

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 258

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ALCOHOL; AMENDING SECTION 23-948, IDAHO CODE, TO PROVIDE THAT CERTAIN APPLICANTS SHALL NOT BE DEEMED INELIGIBLE FOR A WATERFRONT RESORT LIQUOR LICENSE AND TO MAKE TECHNICAL CORRECTIONS.

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 lessee of 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 shall be open to the public, where people assemble for the purpose of vacationing, boating or fishing, and each waterfront resort 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 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 continuous period of at least four (4) months per year and paved or gravelled parking for fifty (50) automobiles on the operator's owned or leased property and any contiguous property upon which are the docks or boat-launching facilities described above in this subsection.

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

1       (c) The fees for licenses granted under the provisions of this section  
2 shall be the same as those prescribed for golf courses as set forth in section  
3 23-904, Idaho Code, unless said resort is located within the corporate lim-  
4 its of a city or village, in which case the license fee shall be the same as  
5 for other licensees within such corporate limits.

6       (ed) The provisions of this section shall not be construed to interfere  
7 with the privileges of the holder of a lake resort license issued under this  
8 section prior to the effective date of this section.

9       (de) Licenses issued pursuant to this section shall remain valid and  
10 may be transferred according to the provisions of this chapter even if the  
11 lake, reservoir or river on which the waterfront resort is situated ceases to  
12 meet the requirements provided in subsection (a) of this section.