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HOUSE BILL 17-1120

BY REPRESENTATIVE(S) Willett, Arndt, Becker K.;
also SENATOR(S) Coram.

CONCERNING THE DESIGNATION OF A CAMPUS LIQUOR COMPLEX ON THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION THAT IS LICENSED TO SERVE ALCOHOL BEVERAGES FOR CONSUMPTION ON THE LICENSED PREMISES TO ALLOW THE INSTITUTION TO OBTAIN PERMITS TO SERVE ALCOHOL BEVERAGES AT OTHER FACILITIES WITHIN ITS CAMPUS LIQUOR COMPLEX, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 12-47-103, **amend** the introductory portion; and **add** (5.4) and (5.6) as follows:

12-47-103. Definitions. As used in this ~~article~~ ARTICLE 47 and article 46 of this ~~title~~ TITLE 12, unless the context otherwise requires:

(5.4) "CAMPUS" MEANS PROPERTY OWNED OR USED BY AN INSTITUTION OF HIGHER EDUCATION TO REGULARLY PROVIDE STUDENTS WITH EDUCATION, HOUSING, OR COLLEGE ACTIVITIES.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(5.6) "CAMPUS LIQUOR COMPLEX" MEANS AN AREA WITHIN A CAMPUS THAT IS LICENSED TO SERVE ALCOHOL UNDER SECTION 12-47-411 (2.5).

SECTION 2. In Colorado Revised Statutes, 12-47-301, **amend** (3)(a) as follows:

12-47-301. Licensing in general. (3) (a) Each license issued under this ~~article~~ ARTICLE 47 and article 46 of this ~~title~~ TITLE 12 is separate and distinct. It is unlawful for any person to exercise any of the privileges granted under any license other than that which the person holds or for any licensee to allow any other person to exercise such privileges granted under the licensee's license, except as provided in section 12-46-104 (1)(a), 12-47-402 (2.5), 12-47-403 (2)(a), 12-47-403.5, or 12-47-415 (1)(b). A separate license ~~shall~~ MUST be issued for each specific business or business entity and each ~~geographical~~ GEOGRAPHIC location, and in said license the particular alcohol beverages the applicant is authorized to manufacture or sell ~~shall~~ MUST be named and described. For purposes of this section, a resort complex with common ownership, A CAMPUS LIQUOR COMPLEX, a hotel and restaurant licensee with optional premises, an optional premises licensee for optional premises located on an outdoor sports and recreational facility, and a wine festival at which more than one licensee participates pursuant to a wine festival permit ~~shall be~~ IS considered a single business and location.

SECTION 3. In Colorado Revised Statutes, 12-47-313, **amend** (1)(d)(I) as follows:

12-47-313. Restrictions for applications for new license. (1) No application for the issuance of any license specified in section 12-47-309 (1) or 12-46-107 (1) shall be received or acted upon:

(d) (I) If the building in which the alcohol beverages are to be sold pursuant to a license described in section 12-47-309 (1) is located within five hundred feet of any public or parochial school or the principal campus of any college, university, or seminary; except that this ~~provision shall~~ SUBSECTION (1)(d)(I) DOES not:

(A) Affect the renewal or reissuance of a license once granted; ~~or~~

(B) Apply to licensed premises located or to be located on land owned by a municipality; ~~or~~

(C) Apply to an existing licensed premises on land owned by the state; ~~or~~

(D) Apply to a liquor license in effect and actively doing business before the principal campus was constructed; ~~or~~

(E) Apply to any club located within the principal campus of any college, university, or seminary that limits its membership to the faculty or staff of the institution; OR

(F) APPLY TO A CAMPUS LIQUOR COMPLEX.

SECTION 4. In Colorado Revised Statutes, 12-47-411, **amend** (2)(e) introductory portion; and **add** (2.5) as follows:

12-47-411. Hotel and restaurant license - definition - rules.

(2) (e) For purposes of this ~~section~~ SUBSECTION (2), "related facility" means those areas, as approved by the state and local licensing authorities, that are contiguous or adjacent to the resort hotel and that are owned by or under the exclusive possession and control of the resort complex licensee. Related facilities shall include:

(2.5) (a) AN INSTITUTION OF HIGHER EDUCATION, OR A PERSON WHO CONTRACTS WITH THE INSTITUTION TO PROVIDE FOOD SERVICES, THAT IS LICENSED UNDER THIS SECTION MAY APPLY TO BE DESIGNATED A CAMPUS LIQUOR COMPLEX AT THE TIME OF INITIAL LICENSURE OR UPON LICENSE RENEWAL.

(b) A LICENSEE SHALL DESIGNATE ITS PRINCIPAL LICENSED PREMISES AND ADDITIONAL SEPARATE, RELATED FACILITIES THAT ARE LOCATED WITHIN THE CAMPUS LIQUOR COMPLEX. THE LICENSEE MAY IDENTIFY EACH RELATED FACILITY THAT SERVES ALCOHOL AT THE TIME OF INITIAL LICENSURE OR UPON LICENSE RENEWAL. TO BE APPROVED FOR A CAMPUS LIQUOR COMPLEX RELATED FACILITY PERMIT, EACH RELATED FACILITY MUST BE CLEARLY IDENTIFIED BY ITS GEOGRAPHIC LOCATION WITHIN THE BOUNDARIES OF THE CAMPUS, INCLUDING THE SPECIFIC POINT OF SERVICE, AND EACH AREA WHERE ALCOHOL BEVERAGES ARE CONSUMED MUST BE

CLEARLY IDENTIFIED BY A DESCRIPTION AND MAP OF THE AREA.

