

# 2016 COLORADO LAWS ENACTED AFFECTING MUNICIPAL GOVERNMENTS



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# FOREWORD

During the 2016 session of the Colorado General Assembly, CML tracked 286 of the 695 bills and resolutions introduced. Of the 36 bills that CML supported, nearly 70 percent passed. Of the 27 bills that CML opposed, 93 percent were defeated or were amended such that the League dropped its opposition.

Each year, CML analyzes the laws passed by the General Assembly that affect cities and towns. *2016 Colorado Laws Enacted Affecting Municipal Governments* focuses on selected acts that have a particular significance for municipal operations, services, and powers — it is not a comprehensive listing of all new legislation enacted into law affecting municipal government. For information or assistance on any legislative questions, contact CML at 303-831-6411 or 866-578-0936.

CML is continuing its commitment to its members by providing the information they need as inexpensively and easily as possible. *2016 Colorado Laws Enacted Affecting Municipalities* will be available to all for free — along with several past years' editions — online at [www.cml.org](http://www.cml.org) under Information > Publications.

Kevin Bommer  
CML deputy director  
June 2016

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**HB 16-1069 AFFORDABLE HOUSING**

**Housing commissioner term length**

Allows city councils or town boards to determine, by resolution, term length served by municipal housing authority commissioners. Specifies that if a council or board does not set a term length, commissioners continue to serve five-year terms. Effective: Aug. 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org. *Reprinted.*

**HB 16-1411 AFFORDABLE HOUSING**

**Fort Lyon Residential Community**

Authorizes Colorado state auditor to contract for a study with concurrence of Division of Housing in the Department of Local Affairs (DOLA). Requires contractor to design study to include a pre- and post-evaluation of the participants' time in the program and use a matched comparison group. Provides that report with preliminary findings is due to state auditor by Aug. 1, 2017, and a final report is due by Aug. 1, 2018. Effective: May 4, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1465 AFFORDABLE HOUSING**

**Low-income housing tax credit**

Extends from two to five years time in which Colorado Housing and Finance Authority may allocate state low-income housing income tax credits. Effective: June 6, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 16-168 AIRPORTS**

**Interstate joint operating agreements**

Modifies existing laws, which allow local governments to enter into agreements to create and operate public use airports, by also authorizing partnerships with local governments in adjoining states. Effective: Aug. 10, 2016. Lobbyist: Dianne Criswell, dcriswell@cml.org.

**HB 16-1426 ANIMAL CONTROL**

**Assistance animals - Intentional misrepresentation**

Creates a class 2 petty offense for intentional misrepresentation of entitlement to an assistance animal for purposes of obtaining a reasonable accommodation in housing. Specifies other conditions in which the bill applies. Contains other provisions. Effective: Jan. 1, 2017. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1042 BEER & LIQUOR**

**License exemption**

Creates an exemption from licensing requirements under statutes governing beer and liquor for state institutions of higher education that engage in manufacturing and tasting of fermented malt beverages/liquor for teaching or research purposes. Effective: Aug. 10, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 16-1151 BEER & LIQUOR**

**Responsible vendor training**

Requires state and local liquor licensing authorities to consider responsible vendor training for additional violations when assessing penalties for violation of liquor laws. Effective: Aug. 10, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 16-1439 BEER & LIQUOR**

**Lodging & entertainment facility license**

Creates a new alcohol beverage license for lodging and entertainment facilities that sell alcoholic beverages for on-site consumption as an incident to their businesses. Licensee is subject to the same state and local annual licensing fees as a tavern — \$75 and \$500, respectively. Effective: Aug. 10, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**SB 16-197 BEER & LIQUOR**

**Liquor licensed pharmacy multiple licenses**

Allows Liquor-Licensed Pharmacy (LLP) licensees to obtain additional licenses gradually over time beginning on Jan. 1, 2017. Prohibits issuance of new retail liquor licenses until Jan. 1, 2017. Allows additional LLP licenses to be obtained by applying to state and appropriate local licensing authority to transfer two existing retail liquor store licenses from same local jurisdiction to convert to one LLP license. Prohibits converted license to be within 1,500 feet of another retail liquor store within same jurisdiction, unless within municipality of less than 10,000 population. Establishes distance restriction for municipalities with a population of 10,000 or less to be 3,000 feet. Allows up to five LLP licenses to be possessed in next five years. Allows retail liquor store owners to acquire one additional license in next five years. Contains numerous other provisions. Effective: July 1, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**HB 16-1073 BUILDING CODES**

**Electrical Industry Safety and Training Act**

Requires any electrical inspection performed by local government to include contemporaneous review; however, contemporaneous review is not required for each inspection of the project. Requires state and local building departments to develop standard procedures for electrical inspectors conducting contemporaneous reviews and to post procedures on entity's public website. Effective: April 15, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 16-116 CRIMINAL JUSTICE**

**Records**

Provides a simplified process for sealing criminal justice records. Specifies that whenever a defendant is acquitted or completes a diversion agreement or a deferred sentence, or whenever a case against a defendant is dismissed, courts must give an eligible defendant the option to immediately

seal criminal justice records. Defendant may make an informal motion in open court at the time of dismissal or acquittal or may later file a written motion. Provides that defendants must pay a \$65 fee to seal their records. Effective: Aug. 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SCR 16-006** **CRIMINAL JUSTICE**

**Involuntary servitude prohibition**

Removes exception that prohibits slavery or involuntary servitude, except as punishment for a crime for which a person has been convicted. Refers a ballot question to the voters. Effective after official declaration of the vote by proclamation of the governor, not later than 30 days after votes have been canvassed. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1012** **ELECTIONS**

**Statement filing location**

Changes current requirement for filing a statement of election results with Secretary of State to require such filing with the division of local government in the Department of Local Affairs. Effective: Aug. 10, 2016. Lobbyist: Geoff Wilson, gwilson@cml.org.

**HB 16-1070** **ELECTIONS**

**Mail ballot signature verification**

Requires signature verification in elections conducted pursuant to the municipal election code after March 30, 2018. Provides that municipal clerks will be given access to digitized signatures contained in the Secretary of State's statewide centralized voter registration system after March 30, 2018. Contains numerous other provisions. Effective: Aug. 10, 2016. Lobbyist: Geoff Wilson, gwilson@cml.org.

**SB 16-142** **ELECTIONS**

**Technical corrections bill**

Corrects municipal election code provision relating to write-in candidate affidavits to require that such affidavits be filed 64 days prior to the election. Permits elections to be cancelled if there are not more candidates than vacancies to be filled as of 64 days before election. Contains numerous other provisions. Effective: May 18, 2016. Lobbyist: Geoff Wilson, gwilson@cml.org.

**SB 16-186** **ELECTIONS**

**Issue committee reporting**

Responds to recent court decisions by requiring issue committees that receive or expend between \$200 and \$5,000 to minimally report to election official. Once expenditure or contributions exceed \$5,000, full itemization of all activities over \$200 is required. Contains other provisions. Effective: June 10, 2016. Lobbyist: Geoff Wilson, gwilson@cml.org. *Reprinted.*

**SB 16-211** **ELECTIONS**

**Limiting certain contests prior to special district elections**

Prohibits contests of special district elections on grounds that elector was unqualified either to vote or to serve on special district board of directors, and otherwise validates such elections conducted prior to April 21, 2016, and on May 3, 2016. Effective: May 16, 2016. Lobbyist: Geoff Wilson, gwilson@cml.org. *Reprinted.*

**HB 16-1276** **EMERGENCY MANAGEMENT**

**Emergency responses at legacy mining sites**

Authorizes the use of Emergency Response Cash Fund in the Department of Natural Resources for emergency response to dangers to public health, or welfare, or environment at a legacy hard rock mine site. Effective: May 17, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 16-1432** **EMPLOYMENT**

**Employee inspection right to files**

Allows an employee or former employee to annually inspect or request copies of personnel files, paying reasonable costs of duplication of documents. Effective: Jan. 1, 2017. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 16-1438** **EMPLOYMENT**

**Accommodations related to pregnancy**

Makes it an unfair employment practice if an employer fails to provide reasonable accommodations for an applicant for employment or an employee for conditions related to pregnancy or childbirth. Requires each employer to provide a notice of rights regarding unfair employment practice to employees. Effective: Aug. 10, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 16-1335** **ETHICS**

**Sale of government service/appointment**

Makes it unlawful and an deceptive trade practice to sell or attempt to sell access to a government service or an appointment to receive such service. Contains numerous implementing provisions. Effective: July 1, 2016. Lobbyist: Geoff Wilson, gwilson@cml.org.

**HB 16-1019** **FOREST HEALTH**

**Broadcast burns**

Adds broadcast burning to types of projects and methods for which the Colorado State Forest Service may award grants from the Healthy Forests and Vibrant Communities Cash Fund and the Forest Restoration Program Cash Fund. Effective: Aug. 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 16-003** **FOREST HEALTH**

**Wildfire risk reduction grant program**

Continues Wildfire Risk Reduction Grant Program to assist with funding community-level and statewide actions to



protect populations and property in wildland-urban interface areas, and to promote forest health and the use of forest products and biomass. Adds broadcast burning to types of projects and methods for which Department of Natural Resources may award grants from the fund. Effective: June 6, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 16-163**

**GOVERNMENT**

**Recodification of Title 12**

Requires Office of Legislative Legal Services to study a recodification of Title 12 of the Colorado Revised Statutes, which contains state laws regulating professions and occupations, with input from the Judicial Department, specified state agencies, local governments with regulatory authority, representatives of regulated professions and occupations, and public. Proposed legislation due by Dec. 31, 2017. Effective: June 10, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 16-1336**

**HEALTH INSURANCE**

**Geographic area for individual health plans**

Requires Division of Insurance to study effect and viability of creating a single geographic rating area for health insurance and report back to the Joint Budget Committee by Aug. 1, 2016. Effective: May 17, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 16-1114**

**IMMIGRATION**

**Repeal duplicate reporting requirements**

Eliminates current employment verification standards requiring each employer in Colorado to attest within 20 days that it has verified legal work status of each employee; has not altered or falsified employee identification documents; and has not knowingly hired an unauthorized alien. Removes current law requiring each employer in Colorado submit documentation to the director of Division of Labor in the Colorado Department of Labor and Employment (CDLE), demonstrating that employer is in compliance with federal employment verification requirements. Eliminates CDLE's ability to fine an employer for failing to provide required documentation or for providing fraudulent documentation. Allows CDLE to continue auditing employers to determine status of employees. Effective: Aug. 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1088**

**LAND USE**

**Fire protection impact fee on new development**

Authorizes local government to impose an impact fee on new construction to fund fire and emergency services provided by that local government. Provides that if local government agrees to assess such fee, it may enter into an intergovernmental agreement defining such fees or development charges and details of collection and remittance. Effective: June 8, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1272**

**LAND USE**

**Disconnection**

Provides that a person seeking disconnection of a parcel of property from a municipality by governing body vote must first give notice to county and potentially affected special districts, any of whom are then given 30 days within which to request a meeting with municipality and applicant to discuss impacts of proposed disconnection. Effective: Aug. 10, 2016. Lobbyist: Geoff Wilson, gwilson@cml.org.

**HB 16-1402**

**LIMITED GAMING**

**Wagering device for previous sporting event**

Prohibits state or any local government or its agencies, boards, commissions, or officials from permitting the use of a racing replay and wagering device. Provides that horse racing and related business licensees may not operate or allow any person to use racing replay and wagering devices to wager on any previously run sporting event. Effective: Aug. 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1041**

**MARIJUANA**

**Repeal bonding requirement**

Repeals requirement that medical and retail marijuana businesses post bond to be eligible for issuance or renewal of license. Repeals requirement that retail marijuana cultivation facilities file state tax surety bond. Effective: March 11, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 16-1064**

**MARIJUANA**

**Testing facility local license**

Clarifies that local licensing authorities may issue medical marijuana testing facility licenses. Effective: March 23, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 16-1211**

**MARIJUANA**

**Transporter license**

Creates state and local retail and medical marijuana transporter licenses. To continue to operate, transporters must be licensed by July 1, 2017. Such licenses are valid for three years. Effective: Aug. 10, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 16-1261**

**MARIJUANA**

**Colorado Retail Marijuana Code**

Continues Colorado Retail Marijuana Code until Sept. 1, 2019, and makes changes to licensing, rulemaking, industry operations, county-initiated ballot measures, and criminal provisions to improve regulation of the retail marijuana industry. Contains numerous other provisions. Effective: June 10, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**SB 16-015****MARIJUANA****Pesticides**

Replaces current provisions requiring governor to designate state agencies to identify which pesticides may not be used to manufacture marijuana with directive that the governor designate a state agency to promulgate rules to identify pesticides that may be used in the cultivation of marijuana. Effective: Aug. 10, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 16-040****MARIJUANA****Owner changes**

Replaces current statutory definition for owner of a licensed medical or retail marijuana business with two new ownership categories: direct beneficial interest owners and indirect beneficial interest owners. Applies to applications made on or after Jan. 1, 2017. Effective: June 10, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 16-080****MARIJUANA****Enclosed locked space**

Applies similar provisions of existing law for recreational marijuana “home grows” to medical marijuana. Clarifies that any person lawfully growing medical marijuana in an enclosed, locked space as defined in statute is exempt from crimes pertaining to cultivation of marijuana. Effective: June 8, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 16-1309****MUNICIPAL COURTS****Right to counsel**

Requires that a municipal court provide counsel to a defendant in custody for purposes of the first appearance. Effective: May 1, 2017. Lobbyist: Meghan Dollar, mdollar@cml.org. *Reprinted.*

**HB 16-1311****MUNICIPAL COURTS****Monetary payments**

Specifies that when imposing a monetary obligation, courts must inform defendants that if they are unable to pay, the court may not jail defendants for failure to pay. Requires court to show that defendant willfully failed to pay before imposing a suspended sentence, revoking probation, or holding a defendant in contempt. Allows court to issue arrest warrant only in instance of contempt of court procedure. Contains several other provisions. Effective: June 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org. *Reprinted.*

**HB 16-1378****MUNICIPAL COURTS****Cost of DUI tests**

Clarifies that when courts order defendants to reimburse for costs associated with collection and analysis of a chemical test, courts are required to collect those moneys and transfer them to law enforcement agency that performed the chemical test. Adds exemption that courts are not required to do this for the Colorado State Patrol within the Department of Public Safety. Effective: Aug. 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1028****PENSIONS/RETIREMENT****Fire and police - Statewide death and disability plan**

Modifies retirement plan contribution calculation of members of Fire and Police Pension Association (FPPA) for members with temporary disability. Effective: Aug. 10, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 16-1320****PROFESSIONS & OCCUPATIONS****Massage therapy**

Removes specific exemptions from practice of massage therapy and clarifies that other licensed health care professionals may practice massage therapy without a massage therapist license as long as the therapy is within the limits of their practice. Requires licensed massage therapist to be at least 18 years of age. Requires Department of Regulatory Agencies to promulgate rules to exempt certain practices that are alternatives to massage from state regulation. Makes it a class 2 misdemeanor for a person to knowingly aid or abet unlicensed practice of massage therapy for first offense and a class 1 misdemeanor for subsequent offenses. Effective: June 8, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1368****PUBLIC RECORDS****Retention**

Makes various technical changes to state archivist’s statute to reflect current practices of the archivist concerning procedures for retention of public records. Effective: Aug. 10, 2016. Lobbyist: Geoff Wilson, gwilson@cml.org.

**HB 16-1046****PUBLIC SAFETY****Designated emergency response authorities**

Narrows appropriate response to include threats of adverse effects of a hazardous substance on human health or the environment. Requires local governments to report emergency response for hazardous waste designations to Colorado State Patrol annually. Allows designated emergency response authorities to provide response capability through agreement with private entity. Effective: March 31, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1117****PUBLIC SAFETY****Recording custodial interrogations**

Requires law enforcement officials who are investigating class 1 or 2 felonies or a felony sexual assaults to make an audio-video recording of custodial interrogations occurring in permanent detention facility. Requires that, by July 1, 2017, all law enforcement agencies in state have equipment available for making such audio-visual recordings. Effective: June 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1122****PUBLIC SAFETY****Remote starter systems**

Exempts vehicles with remote starter systems from law prohibiting the idling of unattended vehicle when driver takes adequate security measures. Allows local authorities to

continue to enforce or enact ordinances or resolutions concerning time limits on motor vehicle idling for one year. Effective: Aug. 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1190** **PUBLIC SAFETY**  
**Detention facilities**

Clarifies current law that use of force, including deadly force, is not permitted in a detention facility. Effective: Aug. 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1254** **PUBLIC SAFETY**  
**POST Board training**

Requires Peace Officers Standards and Training (POST) Board to create and implement training curriculum to provide information about how to recognize and respond to incidents of abuse and exploitation of at-risk adults with intellectual and developmental disabilities. Requires training to be implemented prior to June 30, 2016, and that costs be paid within existing appropriations. Effective: March 9, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1262** **PUBLIC SAFETY**  
**Background check employment waiver**

Requires each candidate for a peace officer position execute a waiver. Allows state or local law enforcement agencies or the Department of Revenue to obtain certain records about candidates from other law enforcements or governmental agencies. Adds that state or local law enforcement agency or other government agency is not liable for complying with waiver requirements or participating in official oral interview with an investigator regarding candidate. Contains several other provisions. Effective: June 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1263** **PUBLIC SAFETY**  
**Racial profiling**

Modifies prohibition in current law against racial profiling by law enforcement. Expands definition to include ethnicity, gender, national origin, language, religion, sexual orientation, gender identity, age, or disability. Provides that above factors cannot be used to determine existence of probable cause to place in custody or arrest an individual or in constituting reasonable suspicion that offense has been or is being committed to justify investigatory stop of a vehicle. Effective: June 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1264** **PUBLIC SAFETY**  
**Use of chokehold**

Clarifies that a peace officer may only use chokehold when he or she reasonably believes that it is necessary to defend himself or herself, or a third party is in imminent danger of death or serious bodily injury, or to effect arrest or prevent escape under certain conditions. Includes when peace officer has a reasonable belief that other person has committed or attempted felony involving a deadly weapon or other circumstances. Defines chokehold as method by

which a person holds another person by putting his or her arm around other person's neck with sufficient pressure to make breathing difficult or impossible. Effective: July 1, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1265** **PUBLIC SAFETY**  
**Arrest records based on mistaken identity**

Requires the court to expunge the arrest and criminal records of a person who was arrested as a result of mistaken identity and who did not have charges filed against him or her. Requires law enforcement agencies to petition the relevant court within 90 days of completing an investigation that determines there was a mistaken identity and no charges were filed. Adds that the court then has 90 days to expunge the record and order other agencies that have custody of such records to do the same. Effective: June 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1345** **PUBLIC SAFETY**  
**Treatment program for sex offenders**

Extends the sex offender management board from Sept. 1, 2016, to Sept. 1, 2019. When revising standards, requires board to identify and evaluate guidelines and standards to treat both adult and juvenile sex offenders to incorporate the concepts of risk-need-responsibility or another evidence-based correctional model and to complete revisions by July 1, 2017. Directs board to publish approved portions of standards guidelines. Requires supervising agency of each adult and juvenile sex offender to give offender a choice of at least two appropriate treatment providers but, once selected, offender cannot change provider with other approval. Requires board to review and investigate complaints and grievances against authorized providers concerning its standards and to notify Department of Regulatory Agencies (DORA) of any complaints or grievances and the outcomes of any investigations. Requires DORA to notify board of any complaints or grievances received concerning authorized providers and the outcomes of any investigations. Effective: Aug. 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**HB 16-1390** **PUBLIC SAFETY**  
**Immunity when overdoses reported**

Specifies that individuals who are suffering from or reporting an emergency drug or alcohol overdose are immune from arrest. Provides immunity from arrest for underage persons reporting alcohol or marijuana overdoses. Extends immunity from arrest and prosecution to the underage person requiring medical assistance. Effective: Aug. 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 16-063** **PUBLIC SAFETY**  
**Intergovernmental agreements**

Authorizes Colorado local governments to enter into agreements with local governments in bordering states to provide emergency services. Provides that such agreements must comply with statutory requirements for

intergovernmental agreements. Grants immunity for persons performing emergency services under such agreements. Adds that any liability that accrues under Colorado Governmental Immunity Act for persons from another state performing duties in Colorado are imposed on Colorado local government that is a party to agreement. Effective: Aug. 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 16-069 PUBLIC SAFETY**

**Community paramedicine**

Sets minimum standards for community integrated health care service agencies that must be incorporated in rules promulgated by the Colorado Board of Health. Specifies these rules must address areas such as medical direction of agencies and staffing, educational, and training requirements. Creates the Community Integrated Health Care Service Cash Fund to receive fee payments from licensed agencies, including from government-owned entities. Adds that person operating a community integrated health care service agency without license commits misdemeanor offense and is also subject to civil penalties. Creates standards for Community Assistance Referral and Education Services. June 8, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 16-183 PUBLIC SAFETY**

**9-1-1**

Creates task force to study deployment of 9-1-1 services in Colorado, including a review of other states' regulations concerning 9-1-1 oversight, outage reporting, and reliability and review of existing funding sources for transition to next-generation 9-1-1 service. Effective: June 10, 2016. Lobbyist: Meghan Dollar, mdollar@cml.org.

**SB 16-218 SEVERANCE TAX**

**Refunds following court decision**

Establishes a mechanism for state to process tax refunds for energy extraction companies resulting from an April Colorado Supreme Court decision. Freezes unobligated severance tax dollars in both Department of Natural Resources and Colorado Department of Local Affairs. Allows the Joint Budget Committee to release all or some of frozen funds by majority vote. Effective: June 10, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**HB 16-1008 TAXATION**

**Exemptions for housing authorities**

Clarifies that, since 2000, housing authority subsidiaries have same exemptions from state and local taxes as public housing authorities. Effective: Aug. 10, 2016. Lobbyist: Dianne Criswell, dcriswell@cml.org.

**HB 16-1187 TAXATION**

**Sales and use - Retirement home meals**

Conforms statutes to present Department of Revenue practice, which treats meals provided as part of a meal plan for residents in retirement homes as within exemption of

food for domestic home consumption. Also clarifies that packaging used in presenting such food is also exempt. Effective: June 1, 2016. Lobbyist: Geoff Wilson, gwilson@cml.org.

**HB 16-1457 TAXATION**

**Sales and use - Residential power exemption**

Conforms statutes to current Department of Revenue practice with respect to exemption for what is commonly called "residential power." Effective: June 10, 2016. Lobbyist: Geoff Wilson, gwilson@cml.org.

**SB 16-036 TAXATION**

**Sales and use - Appeal bonds/deposits**

Removes requirement for posting appeal bond or making a deposit of tax owed as condition of appeal of hearing officer's decision to district court except in cases in which matter was dismissed as "frivolous." Retains bonding and deposit requirements for appeals to appellate courts. Applies to both taxes collected by Department of Revenue, as well as to taxes collected locally. Effective: Aug. 10, 2016. Lobbyist: Geoff Wilson, gwilson@cml.org. *Reprinted.*

**SB 16-050 TAXATION**

**Sales and use - Location codes**

Holds retailer harmless if retailer provides Department of Revenue (DOR) with a correct address, but DOR assigns an incorrect location code to retailer, and retailer thereafter collects and remits tax in good faith. Effective: March 18, 2016. Lobbyist: Geoff Wilson, gwilson@cml.org.

**SB 16-124 TAXATION**

**Sales and use - Machinery exemption - Recycling equipment**

Clarifies that machinery and machine tools exemption language in state sales tax base includes equipment used for processing "recovered materials," which are materials diverted from waste stream for recycling or reuse. Contains local option provision so that this exemption does not affect the local tax base unless local government votes to adopt it. Effective: for sales occurring after July 1, 2016. Lobbyist: Geoff Wilson, gwilson@cml.org.

**SCR 16-002 TAXATION**

**Property taxes**

Refers a constitutional amendment to Nov. 8, 2016, statewide ballot to exempt possessory interests in real property (generally a leasehold interest in government property) below a \$6,000 threshold. Exemption would begin in tax year 2018, and threshold would increase annually by inflation. Similar to the 2010 proposed ballot issue Amendment R. Effective after official declaration of vote by proclamation of governor, not later than 30 days after votes have been canvassed. Lobbyist: Dianne Criswell, dcriswell@cml.org.

**HB 16-1030** **TRANSPORTATION**  
**Off-highway vehicles**

Allows a municipality to regulate crossing of state highways by off-highway vehicles (OHVs) within its jurisdiction by making a request in writing to regional office of the Colorado Department of Transportation to approve regulation. Municipal authority to regulate OHV crossing of state highways likewise authorized by SB 16-008. Effective: April 12, 2016. Lobbyist: Dianne Criswell, dcriswell@cml.org.

**HB 16-1155** **TRANSPORTATION**  
**Controlled-access highway**

Authorizes counties with population of 250,000 or more to designate a four-lane controlled-access highway as “primary road” if highway intersects with interstate highway or U.S. numbered highway and if construction commences in 2016. Grants counties additional authority over primary roads in municipal jurisdictions. Effective: Aug. 10, 2016. Lobbyist: Dianne Criswell, dcriswell@cml.org.

**HB 16-1298** **TRANSPORTATION**  
**Vehicle height, length, and weight**

Changes legal height of unladen and laden vehicles on state highways to 14 feet and 6 inches, restricts use of certain vehicle combinations, and increases maximum legal gross weight of vehicles that use alternative fuel. Effective: Aug. 10, 2016. Lobbyist: Dianne Criswell, dcriswell@cml.org.

**HB 16-1415** **TRANSPORTATION**  
**Funding for Division of Motor Vehicles**

In fiscal year 2016-17, subsidizes Division of Motor Vehicles (DMV) with \$2 million from off-the-top appropriation from Highway User Tax Fund (HUTF). Amends HUTF statute to allow off-the-top HUTF appropriations for DMV in FY 2017-18 and 2018-19. Repeals fund sweep from Licensing Services Cash Fund to the HUTF. On July 1, 2016, increases fees for various types of driver’s licenses and services to pay for operational costs of DMV. Effective: May 4, 2016. Lobbyist: Dianne Criswell, dcriswell@cml.org.

**HB 16-1416** **TRANSPORTATION**  
**Funding**

Provides following transfers from the General Fund: \$199.2 million on June 30, 2016, and \$158 million on June 30, 2017 to Highway Users Tax Fund; and \$49.8 million on June 30, 2016, and \$52.7 million on June 30, 2017 to Capital Construction Fund. These transfers replace first two years of SB 09-228 transfers. Effective: April 14, 2016. Lobbyist: Dianne Criswell, dcriswell@cml.org.

**SB 16-087** **TRANSPORTATION**  
**Highway-rail Crossing Signalization Fund**

Appropriates \$240,000 to Highway-Rail Crossing Signalization Fund for 2016-17 fiscal year. Going forward, requires \$240,000 (plus 2 percent annual inflation) of public utility fees to be credited to fund. Effective: June 6, 2016. Lobbyist: Dianne Criswell, dcriswell@cml.org.

**SB 16-173** **TRANSPORTATION**  
**Golf carts**

Allows golf carts to make at-grade crossings of state highways within municipalities under local government regulation if crossing does not interfere with normal operation of state highway. Effective: Aug. 10, 2016. Lobbyist: Dianne Criswell, dcriswell@cml.org.

**SB 16-177** **URBAN RENEWAL**  
**Modify 2015 legislation**

Makes technical adjustments and clarifies recent legislation concerning urban renewal, urban renewal plans, and provisions for sharing tax increment financing (TIF) among affected taxing entities. Replaces existing language with some common terms for describing municipal urban renewal boards and the various taxing entities affected by TIF. Specifies conditions for using mediation to address disputes between municipal urban renewal boards and other taxing entities. Clarifies that recent legislation is not intended to jeopardize the existing financial obligations of an urban renewal board that remain outstanding as of December 2015. Effective: May 18, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org. *Reprinted.*

**HB 16-1005** **WATER & WASTEWATER**  
**Residential precipitation collection**

Allows collection of precipitation from roof of home in up to two rain barrels with combined storage capacity of 110 gallons or less if used for outdoor purposes on residential property where the precipitation is collected. Effective: Aug. 10, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 16-1228** **WATER & WASTEWATER**  
**Agricultural protection water right**

Authorizes owner of absolute decreed irrigation water right (in water division 1 or 2) used for agricultural purposes to seek change-in-use decree in water court to obtain agricultural water protection water right. Effective: Aug. 10, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**HB 16-1413** **WATER & WASTEWATER**  
**Water Pollution Control Program**

Repeals sole fund for water pollution control fees. Creates separate cash fund for each sector and allocates fees from each sector respectively. Creates authority for legislature to address insufficient funding for any sector. Directs department to conduct a stakeholder process regarding appropriate and necessary fees. Requires report to Joint Budget Committee Nov. 1, 2016. Contains other provisions. Effective: July 1, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 16-200** **WATER & WASTEWATER**  
**Director of Water Project Permitting**

Creates the position of Director of Water Project Permitting in the Governor’s Office to coordinate federal, state, and

local government permitting of certain water projects. Includes raw water diversion, storage, or delivery projects, including associated hydroelectric facilities and both consumptive and nonconsumptive uses of water. Includes water projects that are either assessed a water quality certification fee or are eligible for financing from the Colorado Water Conservation Board Construction Fund. Effective: June 8, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

**SB 16-217**                      **WORKERS' COMPENSATION**

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**Litigation claims**

Establishes new requirements concerning reduction of workers' compensation payments in cases that involve admission of liability by employer and propose to reduce amount of compensation paid to claimant. Effective: July 1, 2016. Lobbyist: Kevin Bommer, kbommer@cml.org.

# An Act

HOUSE BILL 16-1069

BY REPRESENTATIVE(S) Rankin and Moreno, Arndt, Duran, Garnett, Ginal, Kraft-Tharp, Lebsock, Lee, Mitsch Bush, Pettersen, Rosenthal, Tyler, Vigil, Winter, Fields, Singer;  
also SENATOR(S) Grantham, Crowder, Kefalas, Martinez Humenik, Steadman.

CONCERNING THE ABILITY OF A CITY'S GOVERNING BODY TO DETERMINE  
THE LENGTH OF TERMS FOR ITS HOUSING AUTHORITY  
COMMISSIONERS.

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

**SECTION 1.** In Colorado Revised Statutes, 29-4-205, **amend** (3) (b) as follows:

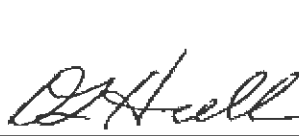
**29-4-205. Appointment of commissioners.** (3) (b) The commissioners ~~who are~~ appointed under ~~the provisions of~~ this subsection (3) shall be designated by the mayor or such other appointing authority as is otherwise provided by charter or ordinance to serve for terms that are staggered from the date of their appointment such that, to the extent possible, the terms of an equal number of commissioners end each year. Thereafter, the term of office ~~shall be~~ IS THE NUMBER OF YEARS AS SET BY THE COUNCIL BY RESOLUTION, NOT TO EXCEED FIVE YEARS IN LENGTH, OR,

IF THE COUNCIL HAS NOT SO ACTED, five years. A commissioner shall hold office until his or her successor has been appointed and has qualified. Vacancies other than by reason of expiration of terms shall be filled for the unexpired term. A majority of the commissioners ~~shall constitute~~ CONSTITUTES a quorum. The mayor or such other appointing authority as is otherwise provided by charter or ordinance shall file with the city clerk a certificate of the appointment or reappointment of any commissioner, and such certificate ~~shall be~~ IS conclusive evidence of the due and proper appointment of ~~such~~ EACH commissioner. The authority shall select from its members a vice-chairman and a chairman when the office of the first chairman becomes vacant.

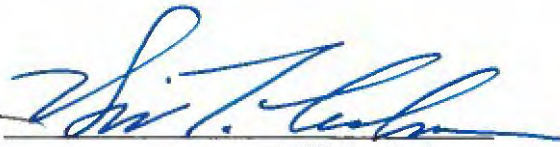
**SECTION 2. Act subject to petition - effective date - applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if 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 will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



(2) This act applies to the terms of commissioners appointed on or after the applicable effective date of this act.



Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Bill L. Cadman  
PRESIDENT OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

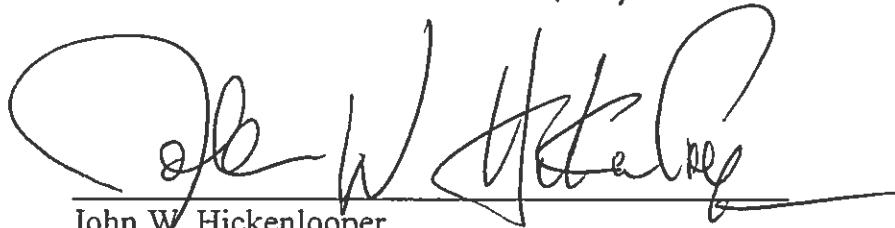


Effie Ameen  
SECRETARY OF  
THE SENATE

APPROVED

3:30 PM

3/9/16



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

# An Act

HOUSE BILL 16-1261

BY REPRESENTATIVE(S) Pabon, Conti, Court, Foote, Garnett, Kagan, Priola, Roupe, Wilson, Arndt, Ginal, Kraft-Tharp, Lebsock, Melton, Rosenthal, Ryden, Vigil;  
also SENATOR(S) Jahn and Baumgardner, Scheffel, Steadman.

CONCERNING CONTINUATION OF THE COLORADO RETAIL MARIJUANA CODE, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE 2015 SUNSET REPORT ISSUED BY THE DEPARTMENT OF REGULATORY AGENCIES AND MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, 12-43.4-103, **amend** (1) and (14.5); and **add** (1.5), (17.5), and (21.5) as follows:

**12-43.4-103. Definitions.** As used in this article, unless the context otherwise requires:

(1) ~~"Executive director" means the executive director of the department of revenue~~ "ESCORTED" MEANS APPROPRIATELY CHECKED INTO THE LIMITED ACCESS AREA AND ACCOMPANIED BY A PERSON LICENSED BY THE STATE LICENSING AUTHORITY; EXCEPT THAT TRADE CRAFTS PEOPLE NOT

NORMALLY ENGAGED IN THE BUSINESS OF CULTIVATING, PROCESSING, OR SELLING RETAIL MARIJUANA NEED NOT BE ACCOMPANIED ON A FULL-TIME BASIS, BUT ONLY REASONABLY MONITORED.

(1.5) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE.

(14.5) "Resealable" means that the package continues to function with WITHIN effectiveness specifications, which shall be established by the state licensing authority similar to the federal "Poison Prevention Packaging Act of 1970", 15 U.S.C. sec. 1471 et seq., for the number of openings and closings customary for its size and contents, which shall be determined by the state licensing authority.

(17.5) "RETAIL MARIJUANA ESTABLISHMENT OPERATOR" MEANS AN ENTITY OR PERSON THAT IS NOT AN OWNER AND THAT IS LICENSED TO PROVIDE PROFESSIONAL OPERATIONAL SERVICES TO A RETAIL MARIJUANA ESTABLISHMENT FOR DIRECT REMUNERATION FROM THE RETAIL MARIJUANA ESTABLISHMENT.

(21.5) "RETAIL MARIJUANA TRANSPORTER" MEANS AN ENTITY OR PERSON THAT IS LICENSED TO TRANSPORT RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCT FROM ONE RETAIL MARIJUANA ESTABLISHMENT TO ANOTHER RETAIL MARIJUANA ESTABLISHMENT AND TO TEMPORARILY STORE THE TRANSPORTED RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS AT ITS LICENSED PREMISES, BUT IS NOT AUTHORIZED TO SELL RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS UNDER ANY CIRCUMSTANCES.

**SECTION 2.** In Colorado Revised Statutes, 12-43.4-104, **amend** (3) as follows:

**12-43.4-104. Applicability - retail marijuana.** (3) As provided in section 16 (5) (f) of article XVIII of the state constitution, any local jurisdiction may enact ordinances or regulations governing the time, place, manner, and number of retail marijuana establishments, which may include a local licensing requirement, or may prohibit the operation of retail marijuana establishments through the enactment of an ordinance or through a referred or initiated measure. IF A COUNTY ACTS THROUGH AN INITIATED MEASURE, THE PROPONENTS SHALL SUBMIT A PETITION SIGNED BY NOT LESS THAN FIFTEEN PERCENT OF THE REGISTERED ELECTORS IN THE COUNTY.

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**SECTION 3.** In Colorado Revised Statutes, **amend** 12-43.4-105 as follows:

**12-43.4-105. Limited access areas.** Subject to the provisions of section 12-43.4-701, a limited access area shall be a building, room, or other contiguous area upon the licensed premises where retail marijuana and retail marijuana products are cultivated, stored, weighed, packaged, or tested, under control of the licensee, with ACCESS limited access to only those persons licensed by the state licensing authority AND THOSE VISITORS ESCORTED BY A PERSON LICENSED BY THE STATE LICENSING AUTHORITY. All areas of ingress or egress to limited access areas shall be clearly identified as such by a sign as designated by the state licensing authority.

**SECTION 4.** In Colorado Revised Statutes, 12-43.4-202, **amend** (2) (d), (3) (a) (IV) (B), (3) (a) (IV) (C), (3) (a) (IV) (D), (3) (a) (IV) (E), (3) (a) (IV) (F), (3) (a) (VII), and (3) (a) (XV); **add** (3) (a) (XVII), (3) (a) (XVIII), (3)(a)(XIX), and (3) (f); and **repeal** (3) (b) (IV) and (3) (c) (II) as follows:

**12-43.4-202. Powers and duties of state licensing authority - rules.** (2) The state licensing authority has the authority to:

(d) Maintain the confidentiality of reports or other information obtained from a licensee ~~showing the sales volume or quantity of retail marijuana or retail marijuana products sold~~ CONTAINING ANY INDIVIDUALIZED DATA, INFORMATION, OR RECORDS RELATED TO THE LICENSEE OR ITS OPERATION, INCLUDING SALES INFORMATION, FINANCIAL RECORDS, TAX RETURNS, CREDIT REPORTS, CULTIVATION INFORMATION, TESTING RESULTS, AND SECURITY INFORMATION AND PLANS, or revealing any customer information, or any other records that are exempt from public inspection pursuant to state law. Such reports or other information may be used only for a purpose authorized by this article or for any other state or local law enforcement purpose. Any customer information may be used only for a purpose authorized by this article.

(3) (a) Rules promulgated pursuant to paragraph (b) of subsection (2) of this section must include, but need not be limited to, the following subjects:

~~(IV) (B) Testing shall include, but not be limited to, analysis for~~

~~residual solvents, poisons, or toxins; harmful chemicals; dangerous molds or mildew, filth, and harmful microbials such as E. Coli or salmonella and pesticides~~ TESTING MAY INCLUDE ANALYSIS FOR MICROBIAL AND RESIDUAL SOLVENTS AND CHEMICAL AND BIOLOGICAL CONTAMINANTS DEEMED TO BE PUBLIC HEALTH HAZARDS BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT BASED ON MEDICAL REPORTS AND PUBLISHED SCIENTIFIC LITERATURE.

(C) In the event that test results indicate the presence of quantities of any substance determined to be injurious to health, ~~such products shall be immediately quarantined and immediate notification to the marijuana enforcement division shall be made. The adulterated product shall be documented and properly destroyed~~ THE LICENSEE SHALL IMMEDIATELY QUARANTINE THE PRODUCTS AND NOTIFY THE STATE LICENSING AUTHORITY. THE STATE LICENSING AUTHORITY SHALL GIVE THE LICENSEE AN OPPORTUNITY TO REMEDIATE THE PRODUCT IF THE TEST INDICATED THE PRESENCE OF A MICROBIAL. IF THE LICENSEE IS UNABLE TO REMEDIATE THE PRODUCT, THE LICENSEE SHALL DOCUMENT AND PROPERLY DESTROY THE ADULTERATED PRODUCT.

(D) ~~Testing shall also verify THC potency representations for correct labeling and create process validation for edible marijuana products and other marijuana products in multi-serving packages for a ten milligram serving in a one hundred milligram package, including homogeneity, potency, solvents, and pesticides~~ TESTING SHALL ALSO VERIFY THC POTENCY REPRESENTATIONS AND HOMOGENEITY FOR CORRECT LABELING AND PROVIDE A CANNABINOID PROFILE FOR THE MARIJUANA PRODUCT. An individual marijuana piece of ten milligrams or less that has gone through process validation is exempt from continued homogeneity testing. Homogeneity testing for one hundred milligram servings may utilize validation measures.

(E) THE STATE LICENSING AUTHORITY SHALL DETERMINE AN ACCEPTABLE VARIANCE FOR POTENCY REPRESENTATIONS AND PROCEDURES TO ADDRESS POTENCY MISREPRESENTATIONS. ~~The agency~~ STATE LICENSING AUTHORITY shall determine an acceptable variance of at least plus or minus fifteen percent for potency representations and procedures to address potency misrepresentations.

(F) ~~The agency~~ STATE LICENSING AUTHORITY shall determine the

protocols and frequency of marijuana testing by licensees.

(VII) Labeling requirements for retail marijuana and retail marijuana products sold by a retail marijuana establishment that are at least as stringent as imposed by section 25-4-1614 (3) (a), C.R.S., and include but are not limited to:

~~(A) The license number of the retail marijuana cultivation license;~~

~~(B) The license number of the retail marijuana store;~~

~~(C) An identity statement and standardized graphic symbol;~~

~~(D) The batch number;~~

~~(E) A net weight statement;~~

~~(F) THC potency and the potency of such other cannabinoids or other chemicals, including but not limited to CBD, as determined relevant by the state licensing authority;~~

~~(G) A list of the nonorganic pesticides, fungicides, herbicides, and solvents used during cultivation or production;~~

~~(H) A statement to the effect of: "This product contains marijuana and was cultivated or produced without regulatory oversight for health, safety, or efficacy, and there may be health risks associated with the consumption of the product.";~~

(I) Warning labels;

~~(J) Solvents used in the extraction process;~~

(K) Amount of THC per serving and the number of servings per package for marijuana products;

~~(L) A list of ingredients and possible allergens for retail marijuana products;~~

~~(M) A recommended use by or expiration date for retail marijuana~~

products;

~~(N) A nutritional fact panel for edible marijuana products; and~~

~~(O) A universal symbol indicating the package contains marijuana;~~

AND

~~(P) THE POTENCY OF THE RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCT HIGHLIGHTED ON THE LABEL.~~

~~(XV) Compliance with, enforcement of, or violation of any provision of this article, section 18-18-406.3 (7), C.R.S., or any rule issued pursuant to this article, including procedures and grounds for denying, suspending, fining, restricting, or revoking a state license issued pursuant to this article; and~~

~~(XVII) RETAIL MARIJUANA TRANSPORTER LICENSED BUSINESSES, INCLUDING REQUIREMENTS FOR DRIVERS, INCLUDING OBTAINING AND MAINTAINING A VALID COLORADO DRIVER'S LICENSE; INSURANCE REQUIREMENTS; ACCEPTABLE TIME FRAMES FOR TRANSPORT, STORAGE, AND DELIVERY; REQUIREMENTS FOR TRANSPORT VEHICLES; AND REQUIREMENTS FOR LICENSED PREMISES;~~

~~(XVIII) RETAIL MARIJUANA ESTABLISHMENT OPERATOR LICENSEES, INCLUDING THE FORM AND STRUCTURE OF ALLOWABLE AGREEMENTS BETWEEN OPERATORS AND OWNERS; AND~~

~~(XIX) NON-ESCORTED VISITORS IN LIMITED ACCESS AREAS.~~

~~(b) Rules promulgated pursuant to paragraph (b) of subsection (2) of this section must also include the following subjects:~~

~~(IV) Prohibition of misrepresentation and unfair practices;~~

~~(c) Rules promulgated pursuant to paragraph (b) of subsection (2) of this section must also include the following subjects, and the state licensing authority may seek the assistance of the department of public health and environment when necessary before promulgating the rules:~~

~~(II) Requiring that magazines whose primary focus is marijuana or~~

~~marijuana businesses are only sold in retail marijuana stores or behind the counter in establishments where persons under twenty-one years of age are present;~~

(f) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT MATTERS RELATED TO LABELING AS REGULATED PURSUANT TO SUBPARAGRAPH (VII) OF PARAGRAPH (a) OF THIS SUBSECTION (3) AND SUBPARAGRAPHS (V) AND (VI) OF PARAGRAPH (c) OF THIS SUBSECTION (3), PACKAGING AS REGULATED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (c) OF THIS SUBSECTION (3), AND TESTING AS REGULATED PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF THIS SUBSECTION (3) ARE MATTERS OF STATEWIDE CONCERN, AND THE SOLE REGULATORY AUTHORITY FOR LABELING, PACKAGING, AND TESTING IS PURSUANT TO THIS SECTION.

**SECTION 5.** In Colorado Revised Statutes, 12-43.4-306, **amend** (1) (f) as follows:

**12-43.4-306. Persons prohibited as licensees - definitions.** (1) A license provided by this article shall not be issued to or held by:

(f) A person licensed pursuant to this article who, during a period of licensure, or who, at the time of application, has failed to:

(I) ~~Provide a surety bond or~~ File any tax return related to a MEDICAL OR retail marijuana establishment; or

(II) Pay any taxes, interest, or penalties due ~~the department of revenue~~ relating to a MEDICAL OR retail marijuana establishment;

**SECTION 6.** In Colorado Revised Statutes, 12-43.4-307, **repeal** (1) (a) as follows:

**12-43.4-307. Restrictions for applications for new licenses.** (1) The state licensing authority shall not approve an application for the issuance of a state license pursuant to this article:

(a) ~~If the application for the license concerns a particular location that is the same as or within one thousand feet of a location for which, within the two years immediately preceding the date of the application, the state licensing authority denied an application for the same class of license~~



~~due to the nature of the use or other concern related to the location, or~~

**SECTION 7.** In Colorado Revised Statutes, 12-43.4-401, **amend** (1) (d); and **add** (1) (f), (1) (g), and (4) as follows:

**12-43.4-401. Classes of licenses.** (1) For the purpose of regulating the cultivation, manufacture, distribution, sale, and testing of retail marijuana and retail marijuana products, the state licensing authority in its discretion, upon receipt of an application in the prescribed form, may issue and grant to the applicant a license from any of the following classes, subject to the provisions and restrictions provided by this article:

(d) Retail marijuana testing facility license; and

(f) RETAIL MARIJUANA TRANSPORT LICENSE; AND

(g) RETAIL MARIJUANA BUSINESS OPERATOR LICENSE.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A LICENSED RETAIL CULTIVATION FACILITY OR A LICENSED RETAIL MARIJUANA PRODUCTS MANUFACTURER MAY COMPENSATE ITS EMPLOYEES USING PERFORMANCE-BASED INCENTIVES.

**SECTION 8.** In Colorado Revised Statutes, 12-43.4-402, **amend** (3) (a) (I); **add** (11); and **repeal** (3) (a) (II) as follows:

**12-43.4-402. Retail marijuana store license - definitions.** (3) (a) (I) A retail marijuana store may not sell more than one ounce of retail marijuana or its equivalent in retail marijuana products, including retail marijuana concentrate, EXCEPT FOR NON-EDIBLE, NON-PSYCHOACTIVE RETAIL MARIJUANA PRODUCTS, INCLUDING OINTMENTS, LOTIONS, BALMS, AND OTHER NON-TRANSDERMAL TOPICAL PRODUCTS during a single transaction to a person. ~~who has a valid identification card showing that the person is a resident of the state of Colorado:~~

~~(II) A retail marijuana store may not sell more than a quarter of an ounce of retail marijuana or its equivalent in retail marijuana products, including retail marijuana concentrate, during a single transaction to a person who does not have a valid identification card showing that the person is a resident of the state of Colorado:~~

(11) A DISPLAY CASE CONTAINING MARIJUANA CONCENTRATE MUST INCLUDE THE POTENCY OF THE MARIJUANA CONCENTRATE NEXT TO THE NAME OF THE PRODUCT.

**SECTION 9.** In Colorado Revised Statutes, **add** 12-43.4-406 and 12-43.4-407 as follows:

**12-43.4-406. Retail marijuana transport license.** (1) A RETAIL MARIJUANA TRANSPORT LICENSE MAY BE ISSUED TO A PERSON WHO ONLY TEMPORARILY STORES AND TRANSPORTS RETAIL MARIJUANA THROUGHOUT THE STATE FOR OTHER ENTITIES LICENSED PURSUANT TO THIS PART 4.

(2) A RETAIL MARIJUANA TRANSPORT LICENSEE SHALL MAINTAIN A LICENSED PREMISES FOR THE TEMPORARY STORAGE OF RETAIL MARIJUANA.

(3) A RETAIL MARIJUANA TRANSPORT LICENSEE SHALL HAVE ACCESS TO AND SHALL USE THE SEED-TO-SALE TRACKING SYSTEM DEVELOPED PURSUANT TO SECTION 12-43.4-202 (1) TO CREATE SHIPPING MANIFESTS DOCUMENTING THE TRANSPORT OF RETAIL MARIJUANA THROUGHOUT THE STATE.

(4) AN ENTITY LICENSED PURSUANT TO THIS PART 4 MAY TRANSPORT ITS OWN RETAIL MARIJUANA OR RETAIL MARIJUANA PRODUCTS WITHOUT POSSESSING A LICENSE PURSUANT TO THIS SECTION.

**12-43.4-407. Retail marijuana business operator license.** A RETAIL MARIJUANA BUSINESS OPERATOR LICENSE MAY BE ISSUED TO A PERSON WHO OPERATES A RETAIL MARIJUANA ESTABLISHMENT LICENSED PURSUANT TO THIS ARTICLE, FOR AN OWNER LICENSED PURSUANT TO THIS ARTICLE, AND WHO MAY RECEIVE A PORTION OF THE PROFITS AS COMPENSATION.

**SECTION 10.** In Colorado Revised Statutes, 12-43.4-1001, **amend** (1) as follows:

**12-43.4-1001. Sunset review - article repeal.** (1) This article is repealed, effective ~~July 1, 2016~~ SEPTEMBER 1, 2019.

**SECTION 11.** In Colorado Revised Statutes, 18-18-406, **add** (5.5) as follows:

PAGE 9-HOUSE BILL 16-1261

**18-18-406. Offenses relating to marijuana and marijuana concentrate.** (5.5) (a) IT IS UNLAWFUL FOR A PERSON TO TRANSFER MARIJUANA OR MARIJUANA CONCENTRATE AT NO COST TO A PERSON IF THE TRANSFER IS IN ANY WAY RELATED TO REMUNERATION FOR ANY OTHER SERVICE OR PRODUCT.

(b) A VIOLATION OF THIS SUBSECTION (5.5) IS A LEVEL 1 DRUG MISDEMEANOR.

