

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 2, 2010
Date

Committee on Business Affairs and Labor.

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

HB10-1150 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 3, strike lines 19 through 22.
- 2 Page 3, strike line 26 and substitute "EVENT OR A HOTEL AND
3 RESTAURANT LICENSE HAS BEEN ISSUED FOR THE SERVICE OF ALCOHOL
4 BEVERAGES AT THE CATERER'S FOOD ESTABLISHMENT."
- 5 Page 4, strike lines 4 and 5 and substitute "WHOLESALE LICENSED
6 PURSUANT TO THIS ARTICLE; EXCEPT THAT A CATERER MAY PURCHASE UP
7 TO ONE THOUSAND DOLLARS' WORTH OF ALCOHOL BEVERAGES DURING A
8 CALENDAR YEAR FROM A RETAIL LIQUOR STORE LICENSED PURSUANT TO
9 THIS ARTICLE. THE WHOLESALE SHALL DELIVER THE ALCOHOL
10 BEVERAGES TO THE LICENSED FOOD ESTABLISHMENT."
- 11 Page 4, line 7 strike "THE OWNER OR LESSEE OF THE" and substitute
12 "EITHER THE OWNER OR MANAGER OF THE CATERING".
- 13 Page 4, after line 24 insert:
14 "(5) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS
15 SUBSECTION (5), THE CATERER SHALL NOTIFY THE LOCAL LICENSING
16 AUTHORITY WHERE AN EVENT WILL OCCUR AT LEAST ONE WEEK BEFORE
17 THE EVENT IF THE EVENT IS OCCURRING AT A PLACE OF SERVICE OUTSIDE
18 THE JURISDICTION OF THE LOCAL LICENSING AUTHORITY WHERE THE
19 CATERER'S FOOD ESTABLISHMENT IS LICENSED. THE LICENSEE SHALL GIVE
20 THE NOTICE ON A STANDARD FORM PROVIDED BY THE STATE LICENSING

1 AUTHORITY AND TRANSMITTED BY ELECTRONIC MAIL, FIRST-CLASS MAIL,
2 OR FACSIMILE TO THE CLERK OF THE MUNICIPALITY OR COUNTY WHERE
3 THE EVENT OR EVENTS WILL BE HELD.

4 (b) SHOULD AN EVENT BE SCHEDULED AT A TIME THAT IS LESS
5 THAN ONE WEEK BEFORE THE EVENT, THE LICENSEE SHALL DIRECTLY
6 NOTIFY THE CLERK OF THE MUNICIPALITY OR COUNTY WHERE THE EVENT
7 OR EVENTS WILL BE HELD BY FACSIMILE OR ELECTRONIC MAIL."

8 Page 5, after line 3, insert:

9 "SECTION 6. 12-47-409 (3), Colorado Revised Statutes, is
10 amended to read:

11 **12-47-409. Beer and wine license.** (3) It is unlawful for any
12 owner, part owner, shareholder, or person interested directly or indirectly
13 in a beer and wine license to conduct, own either in whole or in part, or
14 be directly or indirectly interested in any other business licensed pursuant
15 to this article; except that such a person may have an interest in a license
16 described in section ~~12-47-401 (1) (j) to (1) (t)~~ 12-47-401 (1) (j) TO (1)
17 (u), or 12-47-410 (1) or in a financial institution referred to in section
18 12-47-308 (4).

19 **SECTION 7.** 12-47-410 (5), Colorado Revised Statutes, is
20 amended to read:

21 **12-47-410. Bed and breakfast permit.** (5) It is unlawful for any
22 owner, part owner, shareholder, or person interested directly or indirectly
23 in a bed and breakfast permit to conduct, own either in whole or in part,
24 or be directly or indirectly interested in any other business licensed
25 pursuant to this article; except that a person regulated under this section
26 may have an interest in other bed and breakfast permits, in a license
27 described in section ~~12-47-401 (1) (j) to (1) (t)~~; 12-47-401 (1) (j) TO (1)
28 (u), or in a financial institution referred to in section 12-47-308 (4).

29 **SECTION 8.** 12-47-411 (13) (b), Colorado Revised Statutes, is
30 amended to read:

31 **12-47-411. Hotel and restaurant license.**
32 (13) (b) Notwithstanding paragraph (a) of this subsection (13), an owner,
33 part owner, shareholder, or person interested directly or indirectly in a

1 hotel and restaurant license may conduct, own either in whole or in part,
2 or be directly or indirectly interested in a license described in section
3 ~~12-47-401 (1) (j) to (1) (t)~~ 12-47-401 (1) (j) TO (1) (u), or 12-47-410 (1)
4 or in a financial institution referred to in section 12-47-308 (4).

