

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 30, 2013
Date

Committee on Finance.

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

HB13-1238 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 3, line 2, after "UPON" insert
- 2 "SATISFACTORY".

- 3 Page 3, line 8, strike "MAY" and substitute "SHALL".

- 4 Page 3, line 20, strike "MAY" and substitute "SHALL".

- 5 Page 3, line 27, strike "~~the local licensing authority and~~" and substitute
- 6 "the local licensing authority and".

- 7 Page 4, line 4, strike "MAY" and substitute "SHALL".

- 8 Page 5, after line 27, insert:
- 9 "SECTION 4. In Colorado Revised Statutes, 12-43.3-301, amend
- 10 (3) and (4) as follows:
- 11 **12-43.3-301. Local licensing authority - applications - licenses.**
- 12 (3) An application for a license specified in subsection (1) of this section
- 13 shall be filed with the STATE LICENSING AUTHORITY AND THE appropriate
- 14 local licensing authority on forms provided by the state licensing
- 15 authority and shall contain such information as the state licensing
- 16 authority may require and any forms as the local licensing authority may
- 17 require. Each application shall be verified by the oath or affirmation of
- 18 the persons prescribed by the state licensing authority.
- 19 (4) An applicant shall file, at the time of application for a local
- 20 license, plans and specifications for the interior of the building if the
- 21 building to be occupied is in existence at the time. If the building is not

1 in existence, the applicant shall file a plot plan and a detailed sketch for
2 the interior and submit an architect's drawing of the building to be
3 constructed. In its discretion, the local or state licensing authority may
4 impose additional requirements necessary for the approval of the
5 application.

6 **SECTION 5.** In Colorado Revised Statutes, 12-43.3-302, **amend**
7 (5) as follows:

8 **12-43.3-302. Public hearing notice - posting and publication.**

9 (5) (a) ~~A local licensing authority, or a license applicant with local~~
10 ~~licensing authority approval, may request that the state licensing authority~~
11 ~~conduct a concurrent review of a new license application prior to the local~~
12 ~~licensing authority's final approval of the license application. Local~~
13 ~~licensing authorities who permit a concurrent review will continue to~~
14 ~~independently review the applicant's license application.~~

15 (b) When conducting a ~~concurrent~~ ITS application review, the state
16 licensing authority may advise the local licensing authority of any items
17 that it finds that could result in the denial of the license application. Upon
18 correction of the noted discrepancies, if the correction is permitted by the
19 state licensing authority, the state licensing authority shall notify the local
20 licensing authority of its conditional approval of the license application
21 ~~subject to the final approval by the local licensing authority~~
22 AMENDMENTS. The state licensing authority shall then issue the
23 applicant's state license ~~upon receiving evidence of final approval by the~~
24 ~~local licensing authority~~ WHICH SHALL REMAIN CONDITIONED UPON LOCAL
25 AUTHORITY APPROVAL.

26 (c) All applications submitted for ~~concurrent~~ review shall be
27 accompanied by all applicable state AND LOCAL license and application
28 fees. Any applications that are later denied or withdrawn may allow for
29 a refund of license fees only. All application fees provided by an
30 applicant shall be retained by the respective licensing authority.

31 **SECTION 6.** In Colorado Revised Statutes, 12-43.3-303, **amend**
32 (4) and (5) as follows:

33 **12-43.3-303. Results of investigation - decision of authorities.**

34 (4) After approval of an application, ~~a~~ NEITHER THE STATE NOR local
35 licensing authority shall ~~not~~ issue a local license until the building in
36 which the business to be conducted is ready for occupancy with such
37 furniture, fixtures, and equipment in place as are necessary to comply
38 with the applicable provisions of this article, and then only after the
39 STATE OR local licensing authority has inspected the premises to
40 determine that the applicant has complied with the architect's drawing and
41 the plot plan and detailed sketch for the interior of the building submitted
42 with the application.

1 (5) AFTER APPROVAL OF AN APPLICATION FOR CONDITIONAL STATE
2 LICENSURE, THE STATE LICENSING AUTHORITY SHALL NOTIFY THE LOCAL
3 LICENSING AUTHORITY OF SUCH APPROVAL. After approval of an
4 application for local licensure, the local licensing authority shall notify
5 the state licensing authority of such approval, who shall investigate and
6 either approve or disapprove the application for state licensure."

7 Renumber succeeding section accordingly.

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