

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0471.01 Jery Payne

SENATE BILL 11-066

SENATE SPONSORSHIP

Jahn,

HOUSE SPONSORSHIP

(None),

Senate Committees

Local Government and Energy

House Committees

A BILL FOR AN ACT

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

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://www.leg.state.co.us/billsummaries>.)

The bill authorizes local licensing authorities to issue special event permits to consume alcohol and raises the number of days a permit may be issued from 10 to 15 in one calendar year. The local licensing authority must check the state licensing authority to determine the applicant's permitting activity and ensure compliance with the annual

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.

limit on permits. The bill repeals the requirement that an applicant show that existing facilities are inadequate and also repeals the authority to require bonds to be posted for special event permits.

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

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

4 **12-48-101. Special licenses authorized.** The state OR LOCAL
5 licensing authority, as defined in articles 46 and 47 of this title, may issue
6 a special event permit for the sale, by the drink only, of FERMENTED malt
7 beverages, AS DEFINED IN SECTION 12-46-103, or the sale, by the drink
8 only, of malt, spirituous, or vinous liquors, AS DEFINED IN SECTION
9 12-47-103, to organizations and political candidates qualifying under this
10 article, subject to the applicable provisions of articles 46 and 47 of this
11 title and to the limitations imposed by this article.

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13 is repealed as follows:

14 **12-48-103. Grounds for issuance of special permits.** (1) ~~A~~
15 ~~special event permit may be issued only upon a satisfactory showing by~~
16 ~~an organization or a qualified political candidate that other existing~~
17 ~~facilities are not available or are inadequate for the needs of the~~
18 ~~organization or political candidate and:~~

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

23 ~~(b) The organization or political candidate is temporarily~~
24 ~~occupying premises other than the regular premises of such organization~~

1 ~~or candidate during such special events as civic celebrations or county~~
2 ~~fairs and that members of the general public will be served during such~~
3 ~~special events.~~

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

6 **12-48-104. Fees for special permits.** (2) All ~~such~~ fees are
7 payable in advance to the department of revenue ~~and the state licensing~~
8 ~~authority may require any applicant to post a performance bond to assure~~
9 ~~compliance with the provisions of this article~~ FOR APPLICATIONS FOR
10 SPECIAL EVENT PERMITS SUBMITTED TO THE STATE LICENSING AUTHORITY
11 FOR APPROVAL.

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

14 **12-48-105. Restrictions related to permits.** (3) THE STATE OR
15 A LOCAL LICENSING AUTHORITY SHALL NOT ISSUE a special event permit
16 ~~may not be issued~~ to any organization for more than ~~ten~~ FIFTEEN days in
17 one calendar year.

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

20 **12-48-106. Grounds for denial of special permit.** (1) The state
21 OR LOCAL licensing authority may deny the issuance of a special event
22 permit upon the grounds that ~~such~~ THE issuance would be injurious to the
23 public welfare ~~by reason~~ BECAUSE of the nature of the special event, its
24 location within the community, or the failure of the applicant in a past
25 special event to conduct ~~such~~ THE event in compliance with applicable
26 laws. ~~and regulations.~~

27 **SECTION 6.** 12-48-107 (2), Colorado Revised Statutes, is

1 amended, and the said 12-48-107 is further amended BY THE
2 ADDITION OF A NEW SUBSECTION, to read:

3 **12-48-107. Applications for special permit.** (2) In addition to
4 the fees provided in section 12-48-104, ~~applications shall be accompanied~~
5 ~~by such~~ AN APPLICANT SHALL INCLUDE PAYMENT OF A fee as ESTABLISHED
6 BY the local licensing authority, ~~may fix~~, not to exceed one hundred
7 dollars, for both investigation and issuance of a permit. Upon approval
8 of any application, the local licensing authority shall notify the state
9 licensing authority of ~~such~~ THE approval, EXCEPT AS PROVIDED BY
10 SUBSECTION (5) OF THIS SECTION. The state licensing authority shall
11 ~~thereupon~~ promptly act and either approve or disapprove ~~such~~ THE
12 application. ~~The state licensing authority shall not issue any permit under~~
13 ~~this article until the local licensing authority has approved such~~
14 ~~application.~~ In reviewing an application, the local licensing authority
15 shall apply the same standards for approval and denial applicable to the
16 state licensing authority ~~pursuant to~~ UNDER this article.

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

25 (b) A LOCAL LICENSING AUTHORITY ELECTING NOT TO NOTIFY THE
26 STATE LICENSING AUTHORITY SHALL PROMPTLY ACT UPON EACH
27 APPLICATION AND EITHER APPROVE OR DISAPPROVE EACH APPLICATION

1 FOR A SPECIAL EVENT PERMIT.

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

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

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