**SECTION 12.** In Colorado Revised Statutes, 24-34-104, **repeal** (47) (d); and **add** (50.5) (o) as follows:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (47) The following agencies, functions, or both, shall terminate on July 1, 2016:

~~(d) The regulation of persons licensed pursuant to article 43.4 of title 12, C.R.S.~~

(50.5) The following agencies, functions, or both, terminate on September 1, 2019:

(o) THE REGULATION OF PERSONS LICENSED PURSUANT TO ARTICLE 43.4 OF TITLE 12, C.R.S.

**SECTION 13. Appropriation.** (1) For the 2016-17 state fiscal year, \$132,251 is appropriated to the department of revenue. This appropriation is from the marijuana cash fund created in section 12-43.3-501 (1) (a), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$108,512 for marijuana enforcement, which amount is based on an assumption that the department will require an additional 2.0 FTE;

(b) \$14,238 for CITA annual maintenance and support; and

(c) \$9,501 for the purchase of legal services.

(2) For the 2016-17 state fiscal year, \$9,501 is appropriated to the department of law. This appropriation is from reappropriated funds

received from the department of revenue under paragraph (c) of subsection (1) of this section. To implement this act, the department of law may use this appropriation to provide legal services for the department of revenue.

**SECTION 14. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Bill L. Cadman  
PRESIDENT OF  
THE SENATE

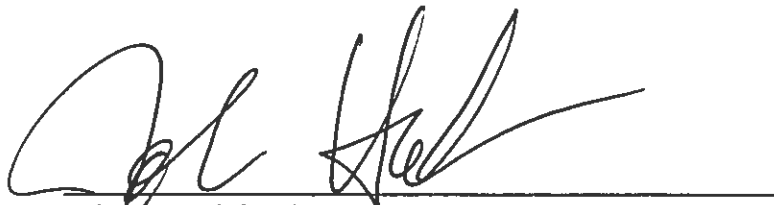


Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Effie Ameen  
SECRETARY OF  
THE SENATE

APPROVED 9:20 am 6/10/16



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

**NOTE: This measure became law without the governor's signature on 6/11/2016.**

# An Act

HOUSE BILL 16-1309

BY REPRESENTATIVE(S) Lontine, Becker K., Kagan, Kraft-Tharp, Lee, Melton, Moreno, Pabon, Pettersen, Rosenthal, Ryden, Saine, Salazar, Hullinghorst, Duran, Priola, Williams;  
also SENATOR(S) Marble, Carroll, Crowder, Garcia, Guzman, Heath, Jahn, Kefalas, Lambert, Lundberg, Merrifield, Neville T., Newell, Steadman, Todd, Ulibarri.

CONCERNING A DEFENDANT'S RIGHT TO COUNSEL IN CERTAIN CASES  
CONSIDERED BY MUNICIPAL COURTS.

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

**SECTION 1. Legislative declaration.** The general assembly hereby finds and declares that the both the United States and Colorado constitutions provide that an accused person has the right to be represented by counsel in criminal prosecutions. This constitutional right has been interpreted to mean that counsel will be provided at government expense for indigent persons in all cases in which incarceration is a possible penalty, unless there is a knowing, intelligent, and voluntary waiver of the right to counsel.

**SECTION 2.** In Colorado Revised Statutes, **add** 13-10-114.5 as follows:

**13-10-114.5. Representation by counsel.** (1) AT THE TIME OF FIRST APPEARANCE ON A MUNICIPAL CHARGE, IF THE DEFENDANT IS IN CUSTODY AND THE CHARGED OFFENSE INCLUDES A POSSIBLE SENTENCE OF INCARCERATION, THE COURT SHALL APPOINT COUNSEL TO REPRESENT THE DEFENDANT FOR PURPOSES OF THE INITIAL APPEARANCE UNLESS, AFTER A FULL ADVISEMENT PURSUANT TO C.M.C.R. 210 AND SECTION 16-7-207, C.R.S., THE DEFENDANT MAKES A KNOWING, INTELLIGENT, AND VOLUNTARY WAIVER OF HIS OR HER RIGHT TO COUNSEL.

(2) IF THE DEFENDANT REMAINS IN CUSTODY, THE APPOINTMENT OF COUNSEL CONTINUES UNTIL THE DEFENDANT IS RELEASED FROM CUSTODY. IF THE DEFENDANT IS RELEASED FROM CUSTODY, HE OR SHE MAY APPLY FOR COURT-APPOINTED COUNSEL, AND THE COURT SHALL APPOINT COUNSEL IF THE COURT DETERMINES THAT THE DEFENDANT IS INDIGENT AND THE CHARGED OFFENSE INCLUDES A POSSIBLE SENTENCE OF INCARCERATION.

**SECTION 3.** In Colorado Revised Statutes, 16-7-207, **add** (3) as follows:

**16-7-207. Court's duty to inform on first appearance in court and on pleas of guilty.** (3) THIS SECTION APPLIES TO PROSECUTIONS FOR VIOLATIONS OF MUNICIPAL CHARTERS AND PROSECUTIONS FOR VIOLATIONS OF MUNICIPAL ORDINANCES.

**SECTION 4. Act subject to petition - effective date.** This act takes effect May 1, 2017; 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 the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general

election to be held in November 2016 and, in such case, will take effect on May 1, 2017, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

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Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Bill L. Cadman  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

---

Effie Ameen  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

---

John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

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# An Act

HOUSE BILL 16-1311

BY REPRESENTATIVE(S) Salazar, Becker K., Danielson, Fields, Garnett, Kagan, Lee, Lontine, Melton, Moreno, Pabon, Pettersen, Primavera, Tyler, Williams, Winter, Hullinghorst;  
also SENATOR(S) Carroll and Marble, Aguilar, Guzman, Heath, Kefalas, Merrifield, Newell, Steadman.

CONCERNING COURT ORDERS REQUIRING PAYMENT OF MONETARY AMOUNTS.

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

**SECTION 1.** In Colorado Revised Statutes, **amend** 18-1.3-702 as follows:

**18-1.3-702. Monetary payments - due process required.** (1) (a) When the court imposes a sentence, ENTERS A JUDGMENT, OR ISSUES AN ORDER that ~~includes~~ OBLIGATES the ~~payment of~~ DEFENDANT TO PAY a monetary amount, the court may direct as follows:

(I) That the defendant pay the entire monetary amount at the time sentence is pronounced;

(II) That the defendant pay the entire monetary amount at some later

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



date;

(III) That the defendant pay as directed by the court or the court's designated official: ~~the monetary amount:~~

(A) At a future date certain in its entirety;

(B) By periodic payments, which may include payments at intervals, referred to in this section as a "payment plan"; or

(C) By other payment arrangement as determined by the court or the court's designated official;

(IV) When the defendant is sentenced to a period of probation as well as payment of a monetary amount, that payment of the monetary amount be made a condition of probation.

(b) A court's designated official shall report to the court on any failure to pay.

(c) As used in this section, "court's designated official" includes, but is not limited to, a "collections investigator" as defined in section 18-1.3-602 (1).

(2) When the court imposes a sentence, ~~that includes payment of~~ ENTERS A JUDGMENT, OR ISSUES AN ORDER THAT OBLIGATES A DEFENDANT TO PAY any monetary amount, the court shall instruct the defendant as follows:

(a) If at any time the defendant is unable to pay the monetary amount due, the defendant must contact the court's designated official or appear before the court to explain why he or she is unable to pay the monetary amount; ~~and~~

(b) IF THE DEFENDANT LACKS THE PRESENT ABILITY TO PAY THE MONETARY AMOUNT DUE WITHOUT UNDUE HARDSHIP TO THE DEFENDANT OR THE DEFENDANT'S DEPENDENTS, THE COURT SHALL NOT JAIL THE DEFENDANT FOR FAILURE TO PAY; AND

~~(b)~~ (c) If the defendant has the ability to pay the monetary amount

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as directed by the court or the court's designee but willfully fails to pay, the defendant may be imprisoned for failure to comply with the court's lawful order to pay pursuant to the terms of this section.

(3) Incarceration for failure to pay is prohibited absent provision of the following procedural protections:

(a) When a defendant is unable to pay a monetary amount due without undue hardship to himself or herself or his or her dependents, the court shall not imprison the defendant for his or her failure to pay;

(b) Except in the case of a corporation, if the defendant failed to pay a monetary amount due AND THE RECORD INDICATES THAT THE DEFENDANT HAS WILLFULLY FAILED TO PAY THAT MONETARY AMOUNT, the court, when appropriate, may consider a motion to impose part or all of a suspended sentence, may consider a motion to revoke probation, or may institute proceedings for contempt of court. When instituting contempt of court proceedings, the court, including a municipal court, shall provide all procedural protections mandated in rule 107 of THE Colorado rules of civil procedure or rule 407 of THE Colorado rules of county court civil procedure.

(c) The court shall not find the defendant in contempt of court, nor impose a suspended sentence, nor revoke probation, nor order the defendant to jail for failure to pay unless the court has made findings on the record, after providing notice to the defendant and a hearing, that the defendant has the ability to comply with the court's order to pay a monetary amount due without undue hardship to the defendant or the defendant's dependents and that the defendant has not made a good-faith effort to comply with the order. If the defendant fails to appear at the hearing referenced in this paragraph (c) after receiving notice, the court may issue a warrant for his or her arrest for failure to appear. ~~In no event shall the court issue a warrant for failure to pay money.~~

(d) THE COURT SHALL NOT ACCEPT A DEFENDANT'S GUILTY PLEA FOR CONTEMPT OF COURT FOR FAILURE TO PAY OR FAILURE TO COMPLY WITH THE COURT'S ORDER TO PAY A MONETARY AMOUNT UNLESS THE COURT HAS MADE FINDINGS ON THE RECORD THAT THE DEFENDANT HAS THE ABILITY TO COMPLY WITH THE COURT'S ORDER TO PAY A MONETARY AMOUNT DUE WITHOUT UNDUE HARDSHIP TO THE DEFENDANT OR THE DEFENDANT'S

PAGE 3-HOUSE BILL 16-1311

DEPENDENTS AND THAT THE DEFENDANT HAS NOT MADE A GOOD-FAITH EFFORT TO COMPLY WITH THE ORDER; AND

(e) THE COURT SHALL NOT ISSUE A WARRANT FOR FAILURE TO PAY MONEY, FAILURE TO APPEAR TO PAY MONEY, OR FAILURE TO APPEAR AT ANY POST-SENTENCING COURT APPEARANCE WHEREIN THE DEFENDANT WAS REQUIRED TO APPEAR IF HE OR SHE FAILED TO PAY A MONETARY AMOUNT; HOWEVER, A COURT MAY ISSUE AN ARREST WARRANT OR INCARCERATE A DEFENDANT RELATED TO HIS OR HER FAILURE TO PAY A MONETARY AMOUNT ONLY THROUGH THE PROCEDURES DESCRIBED IN PARAGRAPHS (a) TO (d) OF THIS SUBSECTION (3).

(4) (a) FOR PURPOSES OF THIS SECTION, A DEFENDANT OR A DEFENDANT'S DEPENDENTS ARE CONSIDERED TO SUFFER UNDUE HARDSHIP IF HE, SHE, OR THEY WOULD BE DEPRIVED OF MONEY NEEDED FOR BASIC LIVING NECESSITIES, SUCH AS FOOD, SHELTER, CLOTHING, NECESSARY MEDICAL EXPENSES, OR CHILD SUPPORT. IN DETERMINING WHETHER A DEFENDANT IS ABLE TO COMPLY WITH AN ORDER TO PAY A MONETARY AMOUNT WITHOUT UNDUE HARDSHIP TO THE DEFENDANT OR THE DEFENDANT'S DEPENDENTS, THE COURT SHALL CONSIDER:

(I) WHETHER THE DEFENDANT IS EXPERIENCING HOMELESSNESS;

(II) THE DEFENDANT'S PRESENT EMPLOYMENT, INCOME, AND EXPENSES;

(III) THE DEFENDANT'S OUTSTANDING DEBTS AND LIABILITIES, BOTH SECURED AND UNSECURED;

(IV) WHETHER THE DEFENDANT HAS QUALIFIED FOR AND IS RECEIVING ANY FORM OF PUBLIC ASSISTANCE, INCLUDING FOOD STAMPS, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, MEDICAID, OR SUPPLEMENTAL SECURITY INCOME BENEFITS;

(V) THE AVAILABILITY AND CONVERTIBILITY, WITHOUT UNDUE HARDSHIP TO THE DEFENDANT OR THE DEFENDANT'S DEPENDENTS, OF ANY REAL OR PERSONAL PROPERTY OWNED BY THE DEFENDANT;

(VI) WHETHER THE DEFENDANT RESIDES IN PUBLIC HOUSING;

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(VII) WHETHER THE DEFENDANT'S FAMILY INCOME IS LESS THAN TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LINE, ADJUSTED FOR FAMILY SIZE; AND

(VIII) ANY OTHER CIRCUMSTANCES THAT WOULD IMPAIR THE DEFENDANT'S ABILITY TO PAY.

~~(4)~~ (5) If the court finds a defendant in contempt of court for willful failure to pay, the court may direct that the defendant be imprisoned until the monetary payment ordered by the court is made, but the court shall specify a maximum period of imprisonment subject to the following limits:

(a) When the monetary amount was imposed for a felony, the period shall not exceed one year;

(b) When the monetary amount was imposed for a misdemeanor, the period shall not exceed one-third of the maximum term of imprisonment authorized for the misdemeanor;

(c) When the monetary amount was imposed for a petty offense, a traffic violation, or a violation of a municipal ordinance, any of which is punishable by a possible jail sentence, the period shall not exceed fifteen days;

(d) There shall be no imprisonment in those cases when no imprisonment is provided for in the possible sentence; and

(e) When a sentence of imprisonment and a monetary amount was imposed, the aggregate of the period and the term of the sentence shall not exceed the maximum term of imprisonment authorized for the offense.


~~(5)~~ (6) This section applies to all courts of record in Colorado, including but not limited to municipal courts.


~~(6)~~ (7) Nothing in this section prevents the collection of a monetary amount in the same manner as a judgment in a civil action.


**SECTION 2. Applicability.** This act applies to sentences entered and to hearings for failure to make monetary payments conducted on or after the effective date of this act.


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**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

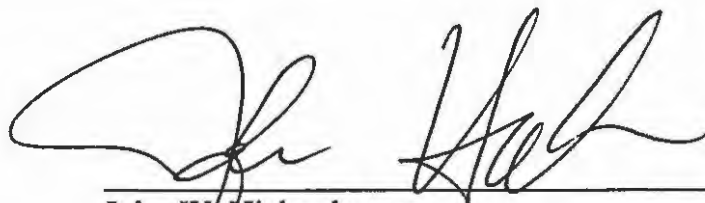
  
Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

  
Bill L. Cadman  
PRESIDENT OF  
THE SENATE

  
Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

  
Effie Ameen  
SECRETARY OF  
THE SENATE

APPROVED 9:21 am 6/10/16

  
John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

# An Act

HOUSE BILL 16-1439

BY REPRESENTATIVE(S) Garnett, Arndt, Becker K., Conti, Lontine, Melton, Rosenthal, Hullinghorst;  
also SENATOR(S) Holbert, Hill, Kerr, Merrifield, Steadman, Todd, Woods.

CONCERNING THE CREATION OF A NEW ALCOHOL BEVERAGE LICENSE UNDER THE "COLORADO LIQUOR CODE" TO PERMIT A LODGING AND ENTERTAINMENT FACILITY TO SELL ALCOHOL BEVERAGES BY THE DRINK FOR CONSUMPTION ON THE LICENSED PREMISES, AND, IN CONNECTION THEREWITH, ALLOWING THE HOLDER OF A TAVERN LICENSE TO CONVERT THE TAVERN LICENSE TO A LODGING AND ENTERTAINMENT LICENSE OR OTHER APPROPRIATE LICENSE UNDER SPECIFIED CONDITIONS.

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

**SECTION 1.** In Colorado Revised Statutes, 12-47-103, amend (7.5) (c) (IX) and (7.5) (c) (X); and add (7.5) (c) (XI) and (18.5) as follows:

**12-47-103. Definitions.** As used in this article and article 46 of this title, unless the context otherwise requires:

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

(7.5) "Entertainment district" means an area that:

(c) Contains at least twenty thousand square feet of premises that, at the time the district is created, is licensed pursuant to this article as a:

(IX) Beer wholesaler that operates a sales room pursuant to section 12-47-406 (1) (b) (I); or

(X) Limited winery; OR

(XI) LODGING AND ENTERTAINMENT FACILITY LICENSEE.

(18.5) "LODGING AND ENTERTAINMENT FACILITY" MEANS AN ESTABLISHMENT THAT:

(a) IS EITHER:

(I) A LODGING FACILITY, THE PRIMARY BUSINESS OF WHICH IS TO PROVIDE THE PUBLIC WITH SLEEPING ROOMS AND MEETING FACILITIES; OR

(II) AN ENTERTAINMENT FACILITY, THE PRIMARY BUSINESS OF WHICH IS TO PROVIDE THE PUBLIC WITH SPORTS OR ENTERTAINMENT ACTIVITIES WITHIN ITS LICENSED PREMISES; AND

(b) INCIDENTAL TO ITS PRIMARY BUSINESS, SELLS AND SERVES ALCOHOL BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES AND HAS SANDWICHES AND LIGHT SNACKS AVAILABLE FOR CONSUMPTION ON THE PREMISES.

**SECTION 2.** In Colorado Revised Statutes, add 12-47-426 as follows:

**12-47-426. Lodging and entertainment license.** (1) A LODGING AND ENTERTAINMENT LICENSE MAY BE ISSUED TO A LODGING AND ENTERTAINMENT FACILITY SELLING ALCOHOL BEVERAGES BY THE DRINK ONLY TO CUSTOMERS FOR CONSUMPTION ON THE PREMISES. A LODGING AND ENTERTAINMENT FACILITY LICENSEE SHALL HAVE SANDWICHES AND LIGHT SNACKS AVAILABLE FOR CONSUMPTION ON THE PREMISES DURING BUSINESS HOURS BUT NEED NOT HAVE MEALS AVAILABLE FOR CONSUMPTION.

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(2) (a) A LODGING AND ENTERTAINMENT FACILITY LICENSED TO SELL ALCOHOL BEVERAGES AS PROVIDED IN THIS SECTION SHALL PURCHASE ALCOHOL BEVERAGES ONLY FROM A WHOLESALER LICENSED PURSUANT TO THIS ARTICLE OR ARTICLE 46 OF THIS TITLE; EXCEPT THAT, DURING A CALENDAR YEAR, A LODGING AND ENTERTAINMENT FACILITY LICENSED TO SELL ALCOHOL BEVERAGES AS PROVIDED IN THIS SECTION MAY PURCHASE NOT MORE THAN TWO THOUSAND DOLLARS' WORTH OF:

(I) MALT, VINOUS, AND SPIRITUOUS LIQUORS FROM A RETAILER LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408; AND

(II) FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED PURSUANT TO SECTION 12-46-104 (1) (c).

(b) A LODGING AND ENTERTAINMENT FACILITY LICENSEE SHALL RETAIN EVIDENCE OF EACH PURCHASE OF MALT, VINOUS, OR SPIRITUOUS LIQUORS FROM A RETAILER LICENSED PURSUANT TO SECTION 12-47-407 OR 12-47-408 AND EACH PURCHASE OF FERMENTED MALT BEVERAGES FROM A RETAILER LICENSED PURSUANT TO SECTION 12-46-104 (1) (c), IN THE FORM OF A PURCHASE RECEIPT SHOWING THE NAME OF THE LICENSED RETAILER, THE DATE OF PURCHASE, A DESCRIPTION OF THE ALCOHOL BEVERAGES PURCHASED, AND THE PRICE PAID FOR THE ALCOHOL BEVERAGES. THE LODGING AND ENTERTAINMENT FACILITY LICENSEE SHALL RETAIN THE RECEIPT AND MAKE IT AVAILABLE TO THE STATE AND LOCAL LICENSING AUTHORITIES AT ALL TIMES DURING BUSINESS HOURS.

(3) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), IT IS UNLAWFUL FOR ANY OWNER, PART OWNER, SHAREHOLDER, OR PERSON INTERESTED DIRECTLY OR INDIRECTLY IN LODGING AND ENTERTAINMENT LICENSES TO CONDUCT, OWN EITHER IN WHOLE OR IN PART, OR BE DIRECTLY OR INDIRECTLY INTERESTED IN ANY OTHER BUSINESS LICENSED PURSUANT TO THIS ARTICLE OR ARTICLE 46 OF THIS TITLE.

(b) AN OWNER, PART OWNER, SHAREHOLDER, OR PERSON INTERESTED DIRECTLY OR INDIRECTLY IN A LODGING AND ENTERTAINMENT LICENSE MAY HAVE AN INTEREST IN:

(I) A LICENSE DESCRIBED IN SECTION 12-46-104 (1) (c), 12-47-401 (1) (j) TO (1) (t), (1) (v), OR (1) (w), OR 12-47-410 (1); OR



(II) A FINANCIAL INSTITUTION REFERRED TO IN SECTION 12-47-308  
(4).

(4) (a) EACH LODGING AND ENTERTAINMENT FACILITY LICENSEE SHALL MANAGE OR HAVE A SEPARATE AND DISTINCT MANAGER FOR EACH LICENSED PREMISES AND SHALL REGISTER THE MANAGER OF EACH LICENSED PREMISES WITH BOTH THE STATE AND THE LOCAL LICENSING AUTHORITY. A PERSON SHALL NOT BE A REGISTERED MANAGER FOR MORE THAN ONE LODGING AND ENTERTAINMENT LICENSE.

(b) THE REGISTERED MANAGER FOR EACH LODGING AND ENTERTAINMENT LICENSE OR THE LODGING AND ENTERTAINMENT FACILITY LICENSEE SHALL PURCHASE ALCOHOL BEVERAGES FOR ONE LICENSED PREMISES ONLY, AND THE PURCHASES SHALL BE SEPARATE AND DISTINCT FROM PURCHASES FOR ANY OTHER LODGING AND ENTERTAINMENT LICENSE.

(c) WHEN A PERSON CEASES TO BE A REGISTERED MANAGER FOR A LODGING AND ENTERTAINMENT LICENSE, THE LODGING AND ENTERTAINMENT FACILITY LICENSEE SHALL NOTIFY THE LICENSING AUTHORITIES WITHIN FIVE DAYS AND SHALL DESIGNATE A NEW REGISTERED MANAGER WITHIN THIRTY DAYS.

(d) THE STATE LICENSING AUTHORITY OR THE LOCAL LICENSING AUTHORITY MAY REFUSE TO ACCEPT ANY PERSON AS A REGISTERED MANAGER UNLESS THE PERSON IS SATISFACTORY TO THE RESPECTIVE LICENSING AUTHORITIES AS TO CHARACTER, RECORD, AND REPUTATION. IN DETERMINING A REGISTERED MANAGER'S CHARACTER, RECORD, AND REPUTATION, THE STATE OR LOCAL LICENSING AUTHORITY MAY HAVE ACCESS TO CRIMINAL HISTORY RECORD INFORMATION FURNISHED BY A CRIMINAL JUSTICE AGENCY SUBJECT TO ANY RESTRICTIONS IMPOSED BY THE AGENCY.

(e) THE LODGING AND ENTERTAINMENT FACILITY LICENSEE SHALL PAY A REGISTRATION FEE, NOT TO EXCEED SEVENTY-FIVE DOLLARS, FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN DETERMINING THE CHARACTER, RECORD, AND REPUTATION OF EACH REGISTERED MANAGER. THE LODGING AND ENTERTAINMENT FACILITY LICENSEE SHALL PAY THE FEE TO BOTH THE STATE AND THE LOCAL LICENSING AUTHORITY.

(5) AT THE TIME A TAVERN LICENSE ISSUED UNDER SECTION

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12-47-412 IS DUE FOR RENEWAL OR BY ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, WHICHEVER OCCURS LATER, A PERSON LICENSED AS A TAVERN THAT DOES NOT HAVE AS ITS PRINCIPAL BUSINESS THE SALE OF ALCOHOL BEVERAGES, HAS A VALID LICENSE ON THE EFFECTIVE DATE OF THIS SECTION, AND IS A LODGING AND ENTERTAINMENT FACILITY MAY APPLY TO, AND THE APPLICABLE LOCAL LICENSING AUTHORITY SHALL, CONVERT THE TAVERN LICENSE TO A LODGING AND ENTERTAINMENT LICENSE UNDER THIS SECTION, AND THE PERSON MAY CONTINUE TO OPERATE AS A LODGING AND ENTERTAINMENT FACILITY LICENSEE. A PERSON APPLYING TO CONVERT AN EXISTING TAVERN LICENSE TO A LODGING AND ENTERTAINMENT LICENSE UNDER THIS SUBSECTION (5) MAY APPLY TO CONVERT THE LICENSE, EVEN IF THE LOCATION OF THE LICENSED PREMISES IS WITHIN FIVE HUNDRED FEET OF ANY PUBLIC OR PAROCHIAL SCHOOL OR THE PRINCIPAL CAMPUS OF ANY COLLEGE, UNIVERSITY, OR SEMINARY, SO LONG AS THE LOCAL LICENSING AUTHORITY HAS PREVIOUSLY APPROVED THE LOCATION OF THE LICENSED PREMISES IN ACCORDANCE WITH SECTION 12-47-313 (1) (d).

