

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 14, 2017
Date

Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

SB17-134 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend printed bill, page 2, lines 19 and 20, strike "~~fine accepted~~
2 LICENSEE shall ~~be the~~ ACCEPT A FINE" and substitute "fine accepted shall
3 be the".

4 Page 3, strike lines 2 through 14 and substitute:

5 "(7.5) (a) THE FOLLOWING APPLIES ONLY IF THE LICENSING
6 AUTHORITY HAS DECIDED TO IMPOSE A SUSPENSION FOR A VIOLATION OF
7 SECTION 12-47-901 (1)(a), (1)(a.5), OR (5)(a)(I) THAT OCCURS IN A SALES
8 ROOM FOR A LICENSEE OPERATING PURSUANT TO SECTION 12-47-402 (2)
9 OR (6), 12-47-403 (2)(e), OR 12-47-406 (1)(b):

10 (I) IF THE LICENSING AUTHORITY DECIDES TO ACCEPT A FINE IN
11 LIEU OF A LICENSE SUSPENSION, THE LICENSING AUTHORITY SHALL ONLY
12 INCLUDE IN THE COMPUTATION OF THE FINE THE ESTIMATED GROSS
13 REVENUES OF THE RETAIL SALES OF THE SALES ROOM WHERE THE
14 VIOLATION OCCURRED, AND NOT ANY MANUFACTURING OR WHOLESALE
15 ACTIVITIES OF THE LICENSEE; EXCEPT THAT THE FINE MUST BE BETWEEN
16 TWO HUNDRED AND FIVE THOUSAND DOLLARS; AND

17 (II) IF THE LICENSING AUTHORITY DECLINES TO ACCEPT A FINE, IT
18 SHALL LIMIT ANY SUSPENSION TO THE DESIGNATED PREMISES FOR THE
19 SALES ROOM WHERE THE VIOLATION OCCURRED, AND NOT ANY
20 MANUFACTURING OR WHOLESALE ACTIVITIES OF THE LICENSEE.

21 (b) THE FOLLOWING APPLIES ONLY IF THE LICENSING AUTHORITY

1 HAS DECIDED TO IMPOSE A SUSPENSION FOR A VIOLATION OF SECTION
2 12-47-901 (1)(a), (1)(a.5), OR (5)(a)(I) THAT OCCURS IN A RETAIL
3 ESTABLISHMENT FOR LICENSEES OPERATING PURSUANT TO SECTION
4 12-47-415, 12-47-420, OR 12-47-424:

5 (I) IF THE LICENSING AUTHORITY DECIDES TO ACCEPT A FINE IN
6 LIEU OF A LICENSE SUSPENSION, THE LICENSING AUTHORITY SHALL ONLY
7 INCLUDE IN THE COMPUTATION OF THE FINE THE ESTIMATED GROSS
8 REVENUES OF THE RETAIL ACTIVITIES OF THE LICENSEE, AND NOT ANY
9 MANUFACTURING OR WHOLESALE ACTIVITIES OF THE LICENSEE; EXCEPT
10 THAT THE FINE MUST BE BETWEEN TWO HUNDRED AND FIVE THOUSAND
11 DOLLARS; AND

12 (II) IF THE LICENSING AUTHORITY DECLINES TO ACCEPT A FINE, IT
13 SHALL LIMIT ANY SUSPENSION TO THE RETAIL ACTIVITIES OF THE LICENSEE,
14 AND NOT ANY MANUFACTURING OR WHOLESALE ACTIVITIES OF THE
15 LICENSEE."

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