

IN THE SENATE

SENATE BILL NO. 1250

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LIQUOR; AMENDING SECTION 23-948, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSES FOR WATERFRONT RESORTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 23-948, Idaho Code, be, and the same is hereby amended to read as follows:

23-948. WATERFRONT RESORTS -- LICENSING EVEN IF OUTSIDE CORPORATE LIMITS OF CITY. (a) Nothing contained in section 23-903, Idaho Code, shall prohibit the issuance of a license to the owner, operator or a lessee of located at a waterfront resort, even if situated outside the incorporated limits of a city. The provisions of section 23-910, Idaho Code, shall apply to licenses issued under the provisions of this section. For the purpose of this section, a waterfront resort shall comprise real property with not less than two hundred (200) feet of lake frontage upon a lake or reservoir as defined by the army corps of engineers of not less than one hundred sixty (160) acres, or river frontage upon a river with at least an average six (6) months' flow of eleven thousand (11,000) cubic feet per second, ~~and or an average four (4) months' flow of one thousand five hundred (1,500) cubic feet per second if the river is directly impacted by a seasonal irrigation diversion via irrigation canal as specifically listed in the United States bureau of reclamation hydromet-reservoir storage "teacup" diagrams for the Columbia-Pacific Northwest region.~~ For the purpose of complying with the provisions of this section, the flow measurement shall be taken from the closest downstream measuring station listed in the United States bureau of reclamation hydromet-reservoir storage "teacup" diagrams for the Columbia-Pacific Northwest region. A waterfront resort shall be open to the public, ~~where people assemble for the purpose of vacationing~~ recreating, boating, or fishing, and each waterfront resort located on a lake must have suitable docks or permanent improved boat-launching facilities not less than sixteen (16) feet in width on property owned or leased by the resort operator or on property contiguous thereto owned by this state; the county; the city, if within a city; or the federal government open to the public for recreational uses ~~for the purpose of caring for vacationers, or other recreational users~~ and either of the following:

- (1) Hotel or motel accommodations for not less than fifty (50) persons, including a full-service restaurant that serves regularly at least two (2) meals per day to the public during a continuous period of at least four (4) months per year; or
- (2) A building of not less than three thousand (3,000) square feet of public use floor space, including a full-service restaurant that serves regularly at least two (2) meals per day to the public during a contin-

1           uous period of at least four (4) months per year and paved or ~~gravelled~~  
2           graveled parking for fifty (50) automobiles on the operator's owned or  
3           leased property ~~and any contiguous property upon which are the docks or~~  
4           ~~boat-launching facilities described in this subsection.~~

5           (b) For purposes of satisfying the requirements of subsection (a) of  
6 this section, an otherwise qualifying applicant shall not be deemed in-  
7 eligible for a waterfront resort license because a public right-of-way  
8 runs directly between, and contiguous to, the real property upon which the  
9 restaurant is located and the real property containing the required water  
10 frontage.

11           (c) The fees for licenses granted under the provisions of this section  
12 shall be the same as those prescribed for golf courses as set forth in section  
13 23-904, Idaho Code, unless said resort is located within the corporate lim-  
14 its of a city or village, in which case the license fee shall be the same as  
15 for other licensees within such corporate limits.

16           (d) The provisions of this section shall not be construed to interfere  
17 with the privileges of the holder of a waterfront resort license issued under  
18 this section prior to the effective date of this section.

19           (e) Licenses issued pursuant to this section shall remain valid and may  
20 be transferred according to the provisions of this chapter even if the lake,  
21 reservoir or river on which the waterfront resort is situated ceases to meet  
22 or, subsequent to first issuance or any renewal thereof, is found not to have  
23 met the applicable waterflow or lake acreage requirements, but otherwise met  
24 and meets upon issuance or renewal all other applicable requirements pro-  
25 vided in subsection (a) of this section.

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