**SECTION 3.** In Colorado Revised Statutes, 12-47-301, amend (2) (a), (8), (11) (c) (II) introductory portion, and (11) (e) (I) as follows:

**12-47-301. Licensing in general.** (2) (a) Before granting any license, all licensing authorities shall consider, except where this article and article 46 of this title specifically provide otherwise, the reasonable requirements of the neighborhood, the desires of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise, and all other reasonable restrictions that are or may be placed upon the neighborhood by the local licensing authority. With respect to a second or additional license described in section 12-47-401 (1) (j) to (1) (t), ~~12-47-424~~, (1) (v), OR (1) (w) or 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4) for the same licensee, all licensing authorities shall consider the effect on competition of the granting or disapproving of additional licenses to such licensee and ~~no~~ SHALL NOT APPROVE AN application for a second or additional hotel and restaurant or vintner's restaurant license that would have the effect of restraining competition shall be approved.

(8) Each licensee holding a fermented malt beverage on-premises license or on- and off-premises license, beer and wine license, tavern license, LODGING AND ENTERTAINMENT LICENSE, club license, arts license, or racetrack license shall manage ~~such~~ THE premises himself or herself or

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employ a separate and distinct manager on the premises and shall report the name of such THE manager to the state and local licensing authorities. Such THE licensee shall report any change in managers to the state and local licensing authorities within thirty days after the change. It is unlawful for the licensee to fail to report the name of or any change in managers as required by this subsection (8). Such THE failure to report shall be IS grounds for suspension of the license.

(11) (c) (II) An association or licensed tavern, LODGING AND ENTERTAINMENT FACILITY, hotel and restaurant, brew pub, distillery pub, retail gaming tavern, vintner's restaurant, beer and wine licensee, manufacturer or beer wholesaler that operates a sales room, or limited winery that wishes to create a promotional association may submit an application to the local licensing authority. To qualify for certification, the promotional association must:

(e) (I) A licensed tavern, LODGING AND ENTERTAINMENT FACILITY, hotel and restaurant, brew pub, distillery pub, retail gaming tavern, vintner's restaurant, beer and wine licensee, manufacturer or beer wholesaler that operates a sales room, or limited winery that wishes to attach to a common consumption area may submit an application to the local licensing authority. To qualify, the licensee must include a request for authority to attach to the common consumption area from the certified promotional association of the common consumption area unless the promotional association does not exist when the application is submitted; if so, the applicant shall request the authority when a promotional association is certified and shall demonstrate to the local licensing authority that the authority has been obtained by the time the applicant's license issued under this article is renewed.

**SECTION 4.** In Colorado Revised Statutes, 12-47-309, add (1) (n) as follows:

**12-47-309. Local licensing authority - applications - optional premises licenses.** (1) A local licensing authority may issue only the following alcohol beverage licenses upon payment of the fee specified in section 12-47-505:

(n) LODGING AND ENTERTAINMENT LICENSE.

**SECTION 5.** In Colorado Revised Statutes, 12-47-401, **add** (1)(w) as follows:

**12-47-401. Classes of licenses.** (1) For the purpose of regulating the manufacture, sale, and distribution of alcohol beverages, the state licensing authority in its discretion, upon application in the prescribed form made to it, may issue and grant to the applicant a license or permit from any of the following classes, subject to the provisions and restrictions provided by this article:

(w) **LODGING AND ENTERTAINMENT LICENSE.**

**SECTION 6.** In Colorado Revised Statutes, 12-47-409, **amend** (3) as follows:

**12-47-409. Beer and wine license.** (3) It is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in a beer and wine license to conduct, own either in whole or in part, or be directly or indirectly interested in any other business licensed pursuant to this article or article 46 of this title; except that the person may have an interest in a license described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), ~~12-47-401~~ (1) (v), or (1) (w), OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4).

**SECTION 7.** In Colorado Revised Statutes, 12-47-410, **amend** (5) as follows:

**12-47-410. Bed and breakfast permit.** (5) It is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in a bed and breakfast permit to conduct, own either in whole or in part, or be directly or indirectly interested in any other business licensed pursuant to this article or article 46 of this title; except that a person regulated under this section may have an interest in other bed and breakfast permits, in a license described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), ~~or 12-47-401~~ (1) (v), OR (1) (w) or in a financial institution referred to in section 12-47-308 (4).

**SECTION 8.** In Colorado Revised Statutes, 12-47-411, **amend** (13) (b) as follows:

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**12-47-411. Hotel and restaurant license - definition - rules.** (13) (b) Notwithstanding paragraph (a) of this subsection (13), an owner, part owner, shareholder, or person interested directly or indirectly in a hotel and restaurant license may conduct, own either in whole or in part, or be directly or indirectly interested in a license described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), ~~12-47-401~~ (1) (v), or (1) (w), OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4).

**SECTION 9.** In Colorado Revised Statutes, 12-47-412, **amend** (3); and **add** (9) as follows:

**12-47-412. Tavern license.** (3) It is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in tavern licenses to conduct, own either in whole or in part, or be directly or indirectly interested in any other business licensed pursuant to this article or article 46 of this title; except that the person may have an interest in a license described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), ~~12-47-401~~ (1) (v), or (1) (w), OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4).

(9) (a) AT THE TIME A TAVERN LICENSE IS DUE FOR RENEWAL OR BY ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (9), WHICHEVER OCCURS LATER, A TAVERN LICENSED UNDER THIS SECTION THAT DOES NOT HAVE AS ITS PRINCIPAL BUSINESS THE SALE OF ALCOHOL BEVERAGES, HAS A VALID LICENSE ON THE EFFECTIVE DATE OF THIS SECTION, AND IS A LODGING AND ENTERTAINMENT FACILITY MAY APPLY TO, AND THE APPLICABLE LOCAL LICENSING AUTHORITY SHALL, CONVERT THE TAVERN LICENSE TO A LODGING AND ENTERTAINMENT LICENSE UNDER SECTION 12-47-426, AND THE LICENSEE MAY CONTINUE TO OPERATE AS A LODGING AND ENTERTAINMENT FACILITY LICENSEE. IF A TAVERN LICENSEE DOES NOT HAVE AS ITS PRINCIPAL BUSINESS THE SALE OF ALCOHOL BEVERAGES BUT IS NOT A LODGING AND ENTERTAINMENT FACILITY, AT THE TIME THE TAVERN LICENSE IS DUE FOR RENEWAL OR BY ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (9), WHICHEVER OCCURS LATER, THE LICENSEE MAY APPLY TO, AND THE APPLICABLE LOCAL LICENSING AUTHORITY SHALL, CONVERT THE TAVERN LICENSE TO ANOTHER LICENSE UNDER THIS ARTICLE, IF ANY, FOR WHICH THE PERSON QUALIFIES.

(b) A PERSON APPLYING UNDER THIS SUBSECTION (9) TO CONVERT

AN EXISTING TAVERN LICENSE TO ANOTHER LICENSE UNDER THIS ARTICLE MAY APPLY TO CONVERT THE LICENSE, EVEN IF THE LOCATION OF THE LICENSED PREMISES IS WITHIN FIVE HUNDRED FEET OF ANY PUBLIC OR PAROCHIAL SCHOOL OR THE PRINCIPAL CAMPUS OF ANY COLLEGE, UNIVERSITY, OR SEMINARY, SO LONG AS THE LOCAL LICENSING AUTHORITY HAS PREVIOUSLY APPROVED THE LOCATION OF THE LICENSED PREMISES IN ACCORDANCE WITH SECTION 12-47-313 (1) (d).

**SECTION 10.** In Colorado Revised Statutes, 12-47-413, **amend** (2) (b) as follows:

**12-47-413. Optional premises license.** (2) (b) Notwithstanding paragraph (a) of this subsection (2), an owner, part owner, shareholder, or person interested directly or indirectly in an optional premises license may own, either in whole or in part, or be directly or indirectly interested in a license described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), ~~12-47-401~~ (1) (v), or (1) (w), OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4).

**SECTION 11.** In Colorado Revised Statutes, 12-47-414, **amend** (4) as follows:

**12-47-414. Retail gaming tavern license.** (4) It is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in a retail gaming tavern license to conduct, own either in whole or in part, or be directly or indirectly interested in any other business licensed pursuant to this article or article 46 of this title; except that the person may have an interest in a license described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), ~~12-47-401~~ (1) (v), or (1) (w), OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4).

**SECTION 12.** In Colorado Revised Statutes, 12-47-415, **amend** (5) (b) as follows:

**12-47-415. Brew pub license.** (5) (b) Notwithstanding paragraph (a) of this subsection (5), a person interested directly or indirectly in a brew pub license may conduct, own either in whole or in part, or be directly or indirectly interested in a license described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), ~~12-47-401~~ (1) (v), or (1) (w), OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4).

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**SECTION 13.** In Colorado Revised Statutes, 12-47-418, amend (4) as follows:

**12-47-418. Racetrack license.** (4) It is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in a racetrack license to conduct, own either in whole or in part, or be directly or indirectly interested in any other business licensed pursuant to this article or article 46 of this title; except that a person licensed under this section may have an interest in a license described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), ~~12-47-401~~ (1) (v), or (1) (w), OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4).

**SECTION 14.** In Colorado Revised Statutes, 12-47-420, amend (5) (b) as follows:

**12-47-420. Vintner's restaurant license.** (5) (b) A person interested directly or indirectly in a vintner's restaurant license may conduct, own either in whole or in part, or be directly or indirectly interested in a license described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), ~~12-47-401~~ (1) (v), or (1) (w), OR 12-47-410 (1) or in a financial institution referred to in section 12-47-308 (4).

**SECTION 15.** In Colorado Revised Statutes, 12-47-421, amend (2) (a) (VIII) and (2) (a) (IX); and add (2) (a) (X) as follows:

**12-47-421. Removal of vinous liquor from licensed premises.** (2) This section applies to a person:

(a) That is duly licensed as a:

(VIII) Club under section 12-47-416; or

(IX) Distillery pub under section 12-47-424; and OR

(X) LODGING AND ENTERTAINMENT FACILITY UNDER SECTION 12-47-426; AND

**SECTION 16.** In Colorado Revised Statutes, 12-47-422, amend (6) as follows:

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**12-47-422. Art gallery permit - definition.** (6) It is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in an art gallery permit to conduct, own either in whole or in part, or be directly or indirectly interested in any other business licensed pursuant to this article or article 46 of this title; except that a person regulated under this section may have an interest in other art gallery permits; in a license described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), ~~12-47-401~~ (1) (v), or (1) (w), OR 12-47-410 (1); or in a financial institution referred to in section 12-47-308 (4).

**SECTION 17.** In Colorado Revised Statutes, 12-47-423, **amend** (2) (a) as follows:

**12-47-423. Wine packaging permit - limitations - rules.** (2) A licensed winery or limited winery that obtains a wine packaging permit pursuant to this section shall not sell or distribute tax-paid wine it packages:

(a) To a person licensed to sell alcohol beverages at retail, for consumption on or off the licensed premises, under section 12-47-407, 12-47-408, 12-47-409, 12-47-410, 12-47-411, 12-47-412, 12-47-413, 12-47-414, 12-47-415, 12-47-416, 12-47-417, 12-47-418, 12-47-419, 12-47-420, 12-47-422, ~~or~~ 12-47-424, OR 12-47-426; or

**SECTION 18.** In Colorado Revised Statutes, 12-47-424, **amend** (5) (b) (II) as follows:

**12-47-424. Distillery pub license - legislative declaration - definition.** (5) (b) A person interested directly or indirectly in a distillery pub license may conduct, own either in whole or in part, or be directly or indirectly interested in:

(II) A license described in section 12-46-104 (1) (c), 12-47-401 (1) (j) to (1) (t), (1) (v), OR (1) (w), or 12-47-410 (1); or

**SECTION 19.** In Colorado Revised Statutes, 12-47-501, **add** (1) (t) as follows:

**12-47-501. State fees.** (1) The following license and permit fees shall be paid to the department of revenue annually in advance:

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(t) FOR EACH LODGING AND ENTERTAINMENT LICENSE, SEVENTY-FIVE DOLLARS.

**SECTION 20.** In Colorado Revised Statutes, 12-47-505, add (1) (p) as follows:

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

(p) FOR EACH LODGING AND ENTERTAINMENT LICENSE, FIVE HUNDRED DOLLARS.

**SECTION 21.** In Colorado Revised Statutes, 12-47-901, amend (5) (a) (I), (5) (i) (I), and (9) (b) as follows:

**12-47-901. Unlawful acts - exceptions.** (5) It is unlawful for any person licensed to sell at retail pursuant to this article:

(a) (I) To sell an alcohol beverage to any person under the age of twenty-one years, to a habitual drunkard, or to a visibly intoxicated person, or to permit any alcohol beverage to be sold or dispensed by a person under eighteen years of age, or to permit any such person to participate in the sale or dispensing thereof. If a person who, in fact, is not twenty-one years of age exhibits a fraudulent proof of age, any action relying on such fraudulent proof of age shall not constitute grounds for the revocation or suspension of any license issued under this article or article 46 of this title. Notwithstanding any provision in this subparagraph (I) to the contrary, no A person under twenty-one years of age shall NOT be employed to sell or dispense malt, vinous, or spirituous liquors unless he or she is supervised by another person who is on premise and has attained twenty-one years of age. No AN employee of a tavern licensed pursuant to section 12-47-412 OR A LODGING AND ENTERTAINMENT FACILITY LICENSED PURSUANT TO SECTION 12-47-426, that does not regularly serve meals as defined in section 12-47-103 (20), or a retail liquor store shall NOT sell malt, vinous, or spirituous liquors unless such THE person is at least twenty-one years of age.

(i) (I) To sell malt, vinous, or spirituous liquors or fermented malt beverages in a place where the alcohol beverages are to be consumed,

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unless the place is a hotel, restaurant, tavern, LODGING AND ENTERTAINMENT FACILITY, racetrack, club, retail gaming tavern, or arts licensed premises or unless the place is a dining, club, or parlor car; plane; bus; or other conveyance or facility of a public transportation system.

(9) (b) This subsection (9) applies to persons licensed OR PERMITTED to sell OR SERVE alcohol beverages for consumption on the licensed premises pursuant to section 12-47-403, 12-47-409, 12-47-410, 12-47-411, 12-47-412, 12-47-413, 12-47-414, 12-47-415, 12-47-416, 12-47-417, 12-47-418, 12-47-419, 12-47-420, 12-47-422, or 12-47-424, OR 12-47-426.

**SECTION 22.** In Colorado Revised Statutes, 12-47-901, **amend as added by Senate Bill 16-197 (5) (p) (II) as follows:**

**12-47-901. Unlawful acts - exceptions - definitions.** (5) It is unlawful for any person licensed to sell at retail pursuant to this article or article 46 of this title:

(p) (II) If licensed as a tavern under section 12-47-412, A LODGING AND ENTERTAINMENT FACILITY UNDER SECTION 12-47-426, a retail liquor store under section 12-47-407, or a liquor-licensed drugstore under section 12-47-408, to permit an employee who is under twenty-one years of age to sell malt, vinous, or spirituous liquors; or

**SECTION 23. Effective date.** (1) This act takes effect on the effective date; except that:

(a) Section 12-47-901 (5) (a) (I), Colorado Revised Statutes, as amended in section 21 of this act, becomes law and takes effect only if Senate Bill 16-197 does not become law; and

(b) Section 12-47-901 (5) (p) (II), Colorado Revised Statutes, as amended in section 22 of this act, becomes law and takes effect only if Senate Bill 16-197 becomes law, and the section takes effect either upon the effective date of this act or Senate Bill 16-197, whichever is later.

**SECTION 24. Act subject to petition - effective date.** This act takes 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

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10, 2016, if adjournment sine die is on May 11, 2016); 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 will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Bill L. Cadman  
PRESIDENT OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Effie Ameen  
SECRETARY OF  
THE SENATE

APPROVED 9:13 am 6/10/16



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

# An Act

SENATE BILL 16-036

BY SENATOR(S) Neville T. and Jahn, Baumgardner, Carroll, Cooke, Crowder, Grantham, Heath, Kefalas, Lambert, Lundberg, Marble, Merrifield, Newell, Scott, Sonnenberg, Steadman, Tate, Woods; also REPRESENTATIVE(S) Kraft-Tharp and Sias, Neville P., Saine.

CONCERNING SURETY REQUIREMENTS WHEN A TAXPAYER APPEALS A TAX BILL THAT THE STATE OR A LOCAL GOVERNMENT CLAIMS IS DUE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, amend 39-21-105 as follows:

**39-21-105. Appeals.** (1) The taxpayer may appeal the final determination of the executive director issued pursuant to section 39-21-103, 39-21-104, or 39-21-104.5 within thirty days after the mailing of such determination. JURISDICTION TO HEAR AND DETERMINE SUCH APPEALS IS IN THE DISTRICT COURTS OF THIS STATE.

(2) (a) Venue ~~shall be~~ IS in the district court of the county ~~wherein~~ WHERE the taxpayer resides or has his OR HER principal place of business. If the taxpayer has neither a residence nor a principal place of business

within the state, venue shall be IS in the DENVER district court. in and for the city and county of Denver.

(b) ~~Jurisdiction to hear and determine appeals is conferred upon the district courts of this state. Trial may be had or any order made in term or in vacation.~~ The district court shall try the case de novo, reviewing all questions of law and fact, such review being conducted in accordance with the Colorado rules of civil procedure. The taxpayer shall present his OR HER case in the same manner as the plaintiff in other civil actions and the normal rules of evidence shall apply. The taxpayer shall have HAS the burden of proof with respect to the issues raised in the WRITTEN notice of appeal DESCRIBED IN SUBSECTION (3) OF THIS SECTION except as to the issue of whether the taxpayer has been guilty of fraud with intent to evade tax. The burden of proof shall be upon IS ON the executive director of the department of revenue or his OR HER delegate to show that a petitioner is liable as a transferee of property of a taxpayer but not to show that the taxpayer was liable for the tax. The district court may affirm, modify, or reverse the determination of the executive director and may enter judgment on its findings.

(3) ~~Appeal to the district court shall be taken~~ A TAXPAYER APPEALS A FINAL DETERMINATION OF THE EXECUTIVE DIRECTOR by filing, with the clerk of the district court of the proper county, a copy of the notice of final determination received by the taxpayer, together with a written notice stating that the taxpayer appeals to the district court and alleging the pertinent facts upon which such appeal is grounded.

(4) (a) ~~Within fifteen days after filing the notice of~~ AN appeal TO THE DISTRICT COURT FROM A DECISION PURSUANT TO SECTION 39-21-104.5, the taxpayer shall file with the district court a surety bond in twice the amount of the taxes, interest, and other charges stated AS DUE in the final determination by the executive director which are contested on appeal. The taxpayer may, at his OR HER option, satisfy the surety bond requirement by DEPOSIT IN a savings account or deposit ACCOUNT HELD in, or PURCHASE a certificate of deposit issued by, a state or national bank or by a state or federal savings and loan association, in accordance with the provisions of section 11-35-101 (1), C.R.S., AN AMOUNT equal to twice the amount of the taxes, interest, and other charges stated AS DUE in the final determination by the executive director.

~~(b)~~ (5) ~~The~~ ANY taxpayer may, at his OR HER option, deposit the disputed amount with the executive director of the department of revenue ~~in lieu of posting a surety bond~~ WITHIN FIFTEEN DAYS AFTER FILING AN APPEAL TO THE DISTRICT COURT. If such amount is so deposited, no further interest ~~shall accrue~~ ACCRUES on the deficiency contested during the pendency of the action. At the conclusion of the action, after appeal to the supreme court or the court of appeals or after the time for such appeal has expired, the funds deposited ~~shall~~ MUST be, at the direction of the court, either retained by the executive director and applied against the deficiency or returned in whole or in part to the taxpayer with interest at the rate imposed under section 39-21-110.5. ~~No~~ THE TAXPAYER DOES NOT NEED TO MAKE A claim for refund of amounts deposited with the executive director of the department of revenue ~~need be made by the taxpayer~~ in order for such amounts to be repaid in accordance with the direction of the court.

~~(5)~~ (6) Upon filing of the WRITTEN notice ~~of appeal~~ DESCRIBED IN SUBSECTION (3) OF THIS SECTION, the executive director of the department of revenue ~~shall be~~ IS deemed to be a party to ~~such~~ THE appeal, and the clerk of the district court shall docket the cause as a civil action. The appellant shall cause summons to be issued and cause the same to be served upon the executive director, in accordance with the manner provided by law in civil cases. Notice of the date of trial ~~shall~~ MUST be mailed to the taxpayer and to the executive director, at least twenty days ~~prior thereto~~ BEFORE THE DATE OF THE TRIAL.

~~(6)~~ (7) The final decision made in ~~such~~ AN appeal ~~shall~~ OF AN EXECUTIVE DIRECTOR'S FINAL DETERMINATION MUST be entered as a judgment, as in other civil cases, against the taxpayer or against the executive director as the case may be.

~~(7)~~ (8) (a) The decision of the district court ~~shall be~~ IS reviewable by the supreme court or the court of appeals as is otherwise provided by law; EXCEPT THAT C.R.C.P. 62 (d) AND C.R.C.P. 121 SECTION 1-23 SHALL NOT APPLY. EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (8), IF THE TAXPAYER WISHES TO SEEK REVIEW OF A DISTRICT COURT RULING THAT IS ADVERSE TO THE TAXPAYER IN PART OR IN WHOLE, NO LATER THAN FIFTEEN DAYS AFTER THE RULING THE TAXPAYER SHALL:

(I) FILE WITH THE DISTRICT COURT A SURETY BOND IN TWICE THE AMOUNT OF THE TAXES, INTEREST, AND OTHER CHARGES STATED AS DUE IN

THE DISTRICT COURT RULING, WHICH ARE CONTESTED ON APPEAL;

(II) DEPOSIT IN A SAVINGS ACCOUNT OR DEPOSIT ACCOUNT HELD IN, OR PURCHASE A CERTIFICATE OF DEPOSIT ISSUED BY, A STATE OR NATIONAL BANK OR BY A STATE OR FEDERAL SAVINGS AND LOAN ASSOCIATION, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 11-35-101 (1), C.R.S., AN AMOUNT EQUAL TO TWICE THE AMOUNT OF THE TAXES, INTEREST, AND OTHER CHARGES STATED IN THE DISTRICT COURT RULING; OR

(III) DEPOSIT THE AMOUNT STATED AS DUE IN THE DISTRICT COURT RULING WITH THE EXECUTIVE DIRECTOR.

(b) IF THE TAXPAYER HAS POSTED A BOND, MADE A DEPOSIT, OR DEPOSITED THE DISPUTED AMOUNT WITH THE EXECUTIVE DIRECTOR AS SPECIFIED IN SUBSECTIONS (4) AND (5) OF THIS SECTION, SUCH PREVIOUS PAYMENT OR POSTING IS CONTINUED IN EFFECT AND NO FURTHER PAYMENT OR POSTING MAY BE REQUIRED.

(c) UPON THE TAXPAYER FULFILLING THE APPEAL REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (8), COLLECTION ON THE JUDGMENT IS STAYED DURING THE PENDENCY OF THE ACTION.

(d) IF THE TAXPAYER DEPOSITS THE AMOUNT STATED AS DUE IN THE DISTRICT COURT RULING WITH THE EXECUTIVE DIRECTOR AS SPECIFIED IN SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (8), NO FURTHER INTEREST SHALL ACCRUE ON THE AMOUNT DEPOSITED DURING THE PENDENCY OF THE ACTION. AT THE CONCLUSION OF THE ACTION, AFTER APPEAL TO THE SUPREME COURT OR AFTER THE TIME FOR SUCH APPEAL HAS EXPIRED, THE FUNDS DEPOSITED MUST BE, AT THE DIRECTION OF THE COURT, EITHER RETAINED BY THE EXECUTIVE DIRECTOR AND APPLIED AGAINST THE DEFICIENCY OR RETURNED IN WHOLE OR IN PART TO THE TAXPAYER WITH INTEREST AT THE RATE IMPOSED UNDER SECTION 39-21-110.5. THE TAXPAYER DOES NOT NEED TO MAKE A CLAIM FOR REFUND OF AMOUNTS DEPOSITED WITH THE EXECUTIVE DIRECTOR IN ORDER FOR SUCH AMOUNTS TO BE REPAYED IN ACCORDANCE WITH THE DIRECTION OF THE COURT.

**SECTION 2.** In Colorado Revised Statutes, 11-35-101, **amend** (1) as follows:

**11-35-101. Alternatives to surety bonds permitted -**

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**requirements.** (1) The requirement of a surety bond as a condition to licensure or authority to conduct business or perform duties in this state provided in sections 12-5.5-202 (2) (b), 12-6-111, 12-6-112, 12-6-112.2, 12-6-512, 12-6-513, 12-14-124 (1), 12-59-115 (1), 12-60-509 (2.5) (b), 12-61-907, 33-4-101 (1), 33-12-104 (1), 35-55-104 (1), 37-91-107 (2) and (3), 38-29-119 (2), 39-21-105, ~~(4)~~, 39-27-104 (2) (a), (2) (b), (2) (c), (2) (d), (2) (e), (2.1) (a), (2.1) (b), (2.1) (c), (2.5) (a), and (2.5) (b), 39-28-105 (1), 42-6-115 (3), and 42-7-301 (6), C.R.S., may be satisfied by a savings account or deposit in or a certificate of deposit issued by a state or national bank doing business in this state or by a savings account or deposit in or a certificate of deposit issued by a state or federal savings and loan association doing business in this state. Such savings account, deposit, or certificate of deposit shall be in the amount specified by statute, if any, and shall be assigned to the appropriate state agency for the use of the people of the state of Colorado. The aggregate liability of the bank or savings and loan association shall in no event exceed the amount of the deposit. For the purposes of the sections referred to in this section, "bond" includes the savings account, deposit, or certificate of deposit authorized by this section.

