

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0544.01 Jery Payne x2157

HOUSE BILL 17-1120

HOUSE SPONSORSHIP

Willett, Arndt

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE DESIGNATION OF A CAMPUS LIQUOR COMPLEX ON
102 THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION THAT
103 IS LICENSED TO SERVE ALCOHOL BEVERAGES FOR CONSUMPTION
104 ON THE LICENSED PREMISES TO ALLOW THE INSTITUTION TO
105 OBTAIN PERMITS TO SERVE ALCOHOL BEVERAGES AT OTHER
106 FACILITIES WITHIN ITS CAMPUS LIQUOR COMPLEX.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Sections 1 through 4 of the bill allow a higher education

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

institution that has a license to serve alcohol beverages for on-premises consumption to apply for designation as a campus liquor complex, thereby allowing the institution to designate multiple facilities on the campus as locations for serving alcohol beverages. An institution of higher education seeking to designate a campus liquor complex is subject to the following requirements:

- ! The institution must: Designate its principal licensed premises and additional separate, related facilities that are located within the campus liquor complex; clearly identify each related facility by its location within the campus; and clearly identify, by a description and map, each area where alcohol beverages will be consumed.
- ! The institution must obtain a permit for each related facility where alcohol beverages will be served.
- ! Each related facility must remain at all times under the ownership or control of the licensee.
- ! The institution must designate a manager for the campus liquor complex and for each related facility.
- ! For the purposes of license discipline, each related facility is deemed separately permitted.

Section 5 imposes a state permit fee of \$75 and **section 6** imposes a local permit fee of \$100.

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

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

4 **12-47-103. Definitions.** As used in this ~~article~~ ARTICLE 47 and
5 article 46 of this ~~title~~ TITLE 12, unless the context otherwise requires:

6 (5.4) "CAMPUS" MEANS PROPERTY OWNED OR USED BY AN
7 INSTITUTION OF HIGHER EDUCATION TO REGULARLY PROVIDE STUDENTS
8 WITH EDUCATION, HOUSING, OR COLLEGE ACTIVITIES.

9 (5.6) "CAMPUS LIQUOR COMPLEX" MEANS AN AREA WITHIN A
10 CAMPUS THAT IS LICENSED TO SERVE ALCOHOL UNDER SECTION 12-47-411
11 (2.5).

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

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

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

20 **12-47-313. Restrictions for applications for new license.**

21 (1) No application for the issuance of any license specified in section
22 12-47-309 (1) or 12-46-107 (1) shall be received or acted upon:

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

- 1 (A) Affect the renewal or reissuance of a license once granted; ~~or~~
- 2 (B) Apply to licensed premises located or to be located on land
- 3 owned by a municipality; ~~or~~
- 4 (C) Apply to an existing licensed premises on land owned by the
- 5 state; ~~or~~
- 6 (D) Apply to a liquor license in effect and actively doing business
- 7 before the principal campus was constructed; ~~or~~
- 8 (E) Apply to any club located within the principal campus of any
- 9 college, university, or seminary that limits its membership to the faculty
- 10 or staff of the institution; OR
- 11 (F) APPLY TO A CAMPUS LIQUOR COMPLEX.

12 **SECTION 4.** In Colorado Revised Statutes, 12-47-411, **amend**

13 (2)(e) introductory portion; and **add** (2.5) as follows:

14 **12-47-411. Hotel and restaurant license - definition - rules.**

15 (2) (e) For purposes of this ~~section~~ SUBSECTION (2), "related facility"

16 means those areas, as approved by the state and local licensing

17 authorities, that are contiguous or adjacent to the resort hotel and that are

18 owned by or under the exclusive possession and control of the resort

19 complex licensee. Related facilities shall include:

20 (2.5) (a) AN INSTITUTION OF HIGHER EDUCATION THAT IS LICENSED

21 UNDER THIS SECTION MAY APPLY TO BE DESIGNATED A CAMPUS LIQUOR

22 COMPLEX AT THE TIME OF INITIAL LICENSURE OR UPON LICENSE RENEWAL.

23 (b) A LICENSEE SHALL DESIGNATE ITS PRINCIPAL LICENSED

24 PREMISES AND ADDITIONAL SEPARATE, RELATED FACILITIES THAT ARE

25 LOCATED WITHIN THE CAMPUS LIQUOR COMPLEX. THE LICENSEE MAY

26 IDENTIFY EACH RELATED FACILITY THAT SERVES ALCOHOL AT THE TIME OF

27 INITIAL LICENSURE OR UPON LICENSE RENEWAL. TO BE APPROVED FOR A

1 CAMPUS LIQUOR COMPLEX RELATED FACILITY PERMIT, EACH RELATED
2 FACILITY MUST BE CLEARLY IDENTIFIED BY ITS GEOGRAPHIC LOCATION
3 WITHIN THE BOUNDARIES OF THE CAMPUS, INCLUDING THE SPECIFIC POINT
4 OF SERVICE, AND EACH AREA WHERE ALCOHOL BEVERAGES ARE
5 CONSUMED MUST BE CLEARLY IDENTIFIED BY A DESCRIPTION AND MAP OF
6 THE AREA.

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

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

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

23 (e) EXCEPT AS PROVIDED IN THIS SUBSECTION (2.5), FOR
24 VIOLATIONS OF THIS ARTICLE 47 AND RULES PROMULGATED UNDER THIS
25 ARTICLE 47 THAT ARE INTENTIONALLY AUTHORIZED BY THE OWNERSHIP
26 OR MANAGEMENT OF A RELATED FACILITY, EACH RELATED FACILITY IS
27 DEEMED SEPARATELY PERMITTED FOR THE PURPOSE OF APPLICATION OF

1 THE SANCTIONS AUTHORIZED UNDER SECTION 12-47-601.

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

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

11 **12-47-501. State fees.** (1) The APPLICANT SHALL PAY THE
12 following license and permit fees ~~shall be paid~~ to the department of
13 revenue annually in advance:

14 (h.6) FOR EACH RELATED FACILITY PERMIT, SEVENTY-FIVE
15 DOLLARS PER RELATED FACILITY AS DEFINED IN SECTION 12-47-411
16 (2.5)(f);

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

19 **12-47-505. Local license fees.** (1) The APPLICANT SHALL PAY THE
20 following license fees ~~shall be paid~~ to the treasurer of the municipality,
21 city and county, or county where the licensed premises is located annually
22 in advance:

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

25 **SECTION 7. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2018 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.