

IN THE SENATE

SENATE BILL NO. 1141

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LIQUOR; AMENDING SECTION 23-948, IDAHO CODE, TO REVISE A PROVI-
2 SION REGARDING LICENSES FOR WATERFRONT RESORTS AND TO MAKE TECHNICAL
3 CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
4 DATE.
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 or an average four (4) months'~~
20 flow of one thousand five hundred (1,500) cubic feet per second if the river
21 is directly impacted by a seasonal irrigation diversion via irrigation
22 canal as specifically listed in the United States bureau of reclamation
23 hydromet-reservoir storage "teacup" diagrams for the Columbia-Pacific
24 Northwest region. For the purpose of complying with the provisions of this
25 section, the flow measurement shall be taken from the closest upstream
26 measuring station listed in the United States bureau of reclamation hy-
27 dromet-reservoir storage "teacup" diagrams for the Columbia-Pacific North-
28 west region. A waterfront resort shall be open to the public, where people
29 assemble for the purpose of vacationing, boating or fishing, and each water-
30 front resort must have suitable docks or permanent improved boat-launching
31 facilities not less than sixteen (16) feet in width on property owned or
32 leased by the resort operator or on property contiguous thereto owned by this
33 state; the county; the city, if within a city; or the federal government open
34 to the public for recreational uses for the purpose of caring for vacation-
35 ers, or other recreational users and either of the following:

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

40 (2) A building of not less than three thousand (3,000) square feet of
41 public use floor space, including a full-service restaurant that serves
42 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
28 July 1, 2023.