

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 17-0544.01 Jery Payne x2157

HOUSE BILL 17-1120

HOUSE SPONSORSHIP

Willett, Arndt

SENATE SPONSORSHIP

Coram,

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

Business, Labor, & Technology
Appropriations

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, AND, IN**
107 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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>.)

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.

SENATE
2nd Reading Unamended
April 7, 2017

HOUSE
3rd Reading Unamended
March 1, 2017

HOUSE
Amended 2nd Reading
February 28, 2017

Sections 1 through 4 of the bill allow a higher education 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).

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

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

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

22 **12-47-313. Restrictions for applications for new license.**
23 (1) No application for the issuance of any license specified in section
24 12-47-309 (1) or 12-46-107 (1) shall be received or acted upon:
25 (d) (I) If the building in which the alcohol beverages are to be sold
26 pursuant to a license described in section 12-47-309 (1) is located within
27 five hundred feet of any public or parochial school or the principal

1 campus of any college, university, or seminary; except that this provision
2 shall SUBSECTION (1)(d)(I) DOES not:

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

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

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

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

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

13 (F) APPLY TO A CAMPUS LIQUOR COMPLEX.

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

16 **12-47-411. Hotel and restaurant license - definition - rules.**

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

22 (2.5) (a) AN INSTITUTION OF HIGHER EDUCATION, OR A PERSON
23 WHO CONTRACTS WITH THE INSTITUTION TO PROVIDE FOOD SERVICES,
24 THAT IS LICENSED UNDER THIS SECTION MAY APPLY TO BE DESIGNATED A
25 CAMPUS LIQUOR COMPLEX AT THE TIME OF INITIAL LICENSURE OR UPON
26 LICENSE RENEWAL.

27 (b) A LICENSEE SHALL DESIGNATE ITS PRINCIPAL LICENSED

1 PREMISES AND ADDITIONAL SEPARATE, RELATED FACILITIES THAT ARE
2 LOCATED WITHIN THE CAMPUS LIQUOR COMPLEX. THE LICENSEE MAY
3 IDENTIFY EACH RELATED FACILITY THAT SERVES ALCOHOL AT THE TIME OF
4 INITIAL LICENSURE OR UPON LICENSE RENEWAL. TO BE APPROVED FOR A
5 CAMPUS LIQUOR COMPLEX RELATED FACILITY PERMIT, EACH RELATED
6 FACILITY MUST BE CLEARLY IDENTIFIED BY ITS GEOGRAPHIC LOCATION
7 WITHIN THE BOUNDARIES OF THE CAMPUS, INCLUDING THE SPECIFIC POINT
8 OF SERVICE, AND EACH AREA WHERE ALCOHOL BEVERAGES ARE
9 CONSUMED MUST BE CLEARLY IDENTIFIED BY A DESCRIPTION AND MAP OF
10 THE AREA.

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

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

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

27 (e) EXCEPT AS PROVIDED IN THIS SUBSECTION (2.5), FOR

1 VIOLATIONS OF THIS ARTICLE 47 AND RULES PROMULGATED UNDER THIS
2 ARTICLE 47 THAT ARE INTENTIONALLY AUTHORIZED BY THE OWNERSHIP
3 OR MANAGEMENT OF A RELATED FACILITY, EACH RELATED FACILITY IS
4 DEEMED SEPARATELY PERMITTED FOR THE PURPOSE OF APPLICATION OF
5 THE SANCTIONS AUTHORIZED UNDER SECTION 12-47-601.

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

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

15 **12-47-501. State fees.** (1) The APPLICANT SHALL PAY THE
16 following license and permit fees ~~shall be paid~~ to the department of
17 revenue annually in advance:

18 (h.6) FOR EACH RELATED FACILITY PERMIT, SEVENTY-FIVE
19 DOLLARS PER RELATED FACILITY AS DEFINED IN SECTION 12-47-411
20 (2.5)(f);

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

23 **12-47-505. Local license fees.** (1) The APPLICANT SHALL PAY THE
24 following license fees ~~shall be paid~~ to the treasurer of the municipality,
25 city and county, or county where the licensed premises is located annually
26 in advance:

27 (q) FOR EACH RELATED FACILITY PERMIT, ONE HUNDRED DOLLARS

1 PER RELATED FACILITY AS DEFINED IN SECTION 12-47-411 (2.5)(f).

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

4 **12-48-103. Grounds for issuance of special permits.** (2) (a) A
5 special event permit may be issued under this section notwithstanding the
6 fact that the special event is to be held on premises licensed under the
7 provisions of section 12-47-403, 12-47-403.5, 12-47-411 (2.5),
8 12-47-416, 12-47-417, or 12-47-422. The holder of a special event permit
9 issued pursuant to this subsection (2) ~~shall be~~ IS responsible for any
10 violation of article 47 of this title.

11 **SECTION 8. Appropriation.** For the 2017-18 state fiscal year,
12 \$22,150 is appropriated to the department of revenue for use by the liquor
13 and tobacco enforcement division. This appropriation is from the liquor
14 enforcement division and state licensing authority cash fund created in
15 section 24-35-401, C.R.S. To implement this act, the division may use
16 this appropriation for personal services.

17 **SECTION 9. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2018 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.