**SECTION 3.** In Colorado Revised Statutes, 29-2-106, **amend** (8) as follows:

**29-2-106. Collection - administration - enforcement.** (8) **Uniform collection procedures.** Each home rule city, town, and city and county shall follow, and conform its ordinances where necessary to, the statute of limitations applicable to the enforcement of state sales and use tax collections, the statute of limitations applicable to refunds of state sales and use taxes, the amount of penalties and interest payable on delinquent remittances of state sales and use taxes, and the posting of bonds pursuant to section 39-21-105, ~~(4)~~, C.R.S.

**SECTION 4.** In Colorado Revised Statutes, 29-2-106.1, **amend** (3) (b), (3) (c), and (8) (d) as follows:

**29-2-106.1. Deficiency notice - dispute resolution.** (3) (b) If the taxpayer requests a hearing before the executive director, then the local government whose decision is being appealed may not require a bond or payment of tax in lieu thereof; ~~until thirty days after the final decision of the executive director or his delegate;~~ but such local government may require a bond or payment of tax in lieu thereof FILED WITH AND PAYABLE

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TO THE LOCAL GOVERNMENT in the manner provided in section 39-21-111, C.R.S., prior to the hearing before such local government or the executive director if either such local government reasonably finds that collection of the tax will be jeopardized by delay or the taxpayer requests a postponement of the hearing before such local government or the executive director, other than on account of a death, physical illness or injury, or catastrophe, which substantially impairs the taxpayer's ability to present his case. ~~Any such bond or payment of tax in lieu thereof shall be filed with and payable to the local government whose decision is being appealed, and such bond shall be filed or such tax shall be paid in the manner provided in section 39-21-105, C.R.S.~~ In the event that payment of the tax or posting of a bond is required by the local government, the taxpayer, after payment of the tax or posting of the bond, may appeal such decision of the local government to the executive director and shall be granted an expedited hearing on such appeal pursuant to section 39-21-103 (6), C.R.S., and the executive director may affirm, reverse, or modify such decision.

(c) If the taxpayer appeals the decision ~~of the executive director on the hearing~~ ISSUED pursuant to this subsection (3) ~~the district court~~ in the manner provided in section 39-21-105, C.R.S., then the tax TAXPAYER shall ~~be paid~~ PAY THE TAX to or POST a bond ~~shall be posted~~ with the local government whose decision is being appealed in the manner provided in that section. ~~unless payment of tax or posting of bond was previously required, in which case such previous payment or posting shall continue in effect.~~

(8) (d) An appeal pursuant to this subsection (8) ~~shall~~ MUST be conducted in the same manner as provided in section 39-21-105, C.R.S.; except that venue ~~shall be~~ IS in the district court of the county ~~wherein~~ WHERE the local government whose decision is being appealed is located, AND ANY DEPOSIT MADE PURSUANT TO SECTION 39-21-105 (4), (5), OR (8) (a) (III), C.R.S., MUST BE MADE WITH THE LOCAL GOVERNMENT WHOSE DECISION IS BEING APPEALED.

**SECTION 5. Appropriation.** (1) For the 2016-17 state fiscal year, \$100,000 is appropriated to the department of revenue. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of legal services.

(2) For the 2016-17 state fiscal year, \$100,000 is appropriated to the

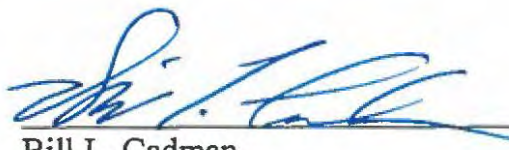
department of law. This appropriation is from reappropriated funds received from the department of revenue under subsection (1) of this section. To implement this act, the department of law may use this appropriation to provide legal services to the department of revenue.

(3) It is the intent of the general assembly in making this appropriation that the department of law and the department of revenue may request supplemental appropriations to implement this act based on documented evidence that legal caseload increases related to this act exceed the appropriation initially provided.

**SECTION 6. Applicability.** This act applies to appeals filed on or after the effective date of this act.

**SECTION 7. Act subject to petition - effective date.** This act takes 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, 2016, if adjournment sine die is on May 11, 2016); 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 will not take effect unless

approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



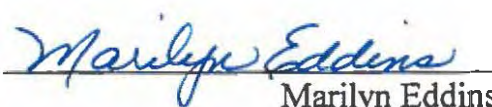
Bill L. Cadman  
PRESIDENT OF  
THE SENATE



Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

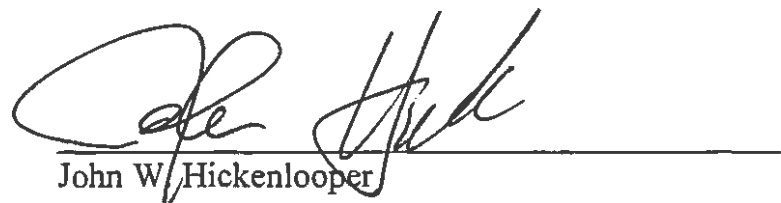


Effie Ameen  
SECRETARY OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED 9:08 am 6/10/16



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

# An Act

SENATE BILL 16-177

BY SENATOR(S) Martinez Humenik and Heath, Kefalas, Scheffel;  
also REPRESENTATIVE(S) Hullinghorst and Lawrence, Arndt, Becker  
K., Duran, Fields, Kraft-Tharp, Lontine, Mitsch Bush, Pettersen, Ryden,  
Vigil.

CONCERNING TECHNICAL MODIFICATIONS TO LEGISLATION ENACTED IN  
2015 TO PROMOTE AN EQUITABLE FINANCIAL CONTRIBUTION AMONG  
AFFECTED PUBLIC BODIES IN CONNECTION WITH URBAN  
REDEVELOPMENT PROJECTS ALLOCATING TAX REVENUES.

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

**SECTION 1.** In Colorado Revised Statutes, 31-25-107, **amend**  
(9.5); and **add** (9.7) as follows:

**31-25-107. Approval of urban renewal plans by local governing  
body - definition.** (9.5) (a) Before any urban renewal plan containing any  
tax allocation provisions that allocates any taxes of any ~~public body~~ TAXING  
ENTITY other than the municipality may be approved by the municipal  
governing body pursuant to subsection (4) of this section, the ~~governing  
body~~ AUTHORITY shall notify the board of county commissioners of each  
county and the governing boards of each other ~~public body~~ TAXING ENTITY  
whose INCREMENTAL property tax revenues would be allocated under such

proposed plan. Representatives of the ~~municipal governing body~~ AUTHORITY and THE GOVERNING BODY OF each ~~board of county commissioners and each public body~~ TAXING ENTITY shall then meet and attempt to negotiate an agreement governing the ~~types and limits of tax revenues of each taxing entity to be allocated to the urban renewal plan~~ SHARING OF INCREMENTAL PROPERTY TAX REVENUE ALLOCATED TO THE SPECIAL FUND OF THE AUTHORITY ESTABLISHED IN ACCORDANCE WITH SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION. The agreement must address, without limitation, estimated impacts of the urban renewal plan on county or district services associated solely with the urban renewal plan. The agreement may be entered into separately among ~~the municipality, the authority and each such county or other public body~~ TAXING ENTITY, or through a joint agreement among ~~the municipality, the authority and any public body~~ TAXING ENTITY that has chosen to enter that agreement. Any such ~~allocated~~ shared INCREMENTAL tax revenues governed by any agreement are limited to all or any portion of the INCREMENTAL REVENUE GENERATED BY THE taxes levied upon taxable property by the ~~public body~~ TAXING ENTITY within the area covered by the urban renewal plan in addition to any INCREMENTAL sales tax revenues generated within the area covered by the urban renewal plan by the imposition of the sales tax of the municipality and, AT THE OPTION OF any other ~~public body~~ TAXING ENTITY LEVYING A SALES TAX IN THE AREA COVERED BY THE URBAN RENEWAL PLAN, ANY INCREMENTAL SALES TAX REVENUES OF SUCH OTHER TAXING ENTITY THAT ARE INCLUDED WITHIN THE AGREEMENT.

(b) The agreement described in paragraph (a) of this subsection (9.5) may provide for a waiver of any provision of this part 1 that provides for notice to the ~~public body~~ TAXING ENTITY, requires any filing with or by the ~~public body~~ TAXING ENTITY, requires or permits consent from the ~~public body~~ TAXING ENTITY, or provides any enforcement right to the ~~public body~~. ~~The municipality may delegate to the authority the responsibility for negotiating the agreement described in paragraph (a) of this subsection (9.5) as long as final approval of the plan or any modification of the plan is made by the governing body of the municipality in accordance with subsection (4) of this section~~ TAXING ENTITY.

(c) If, after a period of one hundred twenty days from the date of notice or such longer or shorter period as the ~~municipal governing body~~ AUTHORITY and any ~~public body~~ TAXING ENTITY may agree, there is no agreement between the ~~municipal governing body~~ AUTHORITY and any

~~public body~~ TAXING ENTITY as described in paragraph (a) of this subsection (9.5), the ~~municipal governing body~~ AUTHORITY and any applicable ~~public body~~ TAXING ENTITY are subject to the provisions and limitations of paragraph (d) of this subsection (9.5).

(d) (I) In an absence of an agreement between the ~~municipality~~ AUTHORITY and any taxing entity as described in paragraph (a) of this subsection (9.5), the parties must submit to mediation on the issue of appropriate ~~allocation of~~ SHARING OF INCREMENTAL PROPERTY TAX REVENUES AND urban renewal project costs among the ~~municipality~~ AUTHORITY and ~~all other~~ ANY SUCH taxing entities whose ~~taxes~~ INCREMENTAL PROPERTY TAX REVENUES will be allocated pursuant to an urban renewal plan AND WITH WHOM AN INTERGOVERNMENTAL AGREEMENT WITH THE AUTHORITY HAS NOT BEEN REACHED.

(II) THE MEDIATION REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) MUST BE CONDUCTED BY A MEDIATOR WHO HAS BEEN JOINTLY SELECTED BY THE PARTIES; EXCEPT THAT, IF THE PARTIES ARE UNABLE TO AGREE ON THE SELECTION OF A MEDIATOR, THEN THE AUTHORITY SHALL SELECT ONE MEDIATOR, THE OTHER PARTIES SHALL SELECT A SECOND MEDIATOR, AND THESE TWO MEDIATORS SHALL THEN SELECT A THIRD MEDIATOR. IN SUCH CIRCUMSTANCES, THE MEDIATION WILL BE JOINTLY CONDUCTED BY THE THREE MEDIATORS. UNLESS ALL PARTIES OTHERWISE AGREE, ANY MEDIATOR SELECTED PURSUANT TO THIS PARAGRAPH (d) MUST BE AN ATTORNEY LICENSED IN THE STATE FOR AT LEAST TEN YEARS AND MUST BE EXPERIENCED IN BOTH LAND USE AND ADMINISTRATIVE LAW. PAYMENT OF THE FEES AND COSTS FOR THE MEDIATION MUST BE SPLIT EQUALLY BETWEEN OR AMONG THE PARTIES.

(III) In making a determination of the appropriate ~~allocation~~ SHARING, the mediator must consider the nature of the project, the nature and relative size of the revenue and other benefits that are expected to accrue to the municipality and other taxing entities as a result of the project, any legal limitations on the use of revenues belonging to the ~~municipality~~ AUTHORITY or any taxing entity, and any capital or operating costs that are expected to result from the project. Within ninety days, the mediator must issue his or her findings of fact as to the appropriate ~~allocation~~ SHARING of costs and INCREMENTAL PROPERTY TAX REVENUES, AND shall promptly transmit such information to the parties. ~~The municipality may agree to the mediator's findings by including in the urban renewal plan provisions that~~

~~allocate municipal and incremental tax revenues of taxing bodies in accordance with the cost allocations determined by the mediator or by entering into an intergovernmental agreement with the taxing entity providing an alternative cost allocation methodology.~~ WITH RESPECT TO THE USE OF INCREMENTAL PROPERTY TAX REVENUES OF EACH OTHER TAXING ENTITY, FOLLOWING THE ISSUANCE OF FINDINGS BY THE MEDIATOR, THE GOVERNING BODY OF THE MUNICIPALITY SHALL:

(A) INCORPORATE THE MEDIATOR'S FINDINGS ON THE USE OF INCREMENTAL PROPERTY TAX REVENUES OF ANY TAXING BODY INTO THE URBAN RENEWAL PLAN AND PROCEED TO ADOPT THE PLAN;

(B) AMEND THE URBAN RENEWAL PLAN TO DELETE AUTHORIZATION OF THE USE OF THE INCREMENTAL PROPERTY TAX REVENUES OF ANY TAXING BODY WITH WHOM AN AGREEMENT HAS NOT BEEN REACHED; OR

(C) DIRECT THE AUTHORITY TO EITHER INCORPORATE THE MEDIATOR'S FINDINGS INTO ONE OR MORE INTERGOVERNMENTAL AGREEMENTS WITH OTHER TAXING ENTITIES OR TO ENTER INTO NEW NEGOTIATIONS WITH ONE OR MORE TAXING ENTITIES AND TO ENTER INTO ONE OR MORE INTERGOVERNMENTAL AGREEMENTS WITH SUCH TAXING ENTITIES THAT INCORPORATE SUCH NEW OR DIFFERENT PROVISIONS CONCERNING THE SHARING OF COSTS AND INCREMENTAL PROPERTY TAX REVENUES WITH WHICH THE PARTIES ARE IN AGREEMENT.

(e) Notwithstanding any other provision of law, no payments INCREMENTAL PROPERTY TAX REVENUES may be ~~made~~ ALLOCATED AND PAID into the special fund of the authority in accordance with subparagraph (II) of paragraph (a) of subsection (9) of this section unless the municipality or the authority has satisfied the requirements of this subsection (9.5).

~~(e)~~ (f) Notwithstanding any other provision of this section, a city and county is not required to reach an agreement with a county satisfying the requirements of this subsection (9.5).

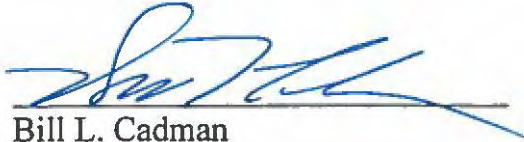
(g) FOR PURPOSES OF THIS SUBSECTION (9.5), "TAXING ENTITY" MEANS ANY COUNTY, SPECIAL DISTRICT, OR OTHER PUBLIC BODY THAT LEVIES AN AD VALOREM PROPERTY TAX ON PROPERTY WITHIN THE URBAN RENEWAL AREA SUBJECT TO A TAX ALLOCATION PROVISION.

(9.7) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NOTHING IN SUBSECTION (9.5) OF THIS SECTION, AS ADDED BY HOUSE BILL 15-1348, ENACTED IN 2015, AND AS AMENDED BY SENATE BILL 16-177, ENACTED IN 2016, IS INTENDED TO IMPAIR, JEOPARDIZE, OR PUT AT RISK ANY EXISTING BONDS, INVESTMENTS, LOANS, CONTRACTS, OR FINANCIAL OBLIGATIONS OF AN URBAN RENEWAL AUTHORITY OUTSTANDING AS OF DECEMBER 31, 2015, OR THE PLEDGE OF PLEDGED REVENUES OR ASSETS TO THE PAYMENT THEREOF THAT OCCURRED ON OR BEFORE DECEMBER 31, 2015.

**SECTION 2. Safety clause.** The general assembly hereby finds,



determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Bill L. Cadman  
PRESIDENT OF  
THE SENATE



Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Effie Ameen  
SECRETARY OF  
THE SENATE

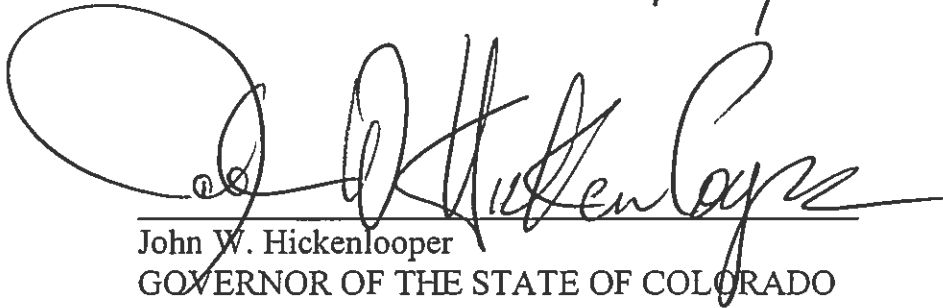


Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED

4:59 PM

5/18/16



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

# An Act

SENATE BILL 16-186

BY SENATOR(S) Tate, Baumgardner, Grantham, Holbert, Lambert, Marble, Neville T.;  
also REPRESENTATIVE(S) Lontine, Becker K., Court, Pabon, Rosenthal, Ryden.

CONCERNING DISCLOSURE REQUIREMENTS TO BE APPLIED TO SMALL-SCALE ISSUE COMMITTEES UNDER COLORADO LAW GOVERNING CAMPAIGN FINANCE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, 1-45-103, **add** (16.3) as follows:

**1-45-103. Definitions - repeal.** As used in this article, unless the context otherwise requires:

(16.3) (a) "SMALL-SCALE ISSUE COMMITTEE" MEANS AN ISSUE COMMITTEE THAT HAS ACCEPTED OR MADE CONTRIBUTIONS OR EXPENDITURES IN AN AMOUNT THAT DOES NOT EXCEED FIVE THOUSAND DOLLARS DURING AN APPLICABLE ELECTION CYCLE FOR THE MAJOR PURPOSE OF SUPPORTING OR OPPOSING ANY BALLOT ISSUE OR BALLOT QUESTION.

(b) THE FOLLOWING ARE TREATED AS A SINGLE SMALL-SCALE ISSUE COMMITTEE:

(I) ALL SMALL-SCALE ISSUE COMMITTEES THAT SUPPORT OR OPPOSE A COMMON BALLOT MEASURE IF THE COMMITTEES ARE ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE CORPORATION OR ITS SUBSIDIARIES;

(II) ALL SMALL-SCALE ISSUE COMMITTEES THAT SUPPORT OR OPPOSE A COMMON BALLOT MEASURE IF THE COMMITTEES ARE ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A SINGLE LABOR ORGANIZATION OR THE AFFILIATED LOCAL UNITS IT DIRECTS; OR

(III) ALL SMALL-SCALE ISSUE COMMITTEES THAT SUPPORT OR OPPOSE A COMMON BALLOT MEASURE IF THE COMMITTEES ARE ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY SUBSTANTIALLY THE SAME PERSON, GROUP OF PERSONS, OR OTHER ORGANIZATIONS.

(c) THIS SUBSECTION (16.3) IS REPEALED, EFFECTIVE JUNE 30, 2019.

**SECTION 2.** In Colorado Revised Statutes, 1-45-108, **amend** (1) (a) (I), (1) (a) (II), (3.3), and (6); and **add** (1.5) as follows:

**1-45-108. Disclosure - definition - repeal.** (1) (a) (I) SUBJECT TO SUBSECTION (1.5) OF THIS SECTION, all candidate committees, political committees, issue committees, small donor committees, and political parties shall report to the appropriate officer their contributions received, including the name and address of each person who has contributed twenty dollars or more; expenditures made, and obligations entered into by the committee or party.

(II) SUBJECT TO SUBSECTION (1.5) OF THIS SECTION, in the case of contributions made to a candidate committee, political committee, issue committee, and political party, the disclosure required by this section shall also include the occupation and employer of each person who has made a contribution of one hundred dollars or more to such committee or party.

(1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN LIGHT OF THE OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE TENTH

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CIRCUIT IN THE CASE OF *COALITION FOR SECULAR GOVERNMENT V. WILLIAMS*, No. 14-1469 (10TH CIRCUIT MARCH 2, 2016), THAT AFFIRMED THE ORDER OF THE FEDERAL DISTRICT COURT IN THE CASE OF *COALITION FOR SECULAR GOV'T V. GESSLER*, CASE No. 12 CV 1708, THE DISCLOSURE REQUIREMENTS SPECIFIED IN SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION AND THE REPORTING REQUIREMENTS SPECIFIED IN SUBSECTION (3.3) OR (6) OF THIS SECTION SHALL NOT APPLY TO A SMALL-SCALE ISSUE COMMITTEE. ANY SMALL-SCALE ISSUE COMMITTEE SHALL DISCLOSE OR FILE REPORTS ABOUT THE CONTRIBUTIONS OR EXPENDITURES IT HAS MADE OR RECEIVED OR OTHERWISE REGISTER AS AN ISSUE COMMITTEE IN CONNECTION WITH ACCEPTING OR MAKING SUCH CONTRIBUTIONS OR EXPENDITURES IN ACCORDANCE WITH THE FOLLOWING ALTERNATIVE REQUIREMENTS:

(a) ANY SMALL-SCALE ISSUE COMMITTEE THAT ACCEPTS OR MAKES CONTRIBUTIONS OR EXPENDITURES IN AN AGGREGATE AMOUNT DURING ANY APPLICABLE ELECTION CYCLE THAT DOES NOT EXCEED TWO HUNDRED DOLLARS IS NOT REQUIRED TO DISCLOSE OR FILE REPORTS ABOUT THE CONTRIBUTIONS OR EXPENDITURES IT HAS MADE OR RECEIVED OR OTHERWISE REGISTER AS AN ISSUE COMMITTEE IN CONNECTION WITH ACCEPTING OR MAKING SUCH CONTRIBUTIONS OR EXPENDITURES.

(b) (I) ANY SMALL-SCALE ISSUE COMMITTEE THAT ACCEPTS OR MAKES CONTRIBUTIONS OR EXPENDITURES IN AN AGGREGATE AMOUNT DURING ANY APPLICABLE ELECTION CYCLE OF BETWEEN TWO HUNDRED DOLLARS AND FIVE THOUSAND DOLLARS SHALL REGISTER WITH THE APPROPRIATE OFFICER WITHIN TEN BUSINESS DAYS OF THE DATE ON WHICH THE AGGREGATE AMOUNT OF CONTRIBUTIONS OR EXPENDITURES EXCEEDS TWO HUNDRED DOLLARS. THE REGISTRATION REQUIRED BY THIS SUBPARAGRAPH (I) MUST INCLUDE A STATEMENT LISTING:

(A) THE COMMITTEE'S FULL NAME, SPELLING OUT ANY ACRONYMS USED IN THE NAME;

(B) THE NAME OF A NATURAL PERSON AUTHORIZED TO ACT AS A REGISTERED AGENT OF THE COMMITTEE;

(C) A STREET ADDRESS FOR THE PRINCIPAL PLACE OF BUSINESS OF THE COMMITTEE;

(D) THE PURPOSE OR NATURE OF INTEREST OF THE COMMITTEE; AND

(E) THE NAME OF THE FINANCIAL INSTITUTION IN WHICH, IN A SEPARATE ACCOUNT BEARING THE NAME OF THE COMMITTEE, ALL CONTRIBUTIONS RECEIVED BY THE COMMITTEE ARE DEPOSITED.

(II) ANY SMALL-SCALE ISSUE COMMITTEE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) IS NOT REQUIRED TO MAKE ANY DISCLOSURE ABOUT ANY CONTRIBUTIONS OR EXPENDITURES IT HAS MADE OR RECEIVED.

(c) (I) AT SUCH TIME AS ANY ISSUE COMMITTEE THAT BEGAN AS A SMALL-SCALE ISSUE COMMITTEE ACCEPTS OR MAKES CONTRIBUTIONS OR EXPENDITURES IN AN AGGREGATE AMOUNT DURING ANY APPLICABLE ELECTION CYCLE THAT EXCEEDS FIVE THOUSAND DOLLARS, THE COMMITTEE SHALL REPORT TO THE APPROPRIATE OFFICER, FOR EACH PARTICULAR CONTRIBUTION OR EXPENDITURE ACCEPTED OR MADE, THE NAME AND ADDRESS OF EACH PERSON WHO HAS MADE SUCH CONTRIBUTION AND THE AMOUNT OF EACH SPECIFIC CONTRIBUTION AND EXPENDITURE ACCEPTED OR MADE BY THE COMMITTEE.

(II) AT SUCH TIME AS ANY ISSUE COMMITTEE THAT BEGAN AS A SMALL-SCALE ISSUE COMMITTEE ACCEPTS OR MAKES CONTRIBUTIONS OR EXPENDITURES IN AN AGGREGATE AMOUNT DURING ANY APPLICABLE ELECTION CYCLE THAT EXCEEDS FIVE THOUSAND DOLLARS, THE COMMITTEE SHALL MAKE DISCLOSURE OF ANY CONTRIBUTIONS OR EXPENDITURES IT ACCEPTS OR MAKES ON OR AFTER THE DATE ON WHICH SUCH AGGREGATE AMOUNT EXCEEDS FIVE THOUSAND DOLLARS IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS UNDER THIS ARTICLE PERTAINING TO THE DISCLOSURE BY AN ISSUE COMMITTEE OF ITS CONTRIBUTIONS OR EXPENDITURES ACCEPTED OR MADE.

(III) WITHIN FIFTEEN DAYS OF A SMALL-SCALE ISSUE COMMITTEE BECOMING SUBJECT TO THE APPLICABLE REQUIREMENTS GOVERNING AN ISSUE COMMITTEE UNDER THIS ARTICLE, THE COMMITTEE THROUGH ITS REGISTERED AGENT, SHALL REPORT THIS CHANGE IN THE COMMITTEE'S STATUS TO THE SECRETARY OF STATE.

(d) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JUNE 30, 2019.

(3.3) Subject to ~~the provisions of subsection (7)~~ SUBSECTIONS (1.5) AND (7) of this section, each issue committee shall register with the appropriate officer within ten calendar days of accepting or making contributions or expenditures in excess of two hundred dollars to support or oppose any ballot issue or ballot question or upon receipt of the notice from the secretary of state pursuant to section 1-40-113 (1) (b). If required to register under the requirements of this subsection (3.3), the registration of the issue committee shall MUST include a statement containing the items listed in paragraphs (a) to (e) of subsection (3) of this section in connection with other committees and a political party.

(6) SUBJECT TO SUBSECTION (1.5) OF THIS SECTION, any issue committee whose purpose is the recall of any elected official shall register with the appropriate officer within ten calendar days of accepting or making contributions or expenditures in excess of two hundred dollars to support or oppose the recall. Reports of contributions and expenditures shall be filed with the appropriate officer within fifteen days of the filing of the committee registration and every thirty days thereafter until the date of the recall election has been established and then fourteen days and seven days before the recall election and thirty days following the recall election.

**SECTION 3. Appropriation.** For the 2016-17 state fiscal year, \$20,130 is appropriated to the department of state. This appropriation is from the department of state cash fund created in section 24-21-104 (3) (b), C.R.S. To implement this act, the department may use this appropriation for personal services related to information technology services.

**SECTION 4. Applicability.** This act applies to the portion of any election cycle or for the portion of the calendar year remaining after the effective date of this act and for any election cycle or calendar year commencing after such effective date, whichever is applicable.

**SECTION 5. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



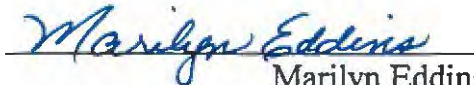
Bill L. Cadman  
PRESIDENT OF  
THE SENATE



Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

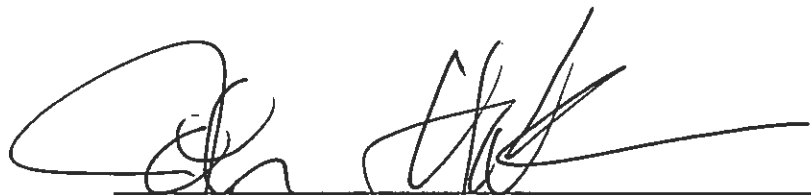


Effie Ameen  
SECRETARY OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED 9:02 am 6/10/16



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

# An Act

SENATE BILL 16-197

BY SENATOR(S) Steadman, Baumgardner, Grantham, Heath, Hill, Hodge, Holbert, Martinez Humenik, Ulibarri, Woods, Cadman; also REPRESENTATIVE(S) Williams and Nordberg, Arndt, Becker K., Esgar, Ginal, Joshi, Kraft-Tharp, Navarro, Roupe, Ryden, Thurlow.

CONCERNING THE RETAIL SALE OF ALCOHOL BEVERAGES, AND, IN CONNECTION THEREWITH, RESTRICTING THE ISSUANCE OF NEW LIQUOR-LICENSED DRUGSTORE AND RETAIL LIQUOR STORE LICENSES EXCEPT UNDER SPECIFIED CIRCUMSTANCES; ALLOWING LIQUOR-LICENSED DRUGSTORE AND RETAIL LIQUOR STORE LICENSEES TO OBTAIN ADDITIONAL LICENSES UNDER LIMITED CIRCUMSTANCES; REPEALING THE LIMIT ON THE ALCOHOL CONTENT OF FERMENTED MALT BEVERAGES ON JANUARY 1, 2019; AND MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, 12-47-408, **amend** (1), (2), and (4); **repeal** (5); and **add** (6) and (7) as follows:

**12-47-408. Liquor-licensed drugstore license - multiple licenses permitted - requirements - repeal.** (1) (a) (I) A liquor-licensed drugstore license shall be issued to persons selling malt, vinous, and spirituous



liquors in sealed containers not to be consumed at the place where sold. ON AND AFTER JULY 1, 2016, EXCEPT AS PERMITTED UNDER PARAGRAPH (b) OF THIS SUBSECTION (1), THE STATE AND LOCAL LICENSING AUTHORITIES SHALL NOT ISSUE A NEW LIQUOR-LICENSED DRUGSTORE LICENSE IF THE LICENSED PREMISES FOR WHICH A LIQUOR-LICENSED DRUGSTORE LICENSE IS SOUGHT IS LOCATED:

(A) WITHIN ONE THOUSAND FIVE HUNDRED FEET OF A RETAIL LIQUOR STORE LICENSED UNDER SECTION 12-47-407; OR

(B) FOR A DRUGSTORE PREMISES LOCATED IN A MUNICIPALITY WITH A POPULATION OF TEN THOUSAND OR FEWER, WITHIN THREE THOUSAND FEET OF A RETAIL LIQUOR STORE LICENSED UNDER SECTION 12-47-407.

(II) Nothing in this subsection (1) shall prohibit PROHIBITS:

(A) THE RENEWAL OR TRANSFER OF OWNERSHIP OF A LIQUOR-LICENSED DRUGSTORE LICENSE INITIALLY ISSUED PRIOR TO JULY 1, 2016.

(B) A liquor-licensed drugstore licensee from allowing tastings to ~~be conducted on his or her~~ THE licensed premises if ~~an authorization for the~~ APPLICABLE LOCAL LICENSING AUTHORITY HAS AUTHORIZED THE LIQUOR-LICENSED DRUGSTORE TO CONDUCT tastings ~~has been granted pursuant to section 12-47-301~~ ON ITS LICENSED PREMISES IN ACCORDANCE WITH SECTION 12-47-301 (10).

(b) (I) ON OR AFTER JANUARY 1, 2017, TO QUALIFY FOR AN ADDITIONAL LIQUOR-LICENSED DRUGSTORE LICENSE UNDER THIS SECTION, A LIQUOR-LICENSED DRUGSTORE LICENSEE, OR A RETAIL LIQUOR STORE LICENSEE THAT WAS LICENSED AS A LIQUOR-LICENSED DRUGSTORE ON FEBRUARY 21, 2016, MUST APPLY TO THE STATE AND LOCAL LICENSING AUTHORITIES, AS PART OF A SINGLE APPLICATION, FOR A TRANSFER OF OWNERSHIP OF AT LEAST TWO LICENSED RETAIL LIQUOR STORES THAT WERE LICENSED OR HAD APPLIED FOR A LICENSE ON OR BEFORE MAY 1, 2016, A CHANGE OF LOCATION OF ONE OF THE RETAIL LIQUOR STORES, AND A MERGER AND CONVERSION OF THE RETAIL LIQUOR STORE LICENSES INTO A SINGLE LIQUOR-LICENSED DRUGSTORE LICENSE. THE APPLICANT MAY APPLY FOR A TRANSFER, CHANGE OF LOCATION, AND MERGER AND CONVERSION ONLY IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

(A) THE RETAIL LIQUOR STORES THAT ARE THE SUBJECT OF THE TRANSFER OF OWNERSHIP ARE LOCATED WITHIN THE SAME LOCAL LICENSING AUTHORITY JURISDICTION AS THE DRUGSTORE PREMISES FOR WHICH THE APPLICANT IS SEEKING A LIQUOR-LICENSED DRUGSTORE LICENSE, AND, IF ANY RETAIL LIQUOR STORES ARE LOCATED WITHIN ONE THOUSAND FIVE HUNDRED FEET OF THE DRUGSTORE PREMISES OR, FOR A DRUGSTORE PREMISES LOCATED IN A MUNICIPALITY WITH A POPULATION OF TEN THOUSAND OR FEWER, WITHIN THREE THOUSAND FEET OF THE DRUGSTORE PREMISES, THE APPLICANT APPLIES TO TRANSFER OWNERSHIP OF ALL RETAIL LIQUOR STORES LOCATED WITHIN THAT DISTANCE. IF THERE ARE NO LICENSED RETAIL LIQUOR STORES OR ONLY ONE LICENSED RETAIL LIQUOR STORE WITHIN THE SAME LOCAL LICENSING AUTHORITY JURISDICTION AS THE DRUGSTORE PREMISES FOR WHICH A LIQUOR-LICENSED DRUGSTORE LICENSE IS SOUGHT, THE APPLICANT SHALL APPLY TO TRANSFER OWNERSHIP OF ONE OR TWO RETAIL LIQUOR STORES, AS NECESSARY, THAT ARE LOCATED IN THE LOCAL LICENSING AUTHORITY JURISDICTION THAT IS NEAREST TO THE JURISDICTION IN WHICH THE DRUGSTORE PREMISES IS LOCATED.

(B) UPON TRANSFER AND CONVERSION OF THE RETAIL LIQUOR STORE LICENSES TO A SINGLE LIQUOR-LICENSED DRUGSTORE LICENSE, THE DRUGSTORE PREMISES FOR WHICH THE LIQUOR-LICENSED DRUGSTORE LICENSE IS SOUGHT WILL BE LOCATED AT LEAST ONE THOUSAND FIVE HUNDRED FEET FROM ALL LICENSED RETAIL LIQUOR STORES THAT ARE WITHIN THE SAME LOCAL LICENSING AUTHORITY JURISDICTION AS THE DRUGSTORE PREMISES OR, FOR A DRUGSTORE PREMISES LOCATED IN A MUNICIPALITY WITH A POPULATION OF TEN THOUSAND OR FEWER, AT LEAST THREE THOUSAND FEET FROM ALL LICENSED RETAIL LIQUOR STORES THAT ARE WITHIN THE SAME LOCAL LICENSING AUTHORITY JURISDICTION AS THE DRUGSTORE PREMISES.

(II) FOR PURPOSES OF DETERMINING WHETHER THE DISTANCE REQUIREMENTS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) ARE SATISFIED, THE DISTANCE SHALL BE DETERMINED BY A RADIUS MEASUREMENT THAT BEGINS AT THE PRINCIPAL DOORWAY OF THE DRUGSTORE PREMISES FOR WHICH THE APPLICATION IS MADE AND ENDS AT THE PRINCIPAL DOORWAY OF THE LICENSED RETAIL LIQUOR STORE.

(III) IN MAKING ITS DETERMINATION ON THE TRANSFER OF OWNERSHIP, CHANGE OF LOCATION, AND LICENSE MERGER AND

CONVERSION APPLICATION, THE LOCAL LICENSING AUTHORITY SHALL CONSIDER THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD AND THE DESIRES OF THE ADULT INHABITANTS IN ACCORDANCE WITH SECTION 12-47-312.

(IV) IN ADDITION TO ANY OTHER REQUIREMENTS FOR LICENSURE UNDER THIS SECTION OR ARTICLE, A PERSON APPLYING FOR A NEW LIQUOR-LICENSED DRUGSTORE LICENSE IN ACCORDANCE WITH THIS PARAGRAPH (b) ON OR AFTER JANUARY 1, 2017, OR TO RENEW A LIQUOR-LICENSED DRUGSTORE LICENSE ISSUED ON OR AFTER JANUARY 1, 2017, UNDER THIS PARAGRAPH (b) MUST:

(A) PROVIDE EVIDENCE TO THE STATE AND LOCAL LICENSING AUTHORITIES THAT AT LEAST TWENTY PERCENT OF THE LICENSEE'S GROSS ANNUAL INCOME DERIVED FROM TOTAL SALES DURING THE PRIOR TWELVE MONTHS AT THE DRUGSTORE PREMISES FOR WHICH A NEW OR RENEWAL LICENSES IS SOUGHT IS FROM THE SALE OF FOOD ITEMS, AS DEFINED BY THE STATE LICENSING AUTHORITY BY RULE; AND

(B) BE OPEN TO THE PUBLIC.

(2) (a) ~~Every~~ A person ~~selling~~ LICENSED UNDER THIS SECTION TO SELL malt, vinous, and spirituous liquors as provided in this section shall:

(I) Purchase ~~such~~ malt, vinous, and spirituous liquors only from a wholesaler licensed ~~pursuant to~~ UNDER this article;

(II) NOT SELL MALT, VINOUS, OR SPIRITUOUS LIQUORS TO CONSUMERS AT A PRICE THAT IS BELOW THE LIQUOR-LICENSED DRUGSTORE'S COST TO PURCHASE THE MALT, VINOUS, OR SPIRITUOUS LIQUORS;

(III) NOT ALLOW CONSUMERS TO PURCHASE MALT, VINOUS, OR SPIRITUOUS LIQUORS AT A SELF-CHECKOUT OR OTHER MECHANISM THAT ALLOWS THE CONSUMER TO COMPLETE THE ALCOHOL BEVERAGE PURCHASE WITHOUT ASSISTANCE FROM AND COMPLETION OF THE TRANSACTION BY AN EMPLOYEE OF THE LIQUOR-LICENSED DRUGSTORE;

(IV) REQUIRE, IN ACCORDANCE WITH SECTION 12-47-901 (10), CONSUMERS ATTEMPTING TO PURCHASE MALT, VINOUS, OR SPIRITUOUS

LIQUORS TO PRESENT A VALID IDENTIFICATION, AS DETERMINED BY THE STATE LICENSING AUTHORITY BY RULE; AND

(V) NOT SELL CLOTHING OR ACCESSORIES IMPRINTED WITH ADVERTISING, LOGOS, SLOGANS, TRADEMARKS, OR MESSAGES RELATED TO ALCOHOL BEVERAGES.

(b) A PERSON LICENSED UNDER THIS SECTION ON OR AFTER JANUARY 1, 2017, SHALL NOT PURCHASE MALT, VINOUS, OR SPIRITUOUS LIQUORS FROM A WHOLESALER ON CREDIT AND SHALL EFFECT PAYMENT UPON DELIVERY OF THE ALCOHOL BEVERAGES.

(4) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), it is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in a liquor-licensed drugstore to conduct, own either in whole or in part, or be directly or indirectly interested in any other business licensed pursuant to this article. ~~except that such a~~

(b) AN OWNER, PART OWNER, SHAREHOLDER, OR PERSON INTERESTED DIRECTLY OR INDIRECTLY IN A LIQUOR-LICENSED DRUGSTORE may have an interest in:

(I) An arts license ~~or~~ GRANTED UNDER THIS ARTICLE;

(II) An airline public transportation system license granted under this article; ~~or in~~

(III) A financial institution referred to in section 12-47-308 (4);

(IV) FOR A LIQUOR-LICENSED DRUGSTORE LICENSED ON OR BEFORE JANUARY 1, 2016, ADDITIONAL LIQUOR-LICENSED DRUGSTORE LICENSES AS FOLLOWS, BUT ONLY IF OBTAINED IN ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION:

(A) ON OR AFTER JANUARY 1, 2017, AND BEFORE JANUARY 1, 2022, FOUR ADDITIONAL LIQUOR-LICENSED DRUGSTORE LICENSES, FOR A MAXIMUM OF FIVE TOTAL LIQUOR-LICENSED DRUGSTORE LICENSES;

(B) ON OR AFTER JANUARY 1, 2022, AND BEFORE JANUARY 1, 2027, UP TO SEVEN ADDITIONAL LIQUOR-LICENSED DRUGSTORE LICENSES, FOR A

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MAXIMUM OF EIGHT TOTAL LIQUOR-LICENSED DRUGSTORE LICENSES;

(C) ON OR AFTER JANUARY 1, 2027, AND BEFORE JANUARY 1, 2032, UP TO TWELVE ADDITIONAL LIQUOR-LICENSED DRUGSTORE LICENSES, FOR A MAXIMUM OF THIRTEEN TOTAL LIQUOR-LICENSED DRUGSTORE LICENSES;

(D) ON OR AFTER JANUARY 1, 2032, AND BEFORE JANUARY 1, 2037, UP TO NINETEEN ADDITIONAL LIQUOR-LICENSED DRUGSTORE LICENSES, FOR A MAXIMUM OF TWENTY TOTAL LIQUOR-LICENSED DRUGSTORE LICENSES; AND

(E) ON OR AFTER JANUARY 1, 2037, AN UNLIMITED NUMBER OF ADDITIONAL LIQUOR-LICENSED DRUGSTORE LICENSES.

~~(5) A licensee under the provisions of this section with a valid license in effect on July 1, 2000, may apply to a local licensing authority to convert or transfer such license to a retail liquor store license issued under the provisions of section 12-47-407 and may continue to operate as a retail liquor store licensee notwithstanding the limitations with respect to location within five hundred feet from any public or parochial school or the principal campus of any college, university, or seminary pursuant to the provisions of section 12-47-313 (1) (d) (i). The local licensing authority may, but shall not be required to, consider the reasonable requirements of the neighborhood pursuant to section 12-47-312 in making a determination on the conversion or transfer to a retail liquor store license.~~

(6) (a) A LIQUOR-LICENSED DRUGSTORE LICENSED UNDER THIS SECTION SHALL NOT STORE ALCOHOL BEVERAGES OFF THE LICENSED PREMISES.

(b) A LICENSED WHOLESALER SHALL MAKE ALL DELIVERIES OF ALCOHOL BEVERAGES TO A LIQUOR-LICENSED DRUGSTORE:

(I) THROUGH A COMMON CARRIER, A CONTRACT CARRIER, OR ON VEHICLES OWNED BY THE WHOLESALER; AND

(II) ONLY TO THE BUSINESS ADDRESS OF THE LIQUOR-LICENSED DRUGSTORE.

(7) (a) A LIQUOR-LICENSED DRUGSTORE LICENSED UNDER THIS

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SECTION ON OR AFTER JANUARY 1, 2017, SHALL HAVE AT LEAST ONE MANAGER PERMITTED UNDER SECTION 12-47-425 WHO WORKS ON THE LICENSED PREMISES. THE LIQUOR-LICENSED DRUGSTORE SHALL DESIGNATE AT LEAST ONE PERMITTED MANAGER ON THE LICENSED PREMISES TO CONDUCT THE LIQUOR-LICENSED DRUGSTORE'S PURCHASES OF ALCOHOL BEVERAGES FROM A LICENSED WHOLESALER. A LICENSED WHOLESALER SHALL TAKE ORDERS FOR ALCOHOL BEVERAGES ONLY FROM A PERMITTED MANAGER DESIGNATED BY THE LIQUOR-LICENSED DRUGSTORE.

(b) A LIQUOR-LICENSED DRUGSTORE THAT IS INVOLVED IN SELLING ALCOHOL BEVERAGES MUST OBTAIN AND MAINTAIN A CERTIFICATION AS A RESPONSIBLE ALCOHOL BEVERAGE VENDOR IN ACCORDANCE WITH PART 10 OF THIS ARTICLE.

(c) AN EMPLOYEE OF A LIQUOR-LICENSED DRUGSTORE WHO IS UNDER TWENTY-ONE YEARS OF AGE SHALL NOT DELIVER OR OTHERWISE HAVE ANY CONTACT WITH MALT, VINOUS, OR SPIRITUOUS LIQUORS OFFERED FOR SALE ON, OR SOLD AND REMOVED FROM, THE LICENSED PREMISES.

**SECTION 2.** In Colorado Revised Statutes, add 12-47-425 as follows:

**12-47-425. Liquor-licensed drugstore manager's permit.**

(1) THE STATE LICENSING AUTHORITY MAY ISSUE A MANAGER'S PERMIT TO AN INDIVIDUAL WHO IS EMPLOYED BY A LIQUOR-LICENSED DRUGSTORE LICENSED UNDER SECTION 12-47-408 AND WHO WILL BE IN ACTUAL CONTROL OF THE LIQUOR-LICENSED DRUGSTORE'S ALCOHOL BEVERAGE OPERATIONS.

(2) AN INDIVIDUAL SEEKING A MANAGER'S PERMIT SHALL APPLY TO THE STATE LICENSING AUTHORITY IN THE FORM AND MANNER REQUIRED BY THE STATE LICENSING AUTHORITY. TO OBTAIN A MANAGER'S PERMIT, THE INDIVIDUAL MUST DEMONSTRATE THAT HE OR SHE:

(a) HAS NOT BEEN CONVICTED OF A CRIME INVOLVING THE SALE OR DISTRIBUTION OF ALCOHOL BEVERAGES WITHIN THE EIGHT YEARS IMMEDIATELY PRECEDING THE DATE ON WHICH THE APPLICATION IS SUBMITTED;

(b) HAS NOT BEEN CONVICTED OF ANY FELONY WITHIN THE FIVE

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YEARS IMMEDIATELY PRECEDING THE DATE ON WHICH THE APPLICATION IS SUBMITTED; EXCEPT THAT IN CONSIDERING THE CONVICTION OF A FELONY, THE STATE LICENSING AUTHORITY IS GOVERNED BY SECTION 24-5-101, C.R.S.;

(c) IS AT LEAST TWENTY-ONE YEARS OF AGE; AND

(d) HAS NOT HAD A MANAGER'S PERMIT OR ANY SIMILAR PERMIT ISSUED BY THE STATE, A LOCAL JURISDICTION, OR ANOTHER STATE OR FOREIGN JURISDICTION REVOKED BY THE ISSUING AUTHORITY WITHIN THE THREE YEARS IMMEDIATELY PRECEDING THE DATE ON WHICH THE APPLICATION IS SUBMITTED.

(3) IT IS UNLAWFUL FOR AN INDIVIDUAL WHO HAS A MANAGER'S PERMIT ISSUED UNDER THIS SECTION TO BE INTERESTED DIRECTLY OR INDIRECTLY IN:

(a) A WHOLESALER LICENSED PURSUANT TO SECTION 12-47-406;

(b) A LIMITED WINERY LICENSED PURSUANT TO SECTION 12-47-403;

(c) AN IMPORTER LICENSED PURSUANT TO SECTION 12-47-404;

(d) A MANUFACTURER LICENSED PURSUANT TO SECTION 12-47-402 OR 12-47-405; OR

(e) ANY BUSINESS LICENSED UNDER THIS ARTICLE THAT HAS HAD ITS LICENSE REVOKED BY THE STATE LICENSING AUTHORITY WITHIN THE EIGHT YEARS IMMEDIATELY PRECEDING THE DATE ON WHICH THE INDIVIDUAL APPLIES FOR A MANAGER'S PERMIT UNDER THIS SECTION.

(4) IN RECOGNITION OF THE STATE'S FLOURISHING LOCAL BREWERIES, WINERIES, AND DISTILLERIES THAT LOCALLY PRODUCE HIGH-QUALITY MALT, VINOUS, AND SPIRITUOUS LIQUORS, MANAGERS OF LIQUOR-LICENSED DRUGSTORES ARE ENCOURAGED TO PURCHASE AND PROMOTE LOCALLY-PRODUCED ALCOHOL BEVERAGE PRODUCTS IN THEIR LIQUOR-LICENSED DRUGSTORES.

**SECTION 3.** In Colorado Revised Statutes, **amend** 12-46-102 as follows:

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**12-46-102. Legislative declaration.** (1) The general assembly hereby declares that it is in the public interest that fermented malt beverages shall be manufactured, imported, and sold only by persons licensed as provided in this article AND ARTICLE 47 OF THIS TITLE. The general assembly further declares that it is lawful to manufacture and sell fermented malt beverages ~~containing not more than three and two-tenths percent alcohol by weight~~ subject to the ~~provisions of~~ this article and applicable provisions of articles 47 and 48 of this title.

(2) The general assembly FURTHER recognizes that fermented malt beverages AND MALT LIQUORS are separate and distinct from, ~~malt~~ AND HAVE A UNIQUE REGULATORY HISTORY IN RELATION TO, vinous and spirituous liquors, and as such require THE RETENTION OF a separate and distinct regulatory framework under this article. To aid administrative efficiency, however, ~~the provisions in~~ article 47 of this title ~~shall apply~~ APPLIES to the regulation of fermented malt beverages, except when otherwise expressly provided for in this article.

**SECTION 4.** In Colorado Revised Statutes, 12-46-103, **amend** (1) as follows:

**12-46-103. Definitions.** Definitions applicable to this article also appear in article 47 of this title. As used in this article, unless the context otherwise requires:

(1) (a) "Fermented malt beverage" means BEER AND any OTHER beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any similar product or any combination thereof in water containing not less than one half of one percent alcohol by volume. ~~and not more than three and two-tenths percent alcohol by weight or four percent alcohol by volume, except that~~

(b) "Fermented malt beverage" ~~shall~~ DOES not include confectionery containing alcohol within the limits prescribed by section 25-5-410 (1) (i) (II), C.R.S.

**SECTION 5.** In Colorado Revised Statutes, **add** 12-46-109 as follows:

**12-46-109. Liquor industry working group - creation - duties -**

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**report - repeal.** (1) THE STATE LICENSING AUTHORITY SHALL CONVENE A LIQUOR INDUSTRY WORKING GROUP TO DEVELOP AN IMPLEMENTATION PROCESS FOR GROCERY AND CONVENIENCE STORES TO APPLY FOR A LICENSE TO SELL MALT LIQUOR AND FERMENTED MALT BEVERAGES CONTAINING AT LEAST ONE-HALF PERCENT ALCOHOL BY VOLUME STARTING JANUARY 1, 2019. THE WORKING GROUP SHALL ANALYZE THE IMPACT THAT REMOVING THE ALCOHOL CONTENT LIMIT ON FERMENTED MALT BEVERAGES WILL HAVE ON THE ALCOHOL BEVERAGE INDUSTRY AS A WHOLE, AS WELL AS ON CURRENT RETAIL LICENSEES, AND SHALL CONSIDER OTHER LEGISLATIVE, REGULATORY, OR ADMINISTRATIVE CHANGES NECESSARY TO PROMOTE THE THREE-TIERED DISTRIBUTION SYSTEM IN COLORADO. ADDITIONALLY, THE WORKING GROUP SHALL EXAMINE AND MAKE RECOMMENDATIONS REGARDING LAWS GOVERNING TASTINGS CONDUCTED ON RETAIL PREMISES LICENSED UNDER ARTICLE 47 OF THIS TITLE AND THE ABILITY OF RETAIL LIQUOR STORES LICENSED UNDER SECTION 12-47-407 TO SELL GROWLERS CONTAINING MALT LIQUORS.