5 **SECTION 9.** 12-47-412 (3), Colorado Revised Statutes, is
6 amended to read:

7 **12-47-412. Tavern license.** (3) It is unlawful for any owner, part
8 owner, shareholder, or person interested directly or indirectly in tavern
9 licenses to conduct, own either in whole or in part, or be directly or
10 indirectly interested in any other business licensed pursuant to this article;
11 except that such a person may have an interest in a license described in
12 section ~~12-47-401 (1) (j) to (1) (t)~~ 12-47-401 (1) (j) TO (1) (u), or
13 12-47-410 (1) or in a financial institution referred to in section 12-47-308
14 (4).

15 **SECTION 10.** 12-47-413 (2) (b), Colorado Revised Statutes, is
16 amended to read:

17 **12-47-413. Optional premises license.** (2) (b) Notwithstanding
18 paragraph (a) of this subsection (2), an owner, part owner, shareholder,
19 or person interested directly or indirectly in an optional premises license
20 may own, either in whole or in part, or be directly or indirectly interested
21 in a license described in section ~~12-47-401 (1) (j) to (1) (t)~~ 12-47-401 (1)
22 (j) TO (1)(u), or 12-47-410 (1) or in a financial institution referred to in
23 section 12-47-308 (4).

24 **SECTION 11.** 12-47-415 (5) (b), Colorado Revised Statutes, is
25 amended to read:

26 **12-47-415. Brew pub license.** (5) (b) Notwithstanding
27 paragraph (a) of this subsection (5), a person interested directly or
28 indirectly in a brew pub license may conduct, own either in whole or in
29 part, or be directly or indirectly interested in a license described in section
30 ~~12-47-401 (1) (j) to (1) (t)~~ 12-47-401 (1) (j) TO (1) (u), or 12-47-410 (1)
31 or in a financial institution referred to in section 12-47-308 (4).

32 **SECTION 12.** 12-47-416 (4) (a), Colorado Revised Statutes, is
33 amended to read:

1 **12-47-416. Club license - legislative declaration.** (4) It is
2 unlawful for any owner, part owner, shareholder, or person interested
3 directly or indirectly in a club license to conduct, own either in whole or
4 in part, or be directly or indirectly interested in any other business
5 licensed pursuant to this article; except that:

6 (a) Such a person may have an interest in an arts license or an
7 airline public transportation system license granted under this article, A
8 CATERER'S LICENSE, or in a financial institution referred to in section
9 12-47-308 (4);

10 **SECTION 13.** 12-47-420 (5) (b), Colorado Revised Statutes, is
11 amended to read:

12 **12-47-420. Vintner's restaurant license.** (5) (b) A person
13 interested directly or indirectly in a vintner's restaurant license may
14 conduct, own either in whole or in part, or be directly or indirectly
15 interested in a license described in section ~~12-47-401 (1) (j) to (1) (t)~~
16 12-47-401 (1) (j) TO (1) (u), or 12-47-410 (1) or in a financial institution
17 referred to in section 12-47-308 (4).".

18 Renumber succeeding sections accordingly.

19 Page 5, after line 9, insert:

20 **"SECTION 15.** 12-48-103 (2) (a), Colorado Revised Statutes, is
21 amended to read:

22 **12-48-103. Grounds for issuance of special permits.** (2) (a) A
23 special event permit may be issued under this section notwithstanding the
24 fact that the special event is to be held on premises licensed under the
25 provisions of section 12-47-403, 12-47-403.5, 12-47-416, 12-47-417, ~~or~~
26 12-47-422, OR 12-47-423. The holder of a special event permit issued
27 pursuant to this subsection (2) shall be responsible for any violation of
28 article 47 of this title.

29 **SECTION 16.** 12-48-102, Colorado Revised Statutes, is amended
30 BY THE ADDITION OF A NEW SUBSECTION to read:

31 **12-48-102. Qualifications of organizations for permit -**
32 **qualifications of municipalities or municipalities owning arts facilities**

1 - **qualifications of candidates.** (3) A SPECIAL EVENT PERMIT MAY BE
2 ISSUED TO A CATERER LICENSED UNDER ARTICLE 47 OF THIS TITLE IF THE
3 CATERER IS CATERING AN EVENT FOR AN ORGANIZATION THAT IS
4 QUALIFIED FOR A SPECIAL EVENT PERMIT UNDER SUBSECTION (1) OR (2) OF
5 THIS SECTION. THE CATERER SHALL APPLY AS THE AGENT OF THE
6 ORGANIZATION BUT THE PERMIT IS ISSUED UNDER THE CATERER'S
7 ALCOHOL LICENSE.

8 **SECTION 17.** 12-48-105, Colorado Revised Statutes, is amended
9 BY THE ADDITION OF A NEW SUBSECTION to read:

10 **12-48-105. Restrictions related to permits.** (6) IF A CATERER
11 IS SELLING ALCOHOL BEVERAGES AT A SPECIAL EVENT, THE CATERER
12 SHALL APPLY FOR THE PERMIT UNDER SECTION 12-48-102 (3).".

13 Renumber succeeding section accordingly.

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