
6 TABLISH PROVISIONS FOR RENEWAL; AND AMENDING CHAPTER 9, TITLE 23, IDAHO
7 CODE, BY THE ADDITION OF A NEW SECTION 23-959, IDAHO CODE, TO PROVIDE FOR
8 A RESORT CITY RESTAURANT LIQUOR LICENSE, TO PROVIDE FEES, TO PROVIDE RE-
9 STRICTIONS, TO DEFINE A TERM AND TO ESTABLISH PROVISIONS FOR RENEWAL.
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11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Section 23-957, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 23-957. YEAR-ROUND RESORT LIQUOR LICENSE. (1) Nothing in this chap-
15 ter shall prohibit the issuance of not more than twelve (12) licenses to the
16 owner, operator or lessee of beverage, lodging or dining facilities located
17 and operated within the ownership or leasehold premises of a year-round re-
18 sort.

19 (2) Nothing contained in this chapter shall prohibit the issuance of
20 a license to the owner, operator or lessee of a golf course, ski resort,
21 cross-country skiing facility or waterfront resort, as defined in sections
22 23-903, 23-903a and 23-948, Idaho Code, located within the ownership or
23 leasehold premises of a year-round resort, provided that such license shall
24 count against the maximum number of licenses allowed by subsection (1) of
25 this section.

26 (3) No license issued to the owner, operator or lessee of beverage,
27 lodging or dining facilities located and operated within the ownership or
28 leasehold premises of a year-round resort shall be transferable to another
29 location or facility located outside the ownership or leasehold premises of
30 the year-round resort.

31 (4) The fees for licenses granted to the owner, operator or lessee
32 of beverage, lodging or dining facilities located and operated within the
33 ownership or leasehold premises of a year-round resort shall be the same as
34 those prescribed for year-round resorts in section 23-904(10), Idaho Code.

35 (5) "Year-round resort" means a resort open to the public year around
36 which offers all of the following within the ownership or leasehold premises
37 of the resort:

38 (a) Cross-country skiing on not less than thirty (30) kilometers of
39 groomed cross-country skiing trails;

40 (b) Alpine skiing on real property of not less than eight hundred fifty
41 (850) acres, operating two (2) or more chair lifts with a vertical lift
42 of two thousand eight hundred (2,800) feet or more, and having operating

1 snowmaking equipment providing coverage to at least seventy-five (75)
2 acres of skiing;

3 (c) A golf course having:

4 (i) No less than eighteen (18) holes with greens, fairways and
5 tees laid out and used in the usual and regular manner of a golf
6 course;

7 (ii) A total distance of seven thousand (7,000) yards as measured
8 by totaling the tee-to-green distance of all holes; and

9 (iii) The course planted in grass;

10 (d) Mountain bike activities which include at least twelve (12) miles
11 of single track trails, chair lift served access to at least two thou-
12 sand eight hundred (2,800) feet of vertical descent and a full service
13 bike rental and repair facility; and

14 (e) At least seventy (70) private residences and accommodations avail-
15 able to provide overnight lodging and dining facilities serving at
16 least two (2) meals per day for at least five hundred (500) persons lo-
17 cated within the ownership or leasehold premises of the resort.

18 (6) Upon application for issuance of a license pursuant to section
19 23-958 or 23-959, Idaho Code, and upon approval of said application by the
20 director, the number of licenses authorized but not issued pursuant to sub-
21 section (1) of this section shall be reduced by the number of licenses issued
22 pursuant to section 23-958 or 23-959, Idaho Code. Provided however, the num-
23 ber of licenses authorized pursuant to subsection (1) of this section shall
24 not be reduced to less than eight (8) authorized licenses.

25 SECTION 2. That Chapter 9, Title 23, Idaho Code, be, and the same is
26 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
27 ignated as Section 23-958, Idaho Code, and to read as follows:

28 23-958. RESORT CITY CONFERENCE AND EVENT CENTER -- LICENSING. (1)
29 Nothing contained in this chapter shall prohibit the issuance of a license
30 to the owner, operator or lessee of a resort city conference and event cen-
31 ter located within the city limits of a resort city, as defined in section
32 50-1044, Idaho Code, that has enacted local-option nonproperty taxes in
33 accordance with section 50-1046, Idaho Code, including, at the time of is-
34 suance of a resort conference and event center license as provided herein,
35 a resort city tax on sales of liquor by the drink, and wine and beer sold at
36 retail is applicable to such sales made upon the resort city conference and
37 event center licensed premises. A licensee licensed under the provisions of
38 this section shall pay an annual license fee to the director as set forth in
39 section 23-904(1), (2) or (3), Idaho Code, depending on the population of the
40 resort city in which the resort city conference and event center is situated,
41 and to the city and county, as provided in section 23-916, Idaho Code.

42 (2) For the purposes of this section, a "resort city conference and
43 event center" means facilities situated on premises consisting of a building
44 or buildings, and the contiguous property owned or leased and under common
45 ownership or control by the licensee, which facility provides space for
46 conferences and events and a restaurant with a commercial kitchen that shall
47 include a type one (1) commercial hood and cooking equipment, exclusive of
48 microwave ovens and grills. The premises shall provide not less than four
49 thousand (4,000) square feet of enclosed space, for conference and event

1 purposes, exclusive of space dedicated by the licensee to the commercial
2 kitchen on the premises.

3 (3) A resort city conference and event center license issued pursuant
4 to this section may be renewed from year to year without regard to the popula-
5 tion or status of the city for which the license was issued and without regard
6 for the continuation of local-option nonproperty taxes by the city, provided
7 the applicant for renewal is not otherwise disqualified from licensure pur-
8 suant to section 23-910, Idaho Code. A resort city conference and event cen-
9 ter license shall not be transferable to any other location.

10 SECTION 3. That Chapter 9, Title 23, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 23-959, Idaho Code, and to read as follows:

13 23-959. RESORT CITY RESTAURANT -- LICENSING. (1) Nothing contained in
14 this chapter shall prohibit the issuance of a license to the owner, operator
15 or lessee of a resort city restaurant located within city limits of a resort
16 city, as defined in section 50-1044, Idaho Code, that has passed an authoriz-
17 ing ordinance and has enacted local option nonproperty taxes in accordance
18 with section 50-1046, Idaho Code, including, at the time of issuance of a re-
19 sort city restaurant as provided herein, a resort city tax on sales on liquor
20 by the drink, and wine and beer sold at retail is applicable to such sales
21 made upon the resort city restaurant.

22 (2) A licensee licensed under the provisions of this section shall:

23 (a) Pay an annual license fee to the director as set forth in section
24 23-904(1), (2) or (3), Idaho Code, depending on the population of the
25 resort city in which the resort city restaurant is located, and to the
26 city and county as provided in section 23-916, Idaho Code; and

27 (b) Sell liquor by the drink only during the hours that meals are
28 served, except no sales may be made before 11:00 a.m. or after 10:00
29 p.m.

30 (3) For the purposes of this section, a "resort city restaurant" means
31 a restaurant that has a commercial kitchen that shall include a type one (1)
32 commercial hood and cooking equipment, exclusive of microwave ovens and
33 grills, and that derives at least sixty percent (60%) of its gross revenue
34 from the sale of on-site meals.

35 (4) A resort city restaurant license issued pursuant to this section
36 may be renewed from year-to-year without regard to the population or status
37 of the city for which the license was issued without regard for the continu-
38 ation of local-option nonproperty taxes by the city, provided the applicant
39 for renewal is not otherwise disqualified from licensure pursuant to section
40 23-910, Idaho Code. A resort city restaurant license shall not be transfer-
41 able to any other location.