(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL APPOINT THE FOLLOWING MEMBERS TO SERVE ON THE LIQUOR INDUSTRY WORKING GROUP:

- (a) A MEMBER FROM THE DEPARTMENT OF REVENUE;
- (b) A MEMBER FROM THE LIQUOR ENFORCEMENT DIVISION IN THE DEPARTMENT OF REVENUE;
- (c) A MEMBER FROM THE ATTORNEY GENERAL'S OFFICE;
- (d) A MEMBER REPRESENTING MUNICIPAL GOVERNMENT;
- (e) A MEMBER REPRESENTING COUNTY GOVERNMENT;
- (f) A MEMBER REPRESENTING COMMUNITY PREVENTION;
- (g) A MEMBER REPRESENTING LAW ENFORCEMENT;
- (h) TWO MEMBERS REPRESENTING LARGE BREWERIES;
- (i) TWO MEMBERS REPRESENTING SMALL BREWERIES;

(j) ONE MEMBER REPRESENTING A NATIONAL DISTILLERY;

(k) ONE MEMBER REPRESENTING A COLORADO DISTILLERY;

(l) THREE MEMBERS REPRESENTING RETAIL LIQUOR STORE LICENSEES, ONE OF WHICH MUST REPRESENT A SMALL RETAIL LIQUOR STORE LICENSEE;

(m) ONE MEMBER REPRESENTING A STATEWIDE OFF-PREMISES RETAIL LICENSEE;

(n) TWO MEMBERS REPRESENTING PERSONS LICENSED UNDER SECTION 12-47-411;

(o) ONE MEMBER REPRESENTING PERSONS LICENSED UNDER SECTION 12-47-412;

(p) TWO MEMBERS REPRESENTING LICENSED WHOLESALERS;

(q) ONE MEMBER REPRESENTING A NATIONAL VINOUS LIQUORS MANUFACTURER;

(r) ONE MEMBER REPRESENTING A COLORADO VINOUS LIQUORS MANUFACTURER;

(s) TWO ATTORNEYS WHO PRACTICE IN THE AREA OF LIQUOR LAW AND REGULATION;

(t) ONE MEMBER REPRESENTING MOTHERS AGAINST DRUNK DRIVING OR ITS SUCCESSOR ORGANIZATION;

(u) TWO MEMBERS REPRESENTING GROCERY STORES;

(v) TWO MEMBERS REPRESENTING CONVENIENCE STORES; AND

(w) TWO MEMBERS OF THE PUBLIC.

(3) THE LIQUOR INDUSTRY WORKING GROUP SHALL CONVENE AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION, BUT NO LATER THAN AUGUST 1, 2016, AND BY JANUARY 1, 2018, SHALL REPORT

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ITS FINDINGS AND RECOMMENDATIONS FOR AN IMPLEMENTATION PROCESS, INCLUDING ANY LEGISLATIVE OR ADMINISTRATIVE RECOMMENDATIONS, TO THE SENATE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE AND THE HOUSE OF REPRESENTATIVES BUSINESS AFFAIRS AND LABOR COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

(4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.

**SECTION 6.** In Colorado Revised Statutes, 12-47-103, amend (19) and (31) as follows:

**12-47-103. Definitions.** As used in this article and article 46 of this title, unless the context otherwise requires:

(19) "Malt liquors" includes beer and ~~shall be construed to mean~~ MEANS any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water containing ~~more than three and two-tenths percent of alcohol by weight or four percent alcohol by volume~~ NOT LESS THAN ONE-HALF OF ONE PERCENT ALCOHOL BY VOLUME.

(31) "Retail liquor store" means an establishment engaged only in the sale of malt, vinous, and spirituous liquors and ~~soft drinks and mixers, all in sealed containers for consumption off the premises, tobaccos, tobacco products, smokers' supplies, and nonfood items related to the consumption of such beverages, and liquor-filled candy and food items approved by the state licensing authority, which are prepackaged, labeled, and directly related to the consumption of such beverages and are sold solely for the purpose of cocktail garnish in containers up to sixteen ounces. Nothing in this section shall be construed to authorize the sale of food items that could constitute a snack, a meal, or portion of a meal~~ NONALCOHOL PRODUCTS, BUT ONLY IF THE ANNUAL GROSS REVENUES FROM THE SALE OF NONALCOHOL PRODUCTS DOES NOT EXCEED TWENTY PERCENT OF THE RETAIL LIQUOR STORE'S TOTAL ANNUAL GROSS REVENUES.

**SECTION 7.** In Colorado Revised Statutes, 12-47-202, amend (2) (a) (I) introductory portion; repeal (2) (a) (I) (S); and add (2) (b) (II.5) as follows:

**12-47-202. Duties of state licensing authority.** (2) (a) (I) Rules

~~made~~ ADOPTED pursuant to paragraph (b) of subsection (1) of this section may cover, ~~but shall not be limited to~~ WITHOUT LIMITATION, the following subjects:

~~(S) The testing of the alcohol content of malt liquor and fermented malt beverage sold by persons licensed pursuant to this article or article 46 of this title. The state licensing authority shall adopt such rules no later than January 1, 2011.~~

(b) (II.5) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, A LIQUOR-LICENSED DRUGSTORE LICENSED UNDER SECTION 12-47-408 ON OR AFTER JANUARY 1, 2017, SHALL NOT PURCHASE ALCOHOL BEVERAGES ON CREDIT OR ACCEPT AN OFFER OR EXTENSION OF CREDIT FROM A LICENSEE AND SHALL EFFECT PAYMENT UPON DELIVERY OF THE ALCOHOL BEVERAGES.

**SECTION 8.** In Colorado Revised Statutes, 12-47-301, **amend** (9); and **add** (12) as follows:

**12-47-301. Licensing in general.** (9) (a) (I) A licensee may move his or her permanent location to any other place in the same city, town, or city and county for which the license was originally granted, or in the same county if such license was granted for a place outside the corporate limits of any city, town, or city and county, but it shall be unlawful to sell any alcohol beverage at any such place until permission to do so is granted by all the licensing authorities provided for in this article.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), FOR A RETAIL LIQUOR STORE LICENSED ON OR BEFORE JANUARY 1, 2016, THE LICENSEE MAY APPLY TO MOVE THE PERMANENT LOCATION TO ANOTHER PLACE WITHIN OR OUTSIDE THE MUNICIPALITY OR COUNTY IN WHICH THE LICENSE WAS ORIGINALLY GRANTED. IT IS UNLAWFUL FOR THE LICENSEE TO SELL ANY ALCOHOL BEVERAGES AT THE NEW LOCATION UNTIL PERMISSION IS GRANTED BY THE STATE AND LOCAL LICENSING AUTHORITIES.

(b) (I) In permitting ~~such~~ A change of location, ~~such~~ THE licensing authorities shall consider the reasonable requirements of the neighborhood to which the applicant seeks to change his or her location, the desires of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise, and all reasonable restrictions that are or may be placed upon the new

district by the council, board of trustees, or licensing authority of the city, town, or city and county or by the board of county commissioners of any county.

(II) IF THE STATE AND LOCAL LICENSING AUTHORITIES APPROVE AN APPLICATION FOR A CHANGE OF LOCATION SUBMITTED UNDER SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (9) BY A RETAIL LIQUOR STORE LICENSED ON OR BEFORE JANUARY 1, 2016, THE LICENSEE MUST CHANGE THE LOCATION OF ITS PREMISES WITHIN THREE YEARS AFTER THE APPROVAL IS GRANTED.

(12) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, ON AND AFTER JULY 1, 2016, THE STATE AND LOCAL LICENSING AUTHORITIES SHALL NOT ISSUE A NEW LICENSE UNDER THIS ARTICLE AUTHORIZING THE SALE AT RETAIL OF MALT, VINOUS, OR SPIRITUOUS LIQUORS IN SEALED CONTAINERS FOR CONSUMPTION OFF THE LICENSED PREMISES IF THE PREMISES FOR WHICH THE RETAIL LICENSE IS SOUGHT IS LOCATED:

(I) WITHIN ONE THOUSAND FIVE HUNDRED FEET OF ANOTHER LICENSED PREMISES LICENSED TO SELL MALT, VINOUS, OR SPIRITUOUS LIQUORS AT RETAIL FOR OFF-PREMISES CONSUMPTION; OR

(II) FOR A PREMISES LOCATED IN A MUNICIPALITY WITH A POPULATION OF TEN THOUSAND OR FEWER, WITHIN THREE THOUSAND FEET OF ANOTHER LICENSED PREMISES LICENSED TO SELL MALT, VINOUS, OR SPIRITUOUS LIQUORS AT RETAIL FOR OFF-PREMISES CONSUMPTION.

(b) FOR PURPOSES OF THIS SUBSECTION (12), A LICENSE UNDER THIS ARTICLE AUTHORIZING THE SALE AT RETAIL OF MALT, VINOUS, OR SPIRITUOUS LIQUORS IN SEALED CONTAINERS FOR CONSUMPTION OFF THE LICENSED PREMISES INCLUDES A LICENSE UNDER THIS ARTICLE AUTHORIZING THE SALE OF MALT AND VINOUS LIQUORS IN SEALED CONTAINERS NOT TO BE CONSUMED AT THE PLACE WHERE THE MALT AND VINOUS LIQUORS ARE SOLD.

(c) FOR PURPOSES OF DETERMINING WHETHER THE DISTANCE REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (12) ARE SATISFIED, THE DISTANCE SHALL BE DETERMINED BY A RADIUS MEASUREMENT THAT BEGINS AT THE PRINCIPAL DOORWAY OF THE PREMISES

FOR WHICH THE APPLICATION IS MADE AND ENDS AT THE PRINCIPAL DOORWAY OF THE OTHER RETAIL LICENSED PREMISES.

**SECTION 9.** In Colorado Revised Statutes, 12-47-303, amend (1) (c) and (2); and add (1) (d) as follows:

**12-47-303. Transfer of ownership and temporary permits.**  
(1) (c) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), for any other transfer of ownership, application shall MUST be made to the state and local licensing authorities on forms prepared and furnished by the state licensing authority. In determining whether to permit a transfer of ownership, the licensing authorities shall consider only the requirements of section 12-47-307 and 1 CCR 203-2, rule 47-302, entitled "Changing, Altering, or Modifying Licensed Premises", or any analogous successor rule. The local licensing authority may cause CONDUCT a hearing on the application for transfer of ownership to be held. ~~No hearing provided for by this paragraph (c) shall be held by the local licensing authority until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing~~ AFTER PROVIDING NOTICE IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH (c). Any transfer of ownership hearing by the state licensing authority shall be pursuant to MUST BE HELD IN ACCORDANCE WITH section 12-47-305 (2).

(II) A LICENSE MERGER AND CONVERSION AS PROVIDED FOR IN SECTION 12-47-408 (1) (b) INCLUDES A TRANSFER OF OWNERSHIP OF AT LEAST TWO RETAIL LIQUOR STORES, A CHANGE OF LOCATION OF ONE OF THE RETAIL LIQUOR STORES, AND A MERGER AND CONVERSION OF THE RETAIL LIQUOR STORE LICENSES INTO A SINGLE LIQUOR-LICENSED DRUGSTORE LICENSE, ALL AS PART OF A SINGLE TRANSACTION, AND THE LIQUOR-LICENSED DRUGSTORE APPLICANT NEED NOT APPLY SEPARATELY FOR A TRANSFER OF OWNERSHIP UNDER THIS SECTION. THE LIQUOR-LICENSED DRUGSTORE APPLYING FOR A LICENSE MERGER AND CONVERSION PURSUANT TO SECTION 12-47-408 (1) (b) IS INELIGIBLE FOR A TEMPORARY PERMIT PURSUANT TO THIS SECTION. THE LOCAL LICENSING AUTHORITY SHALL CONSIDER THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD PURSUANT TO SECTION 12-47-312 WHEN MAKING A DETERMINATION ON THE MERGER AND CONVERSION OF THE RETAIL LIQUOR STORE LICENSES INTO A SINGLE LIQUOR-LICENSED DRUGSTORE LICENSE. THE LOCAL LICENSING AUTHORITY MAY HOLD A HEARING ON THE APPLICATION

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FOR THE LICENSE MERGER AND CONVERSION AFTER PROVIDING NOTICE IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH (c).

(III) PRIOR TO HOLDING A HEARING AS PROVIDED IN THIS PARAGRAPH (c), THE LOCAL LICENSING AUTHORITY SHALL NOTIFY THE APPLICANT OF THE HEARING AT LEAST TEN DAYS BEFORE THE HEARING AND SHALL POST, OR MAY DIRECT THE LICENSE APPLICANT TO POST, A NOTICE OF THE HEARING IN A CONSPICUOUS LOCATION ON THE LICENSED PREMISES FOR AT LEAST TEN CONSECUTIVE DAYS BEFORE THE HEARING.

(d) THE STATE OR A LOCAL LICENSING AUTHORITY SHALL NOT APPROVE A TRANSFER OF OWNERSHIP UNDER THIS SUBSECTION (1) UNTIL THE APPLICANT FILES WITH THE LOCAL LICENSING AUTHORITY CONFIRMATION FROM EACH WHOLESALER LICENSED UNDER THIS ARTICLE THAT HAS SOLD ALCOHOL BEVERAGES TO THE TRANSFEROR THAT THE WHOLESALER HAS BEEN PAID IN FULL FOR ALL ALCOHOL BEVERAGES DELIVERED TO THE TRANSFEROR.

(2) Notwithstanding ~~the provisions~~ ANY PROVISION of this article to the contrary, a local licensing authority ~~shall have discretionary authority to~~ MAY issue a temporary permit to a transferee of any retail class of alcohol beverage license issued by the local licensing authority pursuant to this article or article 46 of this title; ~~Such~~ EXCEPT THAT A LOCAL LICENSING AUTHORITY SHALL NOT ISSUE A TEMPORARY PERMIT TO A LIQUOR-LICENSED DRUGSTORE THAT HAS ACQUIRED OWNERSHIP OF LICENSED RETAIL LIQUOR STORES IN ACCORDANCE WITH SECTION 12-47-408 (1) (b). A temporary permit ~~shall authorize~~ AUTHORIZES a transferee to continue selling ~~such~~ alcohol beverages as permitted under the permanent license during the period in which an application to transfer the ownership of the license is pending.

**SECTION 10.** In Colorado Revised Statutes, 12-47-312, amend (2) (a) as follows:

**12-47-312. Results of investigation - decision of authorities.**  
(2) (a) Before entering any decision approving or denying the application, the local licensing authority shall consider, except where this article specifically provides otherwise, the facts and evidence adduced as a result of its investigation, as well as any other facts, the reasonable requirements

of the neighborhood for the type of license for which application has been made, the desires of the adult inhabitants, the number, type, and availability of alcohol beverage outlets located in or near the neighborhood under consideration, and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed; except that the reasonable requirements of the neighborhood shall not be considered in the issuance of a club liquor license. ~~The reasonable requirements of the neighborhood may, but are not required to, be considered in the conversion or transfer of a liquor-licensed drugstore license to a retail liquor store license~~ FOR THE MERGER AND CONVERSION OF RETAIL LIQUOR STORE LICENSES TO A SINGLE LIQUOR-LICENSED DRUGSTORE LICENSE IN ACCORDANCE WITH SECTION 12-47-408 (1) (b), THE LOCAL LICENSING AUTHORITY SHALL CONSIDER THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD AND THE DESIRES OF THE ADULT INHABITANTS OF THE NEIGHBORHOOD.

**SECTION 11.** In Colorado Revised Statutes, 12-47-401, **add** (1) (x) as follows:

**12-47-401. Classes of licenses and permits.** (1) For the purpose of regulating the manufacture, sale, and distribution of alcohol beverages, the state licensing authority in its discretion, upon application in the prescribed form made to it, may issue and grant to the applicant a license or permit from any of the following classes, subject to the provisions and restrictions provided by this article:

(x) **MANAGER'S PERMIT.**

**SECTION 12.** In Colorado Revised Statutes, 12-47-406, **add** (4) as follows:

**12-47-406. Wholesaler's license - discrimination in wholesale sales prohibited.** (4) (a) A WHOLESALER SHALL MAKE AVAILABLE TO ALL LICENSED RETAILERS IN THIS STATE WITHOUT DISCRIMINATION ALL MALT, VINOUS, AND SPIRITUOUS LIQUORS OFFERED BY THE WHOLESALER FOR SALE AT WHOLESALE. A WHOLESALER SHALL USE ITS BEST EFFORTS TO MAKE AVAILABLE TO LICENSED RETAILERS EACH BRAND OF ALCOHOL BEVERAGE THAT THE WHOLESALER HAS BEEN AUTHORIZED TO DISTRIBUTE.

(b) NOTHING IN THIS SECTION PROHIBITS A WHOLESALER FROM

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ESTABLISHING REASONABLE ALLOCATION PROCEDURES WHEN THE ANTICIPATED DEMAND FOR A PRODUCT IS GREATER THAN THE SUPPLY OF THE PRODUCT.

**SECTION 13.** In Colorado Revised Statutes, 12-47-407, amend (1) and (4); repeal (5); and add (6) as follows:

**12-47-407. Retail liquor store license.** (1) (a) (I) A retail liquor store license shall be issued to persons selling only malt, vinous, and spirituous liquors in sealed containers not to be consumed at the place where sold. Malt, vinous, and spirituous liquors in sealed containers shall not be sold at retail other than in retail liquor stores except as provided in section 12-47-408.

(II) ON AND AFTER JULY 1, 2016, THE STATE AND LOCAL LICENSING AUTHORITIES SHALL NOT ISSUE A NEW RETAIL LIQUOR STORE LICENSE IF THE PREMISES FOR WHICH THE RETAIL LIQUOR STORE LICENSE IS SOUGHT IS LOCATED:

(A) WITHIN ONE THOUSAND FIVE HUNDRED FEET OF ANOTHER RETAIL LIQUOR STORE LICENSED UNDER THIS SECTION OR A LIQUOR-LICENSED DRUGSTORE LICENSED UNDER SECTION 12-47-408; OR

(B) FOR A PREMISES LOCATED IN A MUNICIPALITY WITH A POPULATION OF TEN THOUSAND OR FEWER, WITHIN THREE THOUSAND FEET OF ANOTHER RETAIL LIQUOR STORE LICENSED UNDER THIS SECTION OR A LIQUOR-LICENSED DRUGSTORE LICENSED UNDER SECTION 12-47-408.

(b) In addition, retail liquor stores may sell ~~nonfood items related to the consumption of such liquors, liquor-filled candy, and food items approved by the state licensing authority that are prepackaged, labeled, directly related to the consumption of such liquors, and sold solely for the purpose of cocktail garnish in containers up to sixteen ounces. Nothing in this section shall be construed to authorize the sale of food items that could constitute a snack, a meal, or a portion of a meal~~ ANY NONALCOHOL PRODUCTS, BUT ONLY IF THE ANNUAL GROSS REVENUES FROM THE SALE OF NONALCOHOLIC PRODUCTS DO NOT EXCEED TWENTY PERCENT OF THE RETAIL LIQUOR STORE'S TOTAL ANNUAL GROSS REVENUES.

(c) Nothing in this section or in section 12-47-103 (31) ~~shall be~~

~~construed to prohibit the sale of items by~~ PROHIBITS a LICENSED retail liquor store FROM:

(I) SELLING ITEMS on behalf of or to benefit a charitable organization, as defined in section 39-26-102, C.R.S., or a nonprofit corporation subject to the "Colorado Revised Nonprofit Corporation Act", articles 121 to 137 of title 7, C.R.S., and determined to be exempt from federal income tax by the federal internal revenue service, if the retail liquor store does not receive compensation for ~~any such~~ THE sale; ~~Nothing in this section shall prohibit a retail liquor store licensee~~

(II) At the option of the licensee, ~~from~~ displaying promotional material furnished by a manufacturer or wholesaler, which material permits a customer to purchase other items from a third person, if SO LONG AS the retail liquor store licensee does not receive payment from the third person and if the ~~ordering of~~ CUSTOMER ORDERS the additional merchandise is ~~done by the customer~~ directly from the third person; ~~Nothing in this subsection (1) shall prohibit a retail liquor store licensee from~~ OR

(III) Allowing tastings to be conducted on ~~his or her~~ THE licensed premises if ~~an~~ THE LICENSEE HAS RECEIVED authorization for ~~the~~ TO CONDUCT tastings ~~has been granted~~ pursuant to section 12-47-301.

(4)(a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), it is unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in a retail liquor store to conduct, own either in whole or in part, or be directly or indirectly interested in any other business licensed pursuant to this article. ~~except that such a~~

(b) AN OWNER, PART OWNER, SHAREHOLDER, OR person INTERESTED DIRECTLY OR INDIRECTLY IN A RETAIL LIQUOR STORE may have an interest in:

(I) An arts license ~~or~~ GRANTED UNDER THIS ARTICLE;

(II) An airline public transportation system license granted under this article;

(III) FOR A RETAIL LIQUOR STORE LICENSED ON OR BEFORE JANUARY 1, 2016, AND WHOSE LICENSE HOLDER IS A COLORADO RESIDENT,

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ADDITIONAL RETAIL LIQUOR STORE LICENSES AS FOLLOWS, BUT ONLY IF THE PREMISES FOR WHICH A LICENSE IS SOUGHT SATISFIES THE DISTANCE REQUIREMENTS SPECIFIED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION:

(A) ON OR AFTER JANUARY 1, 2017, AND BEFORE JANUARY 1, 2022, ONE ADDITIONAL RETAIL LIQUOR STORE LICENSE, FOR A MAXIMUM OF UP TO TWO TOTAL RETAIL LIQUOR STORE LICENSES;

(B) ON OR AFTER JANUARY 1, 2022, AND BEFORE JANUARY 1, 2027, UP TO TWO ADDITIONAL RETAIL LIQUOR STORE LICENSES, FOR A MAXIMUM OF THREE TOTAL RETAIL LIQUOR STORE LICENSES; AND

(C) ON OR AFTER JANUARY 1, 2027, UP TO THREE ADDITIONAL RETAIL LIQUOR STORE LICENSES, FOR A MAXIMUM OF FOUR TOTAL RETAIL LIQUOR STORE LICENSES; or in

(IV) A financial institution referred to in section 12-47-308 (4).

~~(5) A licensee under the provisions of section 12-47-408 with a valid license in effect on July 1, 2000, may apply to a local licensing authority to convert or transfer such license to a retail liquor store license issued under the provisions of this section and may continue to operate as a retail liquor store licensee notwithstanding the limitations with respect to location within five hundred feet from any public or parochial school or the principal campus of any college, university, or seminary pursuant to the provisions of section 12-47-313 (1) (d) (I). The local licensing authority may, but shall not be required to, consider the reasonable requirements of the neighborhood pursuant to section 12-47-312 in making a determination on the conversion or transfer to a retail liquor store license.~~

(6) A LIQUOR-LICENSED DRUGSTORE MAY APPLY TO THE STATE AND LOCAL LICENSING AUTHORITIES, AS PART OF A SINGLE APPLICATION, FOR A MERGER AND CONVERSION OF RETAIL LIQUOR STORE LICENSES TO A SINGLE LIQUOR-LICENSED DRUGSTORE LICENSE AS PROVIDED IN SECTION 12-47-408 (1) (b).

**SECTION 14.** In Colorado Revised Statutes, 12-47-501, amend (2) (a) (XIV); and add (1) (u), (2) (a) (XVI), and (2) (a) (XVII) as follows:

**12-47-501. State fees.** (1) The following license and permit fees shall be paid to the department of revenue annually in advance:

(u) FOR EACH MANAGER'S PERMIT, ONE HUNDRED DOLLARS.

(2) (a) The state licensing authority shall establish fees for processing the following types of applications, notices, or reports required to be submitted to the state licensing authority:

(XIV) Notice of change of name or trade name pursuant to section 12-47-301 and rules adopted pursuant to that section; ~~and~~

(XVI) APPLICATIONS FOR TRANSFER OF OWNERSHIP, CHANGE OF LOCATION, AND LICENSE MERGER AND CONVERSION PURSUANT TO SECTION 12-47-408 (1) (b);

(XVII) APPLICATIONS FOR MANAGER'S PERMITS PURSUANT TO SECTION 12-47-425.

**SECTION 15.** In Colorado Revised Statutes, 12-47-505, ~~amend~~ (4) (a) introductory portion; and ~~add~~ (4) (a) (V) as follows:

**12-47-505. Local license fees.** (4) (a) Each application for a license provided for in this article and article 46 of this title filed with a local licensing authority ~~shall~~ MUST be accompanied by an application fee in an amount determined by the local licensing authority to cover actual and necessary expenses, subject to the following limitations:

(V) FOR A TRANSFER OF OWNERSHIP, CHANGE OF LOCATION, AND LICENSE MERGER AND CONVERSION PURSUANT TO SECTION 12-47-408 (1) (b), NOT TO EXCEED ONE THOUSAND DOLLARS.

**SECTION 16.** In Colorado Revised Statutes, 12-47-901, ~~amend~~ (5) introductory portion, (5) (a) (I), and (5) (c); ~~repeal~~ (8); and ~~add~~ (5) (p) and (10) as follows:

**12-47-901. Unlawful acts - exceptions - definitions.** (5) It is unlawful for any person licensed to sell at retail pursuant to this article OR ARTICLE 46 OF THIS TITLE:

(a) (I) To sell an alcohol beverage to any person under the age of twenty-one years, to a habitual drunkard, or to a visibly intoxicated person. or to permit any alcohol beverage to be sold or dispensed by a person under eighteen years of age, or to permit any such person to participate in the sale or dispensing thereof: If a person who, in fact, is not twenty-one years of age exhibits a fraudulent proof of age, any action relying on such fraudulent proof of age shall not constitute grounds for the revocation or suspension of any license issued under this article or article 46 of this title. ~~Notwithstanding any provision in this subparagraph (I) to the contrary, no person under twenty-one years of age shall be employed to sell or dispense malt, vinous, or spirituous liquors unless he or she is supervised by another person who is on premise and has attained twenty-one years of age. No employce of a tavern licensed pursuant to section 12-47-412, that does not regularly serve meals as defined in section 12-47-103 (20), or a retail liquor store shall sell malt, vinous, or spirituous liquors unless such person is at least twenty-one years of age.~~

(c) Except as provided in section 18-13-122, C.R.S., for any person to sell fermented malt beverages to any person under the age of twenty-one years or to any person between the hours of 12 midnight and 5 a.m. 8 A.M.;

(p) (I) (A) TO PERMIT A PERSON UNDER EIGHTEEN YEARS OF AGE TO SELL, DISPENSE, OR PARTICIPATE IN THE SALE OR DISPENSING OF ANY ALCOHOL BEVERAGE; OR

(B) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (p), TO EMPLOY A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE BUT UNDER TWENTY-ONE YEARS OF AGE TO SELL OR DISPENSE MALT, VINOUS, OR SPIRITUOUS LIQUORS UNLESS THE EMPLOYEE IS SUPERVISED BY ANOTHER PERSON WHO IS ON THE LICENSED PREMISES AND IS AT LEAST TWENTY-ONE YEARS OF AGE;

(II) IF LICENSED AS A TAVERN UNDER SECTION 12-47-412, A RETAIL LIQUOR STORE UNDER SECTION 12-47-407, OR A LIQUOR-LICENSED DRUGSTORE UNDER SECTION 12-47-408, TO PERMIT AN EMPLOYEE WHO IS UNDER TWENTY-ONE YEARS OF AGE TO SELL MALT, VINOUS, OR SPIRITUOUS LIQUORS; OR

(III) IF LICENSED AS A RETAIL LIQUOR STORE UNDER SECTION 12-47-407 OR A LIQUOR-LICENSED DRUGSTORE UNDER SECTION 12-47-408,

TO PERMIT AN EMPLOYEE WHO IS UNDER TWENTY-ONE YEARS OF AGE TO DELIVER OR OTHERWISE HAVE ANY CONTACT WITH MALT, VINOUS, OR SPIRITUOUS LIQUORS OFFERED FOR SALE ON, OR SOLD AND REMOVED FROM, THE LICENSED PREMISES OF THE RETAIL LIQUOR STORE OR LIQUOR-LICENSED DRUGSTORE.

~~(8) It is unlawful for any manufacturer or wholesaler licensed pursuant to article 46 of this title to sell, deliver, or cause to be delivered to any person licensed pursuant to section 12-47-407 or 12-47-408 any beverage containing alcohol in excess of three and two-tenths percent by weight or four percent by volume, or for any fermented malt beverage retailer licensed pursuant to article 46 of this title to sell, possess, or permit the consumption on the premises of any of the beverages containing alcohol in excess of three and two-tenths percent by weight or four percent by volume, or for any fermented malt beverage retail licensee licensed pursuant to article 46 of this title to hold or operate under any license for the sale of any beverages containing alcohol in excess of three and two-tenths percent by weight or four percent by volume for the same premises. Any violation of this subsection (8) by any fermented malt beverage licensee licensed pursuant to article 46 of this title immediately invalidates the license granted under article 46 of this title.~~

(10) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (10), IT IS UNLAWFUL FOR A RETAIL LICENSEE OR AN EMPLOYEE OF A RETAIL LICENSEE TO SELL MALT, VINOUS, OR SPIRITUOUS LIQUORS TO A CONSUMER FOR CONSUMPTION OFF THE LICENSED PREMISES UNLESS THE RETAIL LICENSEE OR EMPLOYEE VERIFIES THAT THE CONSUMER IS AT LEAST TWENTY-ONE YEARS OF AGE BY REQUIRING THE CONSUMER TO PRESENT A VALID IDENTIFICATION, AS DETERMINED BY THE STATE LICENSING AUTHORITY BY RULE. THE RETAIL LICENSEE OR EMPLOYEE SHALL MAKE A DETERMINATION FROM THE INFORMATION PRESENTED WHETHER THE PURCHASER IS AT LEAST TWENTY-ONE YEARS OF AGE.

(b) IT IS NOT UNLAWFUL FOR A RETAIL LICENSEE OR EMPLOYEE OF A RETAIL LICENSEE TO SELL MALT, VINOUS, OR SPIRITUOUS LIQUORS TO A CONSUMER WHO IS OR REASONABLY APPEARS TO BE OVER FIFTY YEARS OF AGE AND WHO FAILED TO PRESENT AN ACCEPTABLE FORM OF IDENTIFICATION.

(c) AS USED IN THIS SUBSECTION (10), "RETAIL LICENSEE" MEANS A

PERSON LICENSED UNDER SECTION 12-46-104 (1) (c), 12-47-407, OR 12-47-408.

**SECTION 17.** In Colorado Revised Statutes, 12-47-104, amend (2) (c) as follows:

**12-47-104. Wine shipments - permits.** (2) A winery direct shipper's permit may be issued to only a person who applies for such permit to the state licensing authority and who:

(c) Except as provided in sections 12-47-402 (1) and 12-47-406 (3), does not directly or indirectly have any financial interest in a Colorado wholesaler or retailer licensed pursuant to section 12-47-406, or 12-47-407, OR 12-47-408.

**SECTION 18. Appropriation.** (1) For the 2016-17 state fiscal year, \$398,682 is appropriated to the department of revenue. This appropriation is from the liquor enforcement division and state licensing authority cash fund created in section 24-35-401, C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$153,195 for use by the liquor and tobacco enforcement division for personal services, which amount is based on an assumption that the division will require an additional 2.4 FTE;

(b) \$17,463 for use by the liquor and tobacco enforcement division for operating expenses; and

(c) \$228,024 for the purchase of legal services.

(2) For the 2016-17 state fiscal year, \$228,024 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of revenue under paragraph (c) of subsection (1) of this section and is based on an assumption that the department of law will require an additional 1.3 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of revenue.

(3) For the 2016-17 state fiscal year, \$2,135 is appropriated to the department of public safety for use by the Colorado bureau of investigation.

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This appropriation is from the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, C.R.S. To implement this act, the bureau may use this appropriation for personal services and operating expenses related to identification.

**SECTION 19. Effective date.** This act takes effect July 1, 2016; except that sections 3 and 4 of this act, section 12-47-103 (19), Colorado Revised Statutes, as amended in section 6 of this act, section 12-47-202 (2) (a) (I) (S), Colorado Revised Statutes, as repealed in section 7 of this act, and section 12-47-901 (8), Colorado Revised Statutes, as repealed in section 16 of this act, take effect January 1, 2019.

**SECTION 20. Safety clause.** The general assembly hereby finds,



determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



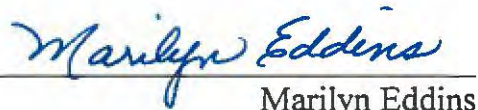
Bill L. Cadman  
PRESIDENT OF  
THE SENATE



Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

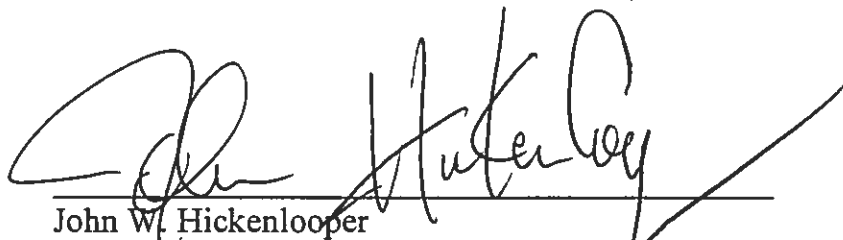


Effie Ameen  
SECRETARY OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED 2:58 PM 6/10/16



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

# An Act

SENATE BILL 16-211

BY SENATOR(S) Cadman and Scheffel, Crowder, Heath, Hodge, Jahn, Kefalas, Sonnenberg;  
also REPRESENTATIVE(S) Hullinghorst and Duran, Arndt, Court, Lee, Leonard, Mitsch Bush, Pabon, Priola, Ryden.

CONCERNING CONTESTS TO SPECIFIED SPECIAL DISTRICT ELECTIONS THAT ARE MADE ON GROUNDS RELATING TO ELECTOR QUALIFICATIONS, AND, IN CONNECTION THEREWITH, IMPOSING A JURISDICTIONAL BAR ON CONTESTS OF CERTAIN ELECTIONS AND VALIDATING THE QUALIFICATIONS OF CERTAIN ACTORS WHEN TIMELY CONTESTS CHALLENGING THOSE QUALIFICATIONS HAVE NOT BEEN FILED.

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

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) Special districts serve a public purpose and promote the health, safety, prosperity, security, and general welfare of the residents and property owners of such districts and of the people of the state of Colorado;

(b) Elections must be held to organize districts, to elect board members, and to authorize debt and tax increases;

(c) Bonds issued and other indebtedness incurred in reliance on those elections have financed essential public infrastructure, including roads, highway interchanges, bridges, and other transportation facilities; water lines, storage, and treatment facilities; wastewater collection and treatment facilities; storm drainage improvements; fire protection facilities; and parks and recreation facilities;

(d) Because infrastructure construction occurs by necessity before homes and other structures are built, there are typically no residents at the time a district is organized and its initial elections are held;

(e) To conduct such elections, electors have been qualified using purchase contracts for taxable property within the boundaries of the district, pursuant to the express provisions of section 32-1-103 (5) (b), Colorado Revised Statutes, and other applicable statutes;

(f) Uncertainty about the finality of election results and the qualifications of electors and district directors, if left unresolved, could substantially increase costs to cities and counties for facility maintenance, lead to increased costs and interruption of essential utility services for many residents, in particular those living in special districts, and impair the access to capital markets for financing public infrastructure and for refunding bonds at lower interest rates to reduce taxes and fees;

(g) This act does not validate any election or director qualification that is currently the subject of litigation; does not preclude a challenge to any special district election or the prior actions of a special district for reasons other than are stated in the act; and does not preclude or limit other claims and remedies available under the law; and

(h) The general welfare of citizens of the state will benefit from a validation of the voter qualifications of those who voted at elections on or before May 3, 2016, and of the qualifications of persons who were appointed or elected to serve on the board of a district on or before May 3, 2016.

**SECTION 2.** In Colorado Revised Statutes, add 1-1-105.5 as follows:

**1-1-105.5. District elections conducted on or prior to May 3, 2016 - limitations on contests based on elector qualifications - exceptions - validation - definitions.** (1) (a) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (1), FOR ANY DISTRICT ELECTION CONDUCTED UNDER THIS CODE OR THE "COLORADO LOCAL GOVERNMENT ELECTION CODE", ARTICLE 13.5 OF THIS TITLE, AND NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY:

(I) NO DISTRICT ELECTION CONDUCTED PRIOR TO APRIL 21, 2016, MAY BE CONTESTED ON THE GROUNDS THAT ANY PERSON WHO VOTED AT SUCH ELECTION WAS NOT AN ELIGIBLE ELECTOR UNLESS SUCH A CONTEST WAS INITIATED PRIOR TO APRIL 21, 2016.

(II) NO DISTRICT ELECTION CONDUCTED ON MAY 3, 2016, MAY BE CONTESTED ON THE GROUNDS THAT ANY PERSON WHO VOTED AT SUCH ELECTION WAS NOT AN ELIGIBLE ELECTOR UNLESS SUCH A CONTEST WAS INITIATED WITHIN THE TIME PERIOD SPECIFIED IN SECTION 1-11-213 OR SECTION 1-13.5-1403, C.R.S., AS APPLICABLE.

(b) EXCEPT WHEN A CONTEST TO ELECTOR QUALIFICATIONS HAS BEEN TIMELY INITIATED AS DESCRIBED IN THIS SECTION, THIS SECTION VALIDATES, RATIFIES, AND CONFIRMS THE QUALIFICATIONS OF ANY PERSON WHO VOTED AT ANY DISTRICT ELECTION HELD ON OR BEFORE MAY 3, 2016, NOTWITHSTANDING ANY DEFECTS OR IRREGULARITIES IN SUCH QUALIFICATIONS.

(c) THE BAR TO ELECTION CONTESTS IN PARAGRAPH (a) OF THIS SUBSECTION (1) DOES NOT APPLY TO:

(I) ANY DISTRICT ELECTION CONDUCTED AFTER JANUARY 1, 2012, IF THE CONTEST TO SUCH ELECTION IS MADE ON THE GROUNDS THAT FEDERAL OR STATE CONSTITUTIONAL RIGHTS OF ELIGIBLE ELECTORS WERE VIOLATED IN THE CONDUCT OF THE ELECTION; OR

(II) ANY DISTRICT ELECTION CONDUCTED BEFORE JANUARY 1, 2012, IF THE CONTEST TO SUCH ELECTION WAS INITIATED PRIOR TO APRIL 21, 2016.

(2) FOR PURPOSES OF THIS SECTION, "DISTRICT" MEANS ANY DISTRICT FORMED UNDER PART 5 OF ARTICLE 20 OF TITLE 30, PART 6 OF

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ARTICLE 25 OF TITLE 31, PART 8 OF ARTICLE 25 OF TITLE 31, PART 12 OF ARTICLE 25 OF TITLE 31, OR ARTICLE 1 OF TITLE 32, C.R.S.

**SECTION 3.** In Colorado Revised Statutes, 32-1-808, **amend (5); and add (6)** as follows:

**32-1-808. Transfer of property title to qualify electors - limitations - validation.** (5) Any person elected to a board whose qualification as an eligible elector is not challenged and overturned in accordance with the requirements specified in part 2 of article 11 of title 1, C.R.S., shall not be subject to further challenge based upon qualification as a property owner under this section. ~~for the remainder of the director's term in office.~~

(6) (a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY:

(I) THE QUALIFICATION OF ANY PERSON APPOINTED OR ELECTED TO A BOARD PRIOR TO APRIL 21, 2016, IS HEREBY VALIDATED, RATIFIED, AND CONFIRMED AND MAY NOT BE CHALLENGED, EXCEPT AS PROVIDED IN THIS SUBSECTION (6), UNLESS A CONTEST WAS INITIATED PRIOR TO APRIL 21, 2016.

(II) THE QUALIFICATION OF ANY PERSON APPOINTED OR ELECTED TO A BOARD ON MAY 3, 2016, IS HEREBY VALIDATED, RATIFIED, AND CONFIRMED AND MAY NOT BE CHALLENGED, EXCEPT AS PROVIDED IN THIS SUBSECTION (6), UNLESS A CONTEST WAS INITIATED WITHIN THE TIME PERIOD SPECIFIED IN SECTION 1-11-213 OR 1-13.5-1403, C.R.S., AS APPLICABLE.

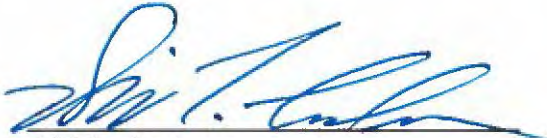
(b) EXCEPT WHERE A CONTEST TO THE QUALIFICATIONS OF A PERSON TO SERVE ON A BOARD HAS BEEN TIMELY INITIATED AS DESCRIBED IN THIS SUBSECTION (6), THIS SUBSECTION (6) VALIDATES, RATIFIES, AND CONFIRMS THE QUALIFICATIONS OF ANY PERSON APPOINTED OR ELECTED TO A BOARD PRIOR TO MAY 3, 2016, NOTWITHSTANDING ANY DEFECTS AND IRREGULARITIES IN SUCH QUALIFICATIONS. ALL ACTIONS UNDERTAKEN BY ANY BOARD MEMBER WHO MAY NOT HAVE BEEN QUALIFIED TO SERVE ON THE BOARD WHEN APPOINTED OR ELECTED ON OR BEFORE MAY 3, 2016, SHALL BE CONSIDERED AS ACTIONS OF A DE FACTO OFFICER AND DIRECTOR AND AS VALID AND EFFECTIVE.

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(c) NOTHING IN THIS SUBSECTION (6) IS INTENDED TO LIMIT CHALLENGES BY LEGAL PROCEEDINGS IN THE NATURE OF QUO WARRANTO TO THE CONTINUING SERVICE OF PERSONS APPOINTED OR ELECTED TO A BOARD WHO MAY NO LONGER BE ELIGIBLE TO SERVE IN ACCORDANCE WITH SECTION 32-1-905 TOGETHER WITH CHALLENGES TO THE ACTIONS OF SUCH BOARD TAKEN AFTER INITIATION OF THOSE LEGAL PROCEEDINGS.

**SECTION 4. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Bill L. Cadman  
PRESIDENT OF  
THE SENATE



Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Effie Ameen  
SECRETARY OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED 10:24 am 5/18/16



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

# An Act

SENATE BILL 16-218

BY SENATOR(S) Lambert and Steadman, Grantham;  
also REPRESENTATIVE(S) Hamner and Rankin, Young, Fields,  
Rosenthal, Hullinghorst.

CONCERNING MATTERS RELATED TO STATE SEVERANCE TAX REFUNDS.

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

**SECTION 1.** In Colorado Revised Statutes, 24-75-201.1, **amend** as added by House Bill 16-1419 (1) (d) (XVII) as follows:

**24-75-201.1. Restriction on state appropriations - legislative declaration - definitions.** (1) (d) For each fiscal year, unrestricted general fund year-end balances shall be retained as a reserve in the following amounts:

(XVII) For the fiscal year 2015-16, AN AMOUNT EQUAL TO five and six-tenths percent of the amount appropriated for expenditure from the general fund for that fiscal year MINUS THE TOTAL AMOUNT CREDITED TO THE RESERVE CREATED IN SECTION 39-22-107.8, C.R.S., IN ACCORDANCE WITH PARAGRAPH (a) OF SUBSECTION (2) OF SAID SECTION.

**SECTION 2.** In Colorado Revised Statutes, 39-22-623, **amend** (1)



(b) as follows:

**39-22-623. Disposition of collections.** (1) (b) Following apportionment of the city, town, and county shares pursuant to paragraph (a) of this subsection (1) and pursuant to section 29-21-101, C.R.S., all remaining funds, LESS THE AMOUNT CREDITED TO THE RESERVE CREATED IN SECTION 39-29-107.8, IN ACCORDANCE WITH SUBSECTION (2) OF SAID SECTION, shall be credited to the general fund, and the general assembly shall make appropriations therefrom for the expenses of the administration of this article.

**SECTION 3.** In Colorado Revised Statutes, **add 39-29-107.8** as follows:

**39-29-107.8. Refunds.** (1) PRIOR TO THE ALLOCATION IN SECTION 39-29-108, THE STATE TREASURER SHALL SET ASIDE AND MAINTAIN ALL REVENUE FROM THE TAX IMPOSED PURSUANT TO THIS ARTICLE IN A RESERVE THAT IS AVAILABLE FOR THE PAYMENT OF REFUNDS RELATED TO THE TAX IN ACCORDANCE WITH SECTION 39-21-108. AT THE END OF EACH MONTH, ANY MONEYS IN THE RESERVE THAT ARE NOT REQUIRED FOR A REFUND ARE THE TOTAL GROSS RECEIPTS REALIZED THAT ARE AVAILABLE FOR ALLOCATION UNDER SECTION 39-29-108.

(2) (a) PRIOR TO JULY 1, 2016, IF THE AMOUNT IN THE RESERVE IS LESS THAN THE AMOUNT OF REFUNDS THAT ARE REQUIRED TO BE MADE FROM THE RESERVE, THEN THE STATE TREASURER SHALL CREDIT TO THE RESERVE FROM THE PROCEEDS OF THE MONEY COLLECTED UNDER ARTICLE 22 OF THIS TITLE AN AMOUNT EQUAL TO THE DEFICIT.

(b) ON OR AFTER JULY 1, 2016, BUT PRIOR TO JULY 1, 2017, THE STATE TREASURER SHALL CREDIT TO THE RESERVE FROM THE PROCEEDS OF THE MONEY COLLECTED UNDER ARTICLE 22 OF THIS TITLE, AN AMOUNT EQUAL TO THE AMOUNT BY WHICH THE REFUNDS FOR THE TAX IMPOSED PURSUANT TO THIS ARTICLE THAT ARE MADE FOR A MONTH EXCEED FIFTEEN PERCENT OF THE GROSS SEVERANCE TAX REVENUES FOR THE SAME MONTH.

(3) THE STATE TREASURER SHALL CREDIT MONEY TO THE RESERVE IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION ON A MONTHLY BASIS. IF THERE IS INSUFFICIENT REVENUE AVAILABLE TO BE CREDITED, THE STATE CONTROLLER MAY AUTHORIZE AN ADVANCE UNDER SECTION

24-75-203 (2), C.R.S., TO THE RESERVE TO BE USED FOR THE REFUNDS. THERE IS NO LIMIT ON THE AMOUNT OF AN ADVANCE THAT THE STATE CONTROLLER MAY MAKE FOR THIS PURPOSE.

**SECTION 4.** In Colorado Revised Statutes, 39-29-108, amend (2) (a) (II) as follows:

**39-29-108. Allocation of severance tax revenues - definitions - repeal.** (2) (a) (II) This paragraph (a) is repealed, effective ~~January~~ JULY 1, 2017.

**SECTION 5.** In Colorado Revised Statutes, 39-29-109, add (2) (a) (XVII) as follows:

**39-29-109. Severance tax trust fund - created - administration - distribution of moneys - repeal.** (2) State severance tax receipts shall be credited to the severance tax trust fund as provided in section 39-29-108. Except as otherwise set forth in section 39-29-109.5, all income derived from the deposit and investment of the moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund remain therein and shall not be credited or transferred to the general fund or any other fund. All moneys in the fund are subject to appropriation by the general assembly for the following purposes:

(a) **The severance tax perpetual base fund.** (XVII) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, AN AMOUNT EQUAL TO NINETEEN MILLION ONE HUNDRED THOUSAND DOLLARS IN THE FUND IS RESTRICTED FROM BEING USED FOR ANY PURPOSE WHATSOEVER, UNTIL SUCH TIME THAT THE JOINT BUDGET COMMITTEE, BY A MAJORITY VOTE, RELEASES THE RESTRICTION ON SOME OR ALL OF THE MONEY.

**SECTION 6.** In Colorado Revised Statutes, 39-29-109.3, add (1.5) as follows:

**39-29-109.3. Severance tax operational fund - repeal.** (1.5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, AN AMOUNT EQUAL TO TEN MILLION DOLLARS IN THE OPERATIONAL FUND IS RESTRICTED FROM BEING USED FOR ANY PURPOSE

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WHATSOEVER, UNTIL SUCH TIME THAT THE JOINT BUDGET COMMITTEE, BY A MAJORITY VOTE, RELEASES THE RESTRICTION ON SOME OR ALL OF THE MONEY.

**SECTION 7.** In Colorado Revised Statutes, 39-29-110, add (8) as follows:

**39-29-110. Local government severance tax fund - creation - administration - definitions.** (8) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, AN AMOUNT EQUAL TO FORTY-EIGHT MILLION THREE HUNDRED THOUSAND DOLLARS IN THE LOCAL GOVERNMENT SEVERANCE TAX FUND THAT WOULD OTHERWISE BE DISTRIBUTED UNDER PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION IS RESTRICTED FROM BEING USED FOR ANY PURPOSE WHATSOEVER, UNTIL SUCH TIME THAT THE JOINT BUDGET COMMITTEE, BY A MAJORITY VOTE, RELEASES THE RESTRICTION ON SOME OR ALL OF THE MONEY. IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE RESTRICTION OF MONEY IN THE FUND SHALL NOT AFFECT THE DISTRIBUTIONS MADE UNDER PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION.

**SECTION 8. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



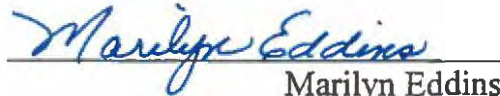
Bill L. Cadman  
PRESIDENT OF  
THE SENATE



Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

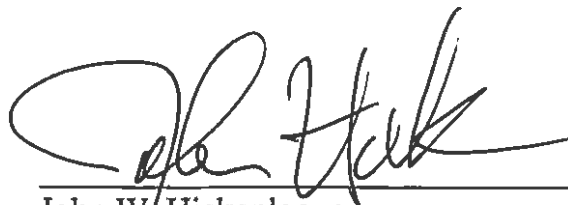


Effie Ameen  
SECRETARY OF  
THE SENATE



Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED 9:06 am 6/10/16



John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO

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