

IN THE SENATE

SENATE BILL NO. 1047

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ALCOHOL; AMENDING SECTION 23-948, IDAHO CODE, TO PROVIDE FOR  
2 PROPERTY OWNED BY A COUNTY OR CITY, TO REVISE TERMINOLOGY, TO PROVIDE  
3 THAT LICENSES ISSUED SHALL REMAIN VALID AND MAY BE TRANSFERRED IN CER-  
4 TAIN INSTANCES, AND TO MAKE TECHNICAL CORRECTIONS.  
5

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

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

9 23-948. WATERFRONT RESORTS -- LICENSING EVEN IF OUTSIDE CORPORATE  
10 LIMITS OF CITY. (a) Nothing contained in section 23-903, Idaho Code, shall  
11 prohibit the issuance of a license to the owner, operator or lessee of a wa-  
12 terfront resort, even if situated outside the incorporated limits of a city.  
13 The provisions of section 23-910, Idaho Code, shall apply to licenses issued  
14 under the provisions of this section. For the purpose of this section, a wa-  
15 terfront resort shall comprise real property with not less than two hundred  
16 (200) feet of lake frontage upon a lake or reservoir as defined by the army  
17 corps of engineers of not less than one hundred sixty (160) acres, or river  
18 frontage upon a river with at least an average six (6) months' flow of eleven  
19 thousand (11,000) cubic feet per second, and shall be open to the public,  
20 where people assemble for the purpose of vacationing, boating or fishing,  
21 and each waterfront resort must have suitable docks or permanent improved  
22 boat-launching facilities not less than sixteen (16) feet in width on prop-  
23 erty owned or leased by the resort operator or on property contiguous thereto  
24 owned by this state; the county; city, if within a city; or the federal gov-  
25 ernment open to the public for recreational uses for the purpose of caring  
26 for vacationers, or other recreational users and either of the following:

27 (1) Hotel or motel accommodations for not less than fifty (50) persons,  
28 including a full-service restaurant that serves regularly at least two  
29 (2) meals per day to the public during a continuous period of at least  
30 four (4) months per year; or

31 (2) A building of not less than three thousand (3,000) square feet  
32 of public use floor space, including a full-service restaurant that  
33 serves regularly at least two (2) meals per day to the public during  
34 a continuous period of at least four (4) months per year and paved or  
35 gravelled parking for fifty (50) automobiles on the operator's owned or  
36 leased property and any contiguous property upon which are the docks or  
37 boat-launching facilities described above in this subsection.

38 (b) The fees for licenses granted under the provisions of this section  
39 shall be the same as those prescribed for golf courses as set forth in section  
40 23-904, Idaho Code, unless said resort is located within the corporate lim-  
41 its of a city or village, in which case the license fee shall be the same as  
42 for other licensees within such corporate limits.

1 (c) The provisions of this section shall not be construed to interfere  
2 with the privileges of the holder of a lake waterfront resort license issued  
3 under this section prior to the effective date of this section.

4 (d) Licenses issued pursuant to this section shall remain valid and may  
5 be transferred according to the provisions of this chapter even if the lake,  
6 reservoir or river on which the waterfront resort is situated ceases to meet  
7 or, subsequent to first issuance or any renewal thereof, is found not to have  
8 met the applicable waterflow or lake acreage requirements, but otherwise met  
9 and meets upon issuance or renewal all other applicable requirements pro-  
10 vided in subsection (a) of this section.