(c) A LICENSEE MAY APPLY FOR A RELATED FACILITY PERMIT FOR EACH RELATED FACILITY WITHIN THE CAMPUS LIQUOR COMPLEX AT THE TIME OF INITIAL LICENSURE, UPON LICENSE RENEWAL, OR AT ANY TIME UPON APPLICATION BY THE LICENSEE.

(d) (I) TO BE PERMITTED, EACH RELATED FACILITY MUST REMAIN AT ALL TIMES UNDER THE OWNERSHIP OR CONTROL OF THE LICENSEE. A LICENSEE THAT SUBLETS OR TRANSFERS OWNERSHIP OF, OR CHANGES CONTROL OF, A RELATED FACILITY WITHOUT NOTIFYING AND OBTAINING APPROVAL FROM STATE AND LOCAL LICENSING AUTHORITIES VIOLATES THIS ARTICLE 47, AND THE VIOLATION IS GROUNDS FOR DENIAL, SUSPENSION, REVOCATION, OR CANCELLATION OF THE CAMPUS LIQUOR COMPLEX LICENSE AND ALL RELATED FACILITY PERMITS IN ACCORDANCE WITH SECTION 12-47-601.

(II) THE INSTITUTION OF HIGHER EDUCATION SHALL DESIGNATE A MANAGER FOR THE CAMPUS LIQUOR COMPLEX AND FOR EACH RELATED FACILITY.

(e) EXCEPT AS PROVIDED IN THIS SUBSECTION (2.5), FOR VIOLATIONS OF THIS ARTICLE 47 AND RULES PROMULGATED UNDER THIS ARTICLE 47 THAT ARE INTENTIONALLY AUTHORIZED BY THE OWNERSHIP OR MANAGEMENT OF A RELATED FACILITY, EACH RELATED FACILITY IS DEEMED SEPARATELY PERMITTED FOR THE PURPOSE OF APPLICATION OF THE SANCTIONS AUTHORIZED UNDER SECTION 12-47-601.

(f) FOR PURPOSES OF THIS SUBSECTION (2.5), "RELATED FACILITY" MEANS THOSE AREAS APPROVED BY THE STATE AND LOCAL LICENSING AUTHORITIES THAT ARE ON THE CAMPUS OF THE INSTITUTION OF HIGHER EDUCATION LICENSED UNDER THIS SECTION AND THAT ARE OWNED BY OR UNDER THE EXCLUSIVE POSSESSION AND CONTROL OF THE INSTITUTION OF HIGHER EDUCATION HOLDING THE LICENSE. RELATED FACILITIES INCLUDE AN AREA OR FACILITY OPERATED UNDER A SEPARATE TRADE NAME.

SECTION 5. In Colorado Revised Statutes, 12-47-501, **amend** (1) introductory portion; and **add** (1)(h.6) as follows:

12-47-501. State fees. (1) The APPLICANT SHALL PAY THE

following license and permit fees ~~shall be paid~~ to the department of revenue annually in advance:

(h.6) FOR EACH RELATED FACILITY PERMIT, SEVENTY-FIVE DOLLARS PER RELATED FACILITY AS DEFINED IN SECTION 12-47-411 (2.5)(f);

SECTION 6. In Colorado Revised Statutes, 12-47-505, **amend** (1) introductory portion; and **add** (1)(q) as follows:

12-47-505. Local license fees. (1) The APPLICANT SHALL PAY THE following license fees ~~shall be paid~~ to the treasurer of the municipality, city and county, or county where the licensed premises is located annually in advance:

(q) FOR EACH RELATED FACILITY PERMIT, ONE HUNDRED DOLLARS PER RELATED FACILITY AS DEFINED IN SECTION 12-47-411 (2.5)(f).

SECTION 7. In Colorado Revised Statutes, 12-48-103, **amend** (2)(a) as follows:

12-48-103. Grounds for issuance of special permits. (2) (a) A special event permit may be issued under this section notwithstanding the fact that the special event is to be held on premises licensed under the provisions of section 12-47-403, 12-47-403.5, 12-47-411 (2.5), 12-47-416, 12-47-417, or 12-47-422. The holder of a special event permit issued pursuant to this subsection (2) ~~shall be~~ IS responsible for any violation of article 47 of this title.

SECTION 8. Appropriation. For the 2017-18 state fiscal year, \$22,150 is appropriated to the department of revenue for use by the liquor and tobacco enforcement division. This appropriation is from the liquor enforcement division and state licensing authority cash fund created in section 24-35-401, C.R.S. To implement this act, the division may use this appropriation for personal services.

SECTION 9. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state

constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO