

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 7, 2010  
Date

Committee on Business Affairs and Labor.

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

HB10-1279 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 3, line 13, strike "ACQUIRED A RETAIL LIQUOR".

2 Page 3, strike line 14 and substitute "TRANSFERRED OWNERSHIP OF TWO  
3 RETAIL LIQUOR STORES, CHANGED THE LOCATION OF ONE OF THE RETAIL  
4 LIQUOR STORES, AND MERGED AND CONVERTED THE TWO RETAIL LIQUOR  
5 STORE LICENSES INTO A SINGLE".

6 Page 3, line 23, after "12-47-301" insert "(4) (b),".

7 Page 3, strike line 25 and substitute:

8           **"12-47-301. Licensing in general.** (4) (b) EXCEPT AS PROVIDED  
9 IN SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF SUBSECTION (11) OF THIS  
10 SECTION, no local licensing authority shall issue, transfer location of, or  
11 renew any license to sell any alcohol beverages until the person applying  
12 for such license produces a license issued and granted by the state  
13 licensing authority covering the whole period for which a license or  
14 license renewal is sought.

15           (10) (b) A retail liquor store".

16 Page 4, after line 21 insert:

17           **"SECTION 3.** 12-47-301, Colorado Revised Statutes, is amended  
18 BY THE ADDITION OF A NEW SUBSECTION to read:

1           **12-47-301.      Licensing in general - repeal.**  
2 (11) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO  
3 THE CONTRARY, THE STATE LICENSING AUTHORITY SHALL NOT ISSUE A  
4 NEW RETAIL LIQUOR LICENSE ON OR AFTER THE EFFECTIVE DATE OF THIS  
5 SECTION AND BEFORE JANUARY 1, 2021. THIS SECTION DOES NOT  
6 PROHIBIT:

7           (I) THE RENEWAL OF A RETAIL LIQUOR STORE LICENSE INITIALLY  
8 ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION;

9           (II) A TRANSFER OF OWNERSHIP OF A RETAIL LIQUOR STORE  
10 INITIALLY LICENSED BY THE STATE LICENSING AUTHORITY PRIOR TO THE  
11 EFFECTIVE DATE OF THIS SECTION;

12           (III) A CHANGE IN LOCATION OF A RETAIL LIQUOR STORE INITIALLY  
13 LICENSED BY THE STATE LICENSING AUTHORITY PRIOR TO THE EFFECTIVE  
14 DATE OF THIS SECTION; OR

15           (IV) A LOCAL LICENSING AUTHORITY FROM ISSUING A NEW RETAIL  
16 LIQUOR STORE LICENSE; EXCEPT THAT, A PERSON WHO OBTAINS A RETAIL  
17 LIQUOR STORE LICENSE FROM A LOCAL LICENSING AUTHORITY IS NOT  
18 AUTHORIZED TO SELL AT RETAIL PURSUANT TO THIS ARTICLE UNTIL THE  
19 PERSON APPLIES TO THE STATE LICENSING AUTHORITY PURSUANT TO  
20 SECTION 12-47-303 (1) (c), AND THE STATE LICENSING AUTHORITY  
21 GRANTS THE PERSON'S APPLICATION, FOR A TRANSFER OF OWNERSHIP OF  
22 A LICENSED RETAIL LIQUOR STORE.

23           (b) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2021."

24           Renumber succeeding sections accordingly.

25           Page 4, line 25, strike "SUBPARAGRAPH (II)" and substitute  
26 "SUBPARAGRAPHS (II) AND (III)".

27           Page 5, line 5, strike "cause" and substitute "~~cause~~ HOLD".

28           Page 5, line 6, strike "ownership to be held. No" and substitute  
29 "ownership. ~~to be held. No~~".

30           Page 5, strike lines 7 through 10 and substitute:

1 ~~"hearing provided for by this paragraph (c) shall be held by the local~~  
2 ~~licensing authority until a notice of hearing has been conspicuously~~  
3 ~~posted on the licensed premises for a period of ten days and notice of the~~  
4 ~~hearing has been provided the applicant at least ten days prior to the~~  
5 ~~hearing."~~

6 Page 5, line 11, strike "hearing."

7 Page 5, after line 12 insert:

8           "(II) A PERSON WHO HAS OBTAINED A RETAIL LIQUOR STORE  
9 LICENSE FROM A LOCAL LICENSING AUTHORITY PURSUANT TO SECTION  
10 12-47-301 (11) (a) (IV) SHALL SUBMIT ITS APPLICATION FOR A TRANSFER  
11 OF OWNERSHIP ONLY TO THE STATE LICENSING AUTHORITY ON FORMS  
12 PREPARED AND FURNISHED BY THE STATE LICENSING AUTHORITY. IN  
13 MAKING ITS DETERMINATION ON THE TRANSFER OF OWNERSHIP  
14 APPLICATION, THE STATE LICENSING AUTHORITY SHALL CONSIDER ONLY  
15 THE REQUIREMENTS OF SECTION 12-47-307 AND 1 CCR 203-2, RULE  
16 47-302, ENTITLED "CHANGING, ALTERING, OR MODIFYING LICENSED  
17 PREMISES", OR ANY ANALOGOUS SUCCESSOR RULE. ANY TRANSFER OF  
18 OWNERSHIP HEARING BY THE STATE LICENSING AUTHORITY SHALL BE  
19 PURSUANT TO SECTION 12-47-305 (2)."

20 Page 5, line 13, strike "(II)" and substitute "(III)" and after "LICENSE"  
21 insert "MERGER AND".

22 Page 5, line 14, strike "OWNERSHIP,".

23 Page 5, strike line 15 and substitute "OWNERSHIP OF TWO RETAIL LIQUOR  
24 STORES, A CHANGE OF LOCATION OF ONE OF THE RETAIL LIQUOR STORES,  
25 AND A MERGER AND CONVERSION OF THE TWO RETAIL LIQUOR STORE  
26 LICENSES INTO A SINGLE LIQUOR-LICENSED DRUGSTORE LICENSE, ALL AS  
27 PART OF A SINGLE".

28 Page 5, line 18, after "LICENSE" insert "MERGER AND".

29 Page 5, strike lines 23 and 24 and substitute "DETERMINATION ON THE  
30 MERGER AND CONVERSION OF THE TWO RETAIL LIQUOR STORE LICENSES TO  
31 A SINGLE LIQUOR-LICENSED DRUGSTORE LICENSE. THE LOCAL LICENSING  
32 AUTHORITY MAY HOLD A HEARING ON THE APPLICATION FOR THE LICENSE  
33 MERGER AND CONVERSION.

- 1 (IV) PRIOR TO HOLDING A HEARING AS PROVIDED IN THIS  
2 PARAGRAPH (c), THE LOCAL LICENSING AUTHORITY SHALL NOTIFY THE  
3 APPLICANT OF THE HEARING AT LEAST TEN DAYS BEFORE THE HEARING  
4 AND SHALL POST, OR MAY DIRECT THE LICENSE APPLICANT TO POST, A  
5 NOTICE OF THE HEARING IN A CONSPICUOUS LOCATION ON THE LICENSED  
6 PREMISES FOR AT LEAST TEN CONSECUTIVE DAYS BEFORE THE HEARING."
- 7 Page 6, line 4, strike "A LICENSED RETAIL LIQUOR STORE" and substitute  
8 "LICENSED RETAIL LIQUOR STORES".
- 9 Page 6, strike line 27 and substitute "MERGER AND CONVERSION OF TWO  
10 RETAIL LIQUOR STORE LICENSES TO A SINGLE".
- 11 Page 7, line 1, after "DRUGSTORE" insert "LICENSE".
- 12 Page 7, line 7, strike "LICENSE CONVERSION FROM A RETAIL" and  
13 substitute "MERGER AND CONVERSION OF TWO RETAIL LIQUOR STORE  
14 LICENSES TO A SINGLE".
- 15 Page 7, line 8, strike "LIQUOR STORE TO A".
- 16 Page 8, line 13, strike "A LICENSED RETAIL LIQUOR STORE," and substitute  
17 "TWO LICENSED RETAIL LIQUOR STORES,".
- 18 Page 8, strike lines 14 and 15 and substitute "OF LOCATION OF ONE OF THE  
19 RETAIL LIQUOR STORES, AND A MERGER OF AND CONVERSION OF THE TWO  
20 RETAIL LIQUOR STORES LICENSED INTO A SINGLE LIQUOR-LICENSED".
- 21 Page 8, line 19, strike "STORE THAT IS" and substitute "STORES THAT ARE".
- 22 Page 8, line 20, strike "IS" and substitute "ARE".
- 23 Page 8, strike line 22 and substitute "APPLICATION, AND ONE OF THE  
24 RETAIL LIQUOR STORES IS LOCATED WITHIN ONE THOUSAND FEET OF THE  
25 GROCERY STORE, AS DETERMINED BY A RADIUS MEASUREMENT THAT  
26 BEGINS AT THE PRINCIPAL DOORWAY OF THE GROCERY STORE AND ENDS  
27 AT THE PRINCIPAL DOORWAY OF THE RETAIL LIQUOR STORE."
- 28 Page 8, line 23, after "THE" insert "TWO".
- 29 Page 8, line 24, strike "LICENSE TO A" and substitute "LICENSES TO A

1 SINGLE".

2 Page 9, line 10, strike "CONVERSION OF CLASS OF" and substitute "LICENSE  
3 MERGER AND CONVERSION".

4 Page 9, line 11, strike "LICENSE".

5 Page 9, line 21, strike "CONVERSION OF CLASS OF LICENSE" and substitute  
6 "LICENSE MERGER AND CONVERSION".

7 Page 9, after line 22 insert:

8           **"SECTION 9.** 12-47-501 (2) (a) (III), Colorado Revised Statutes,  
9 is amended to read:

10           **12-47-501. State fees.** (2) (a) The state licensing authority shall  
11 establish fees for processing the following types of applications, notices,  
12 or reports required to be submitted to the state licensing authority:

13           (III) Applications for transfer of ownership pursuant to section  
14 12-47-303 (1) (c) and rules adopted pursuant to that section, INCLUDING  
15 APPLICATIONS FOR A TRANSFER OF OWNERSHIP AS DESCRIBED IN SECTION  
16 12-47-301 (11) (a) (IV);".

17 Renumber succeeding sections accordingly.

18 Page 10, line 4, strike "CONVERSION OF CLASS OF LICENSE" and substitute  
19 "LICENSE MERGER AND CONVERSION".

20 Page 10, line 6, after "(1) (h) (III)," insert "(5) (a) (I),".

21 Page 10, after line 18 insert:

22           "(a) (I) (A) To sell an alcohol beverage to any person under the  
23 age of twenty-one years, to a habitual drunkard, or to a visibly intoxicated  
24 person, or to permit any alcohol beverage to be sold or dispensed by a  
25 person under eighteen years of age, or to permit any such person to  
26 participate in the sale or dispensing thereof. If a person who, in fact, is  
27 not twenty-one years of age exhibits a fraudulent proof of age, any action  
28 relying on such fraudulent proof of age shall not constitute grounds for  
29 the revocation or suspension of any license issued under this article or

1 article 46 of this title.

2 (B) Notwithstanding any provision in this subparagraph (I) to the  
3 contrary, ~~no~~ A person under twenty-one years of age ~~shall~~ MAY be  
4 employed to sell or dispense malt, vinous, or spirituous liquors ~~unless he~~  
5 ~~or she~~ IF THE PERSON is supervised by another ~~person~~ EMPLOYEE who is  
6 on ~~premise~~ THE LICENSED PREMISES and ~~has attained~~ IS AT LEAST  
7 twenty-one years of age; ~~No~~ EXCEPT THAT, AN employee of a tavern  
8 licensed pursuant to section 12-47-412, that does not regularly serve  
9 meals as defined in section 12-47-103 (20), A LIQUOR-LICENSED  
10 DRUGSTORE, or a retail liquor store shall NOT sell malt, vinous, or  
11 spirituous liquors ~~unless such person~~ IF THE EMPLOYEE is NOT at least  
12 twenty-one years of age.

13 (C) NOTWITHSTANDING SUB-SUBPARAGRAPH (B) OF THIS  
14 SUBPARAGRAPH (I), A RETAIL LIQUOR STORE OR LIQUOR-LICENSED  
15 DRUGSTORE MAY EMPLOY A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF  
16 AGE TO HANDLE OR STOCK MALT, VINOUS, AND SPIRITUOUS LIQUORS IF THE  
17 PERSON IS UNDER THE DIRECT SUPERVISION OF AN EMPLOYEE ON THE  
18 LICENSED PREMISES WHO IS AT LEAST TWENTY-ONE YEARS OF AGE. AN  
19 EMPLOYEE OF A RETAIL LIQUOR STORE OR LIQUOR-LICENSED DRUGSTORE  
20 WHO IS LESS THAN TWENTY-ONE YEARS OF AGE SHALL NOT SELL, DELIVER,  
21 OR CARRY MALT, VINOUS, OR SPIRITUOUS LIQUORS TO A CUSTOMER'S  
22 VEHICLE, AND SHALL NOT CHECK PROOF OF AGE OF A CUSTOMER  
23 ATTEMPTING TO PURCHASE MALT, VINOUS, OR SPIRITUOUS LIQUORS."

24 Page 1, strike lines 104 and 105 and substitute "**OWNERSHIP OF TWO**  
25 **RETAIL LIQUOR STORES, CHANGE LOCATION OF ONE OF THE RETAIL**  
26 **LIQUOR STORES, AND MERGE AND CONVERT THE TWO RETAIL LIQUOR**  
27 **STORE LICENSES TO A SINGLE**".

28 Page 1, line 106, strike "TO A" and strike "LICENSE." and substitute  
29 "**LICENSE AND PROHIBITING ANY NEW STATE-ISSUED RETAIL LIQUOR**  
30 **STORE LICENSES FOR TEN YEARS.**".

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