

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 11-066

BY SENATOR(S) Jahn, Aguilar, Boyd, Grantham;
also REPRESENTATIVE(S) Gardner B., Coram, Gerou, Nikkel, Pace,
Todd.

CONCERNING THE ISSUANCE OF SPECIAL EVENT PERMITS TO SERVE ALCOHOL
BEVERAGES.

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

SECTION 1. 12-48-101, Colorado Revised Statutes, is amended to read:

12-48-101. Special licenses authorized. The state OR LOCAL licensing authority, as defined in articles 46 and 47 of this title, may issue a special event permit for the sale, by the drink only, of FERMENTED malt beverages, AS DEFINED IN SECTION 12-46-103, or the sale, by the drink only, of malt, spirituous, or vinous liquors, AS DEFINED IN SECTION 12-47-103, to organizations and political candidates qualifying under this article, subject to the applicable provisions of articles 46 and 47 of this title and to the limitations imposed by this article.

SECTION 2. Repeal. 12-48-103 (1), Colorado Revised Statutes, is repealed as follows:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

12-48-103. Grounds for issuance of special permits. (1) ~~A special event permit may be issued only upon a satisfactory showing by an organization or a qualified political candidate that other existing facilities are not available or are inadequate for the needs of the organization or political candidate and:~~

~~(a) Existing licensed facilities are inadequate for the purposes of serving members or guests of the organization or political candidate and that additional facilities are necessary by reason of the nature of the special event being scheduled; or~~

~~(b) The organization or political candidate is temporarily occupying premises other than the regular premises of such organization or candidate during such special events as civic celebrations or county fairs and that members of the general public will be served during such special events.~~

SECTION 3. 12-48-104 (2), Colorado Revised Statutes, is amended to read:

12-48-104. Fees for special permits. (2) All such fees are payable in advance to the department of revenue and the state licensing authority may require any applicant to post a performance bond to assure compliance with the provisions of this article FOR APPLICATIONS FOR SPECIAL EVENT PERMITS SUBMITTED TO THE STATE LICENSING AUTHORITY FOR APPROVAL.

SECTION 4. 12-48-105 (3), Colorado Revised Statutes, is amended to read:

12-48-105. Restrictions related to permits. (3) THE STATE OR A LOCAL LICENSING AUTHORITY SHALL NOT ISSUE a special event permit ~~may not be issued~~ to any organization for more than ~~ten~~ FIFTEEN days in one calendar year.

SECTION 5. 12-48-106 (1), Colorado Revised Statutes, is amended to read:

12-48-106. Grounds for denial of special permit. (1) The state OR LOCAL licensing authority may deny the issuance of a special event permit upon the grounds that ~~such~~ THE issuance would be injurious to the

public welfare ~~by reason~~ BECAUSE of the nature of the special event, its location within the community, or the failure of the applicant in a past special event to conduct ~~such~~ THE event in compliance with applicable laws. ~~and regulations.~~

SECTION 6. 12-48-107 (2), Colorado Revised Statutes, is amended, and the said 12-48-107 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-48-107. Applications for special permit. (2) In addition to the fees provided in section 12-48-104, ~~applications shall be accompanied by such~~ AN APPLICANT SHALL INCLUDE PAYMENT OF A fee as ESTABLISHED BY the local licensing authority, ~~may fix,~~ not to exceed one hundred dollars, for both investigation and issuance of a permit. Upon approval of any application, the local licensing authority shall notify the state licensing authority of ~~such~~ THE approval, EXCEPT AS PROVIDED BY SUBSECTION (5) OF THIS SECTION. The state licensing authority shall ~~thereupon~~ promptly act and either approve or disapprove ~~such~~ THE application. ~~The state licensing authority shall not issue any permit under this article until the local licensing authority has approved such application.~~ In reviewing an application, the local licensing authority shall apply the same standards for approval and denial applicable to the state licensing authority ~~pursuant to~~ UNDER this article.

(5) (a) A LOCAL LICENSING AUTHORITY MAY ELECT NOT TO NOTIFY THE STATE LICENSING AUTHORITY TO OBTAIN THE STATE LICENSING AUTHORITY'S APPROVAL OR DISAPPROVAL OF AN APPLICATION FOR A SPECIAL EVENT PERMIT. THE LOCAL LICENSING AUTHORITY IS REQUIRED ONLY TO REPORT TO THE LIQUOR ENFORCEMENT DIVISION, WITHIN TEN DAYS AFTER IT ISSUES A PERMIT, THE NAME OF THE ORGANIZATION TO WHICH A PERMIT WAS ISSUED, THE ADDRESS OF THE PERMITTED LOCATION, AND THE PERMITTED DATES OF ALCOHOL BEVERAGE SERVICE.

(b) A LOCAL LICENSING AUTHORITY ELECTING NOT TO NOTIFY THE STATE LICENSING AUTHORITY SHALL PROMPTLY ACT UPON EACH APPLICATION AND EITHER APPROVE OR DISAPPROVE EACH APPLICATION FOR A SPECIAL EVENT PERMIT.

(c) THE STATE LICENSING AUTHORITY SHALL ESTABLISH AND MAINTAIN A WEB SITE CONTAINING THE STATEWIDE PERMITTING ACTIVITY

OF ORGANIZATIONS THAT RECEIVE PERMITS UNDER THIS ARTICLE. IN ORDER TO ENSURE COMPLIANCE WITH SECTION 12-48-105 (3), WHICH RESTRICTS THE NUMBER OF PERMITS ISSUED TO AN ORGANIZATION IN A CALENDAR YEAR, THE LOCAL LICENSING AUTHORITY SHALL ACCESS INFORMATION MADE AVAILABLE ON THE WEB SITE OF THE STATE LICENSING AUTHORITY TO DETERMINE THE STATEWIDE PERMITTING ACTIVITY OF THE ORGANIZATION APPLYING FOR THE PERMIT. THE LOCAL LICENSING AUTHORITY SHALL CONSIDER COMPLIANCE WITH SECTION 12-47-105 (3) BEFORE APPROVING ANY APPLICATION.

SECTION 7. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act shall apply to applications submitted on or after the applicable effective date of this act.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO