

LEGISLATIVE COUNCIL
COMMITTEE ON STATE AFFAIRS

Members of the Committee

Rep. Arie Taylor, Chairperson	Rep. Wad Hinman
Sen. Dan Noble, Vice-Chairperson	Rep. Steve Hogan
Sen. William Comer	Rep. James Lloyd
Sen. Dennis Gallagher	Rep. Stephen Lyon
Sen. Kenneth Kinnie	Rep. Betty Orten
Sen. Joseph Schieffelin	Rep. Clarence Quinlan
Sen. Ted Strickland	Rep. Carl Showalter
	Rep. David Sprague
	Rep. Douglas Wayland
	Rep. Wellington Webb
	Rep. Sam Zakhem

Council Staff

Dennis Jakubowski Research Associate	Larry Thompson Research Associate
---	--------------------------------------

COMMITTEE ON STATE AFFAIRS

The Committee on State Affairs was directed by the Legislative Council to study the legislative steps that are necessary to assure women equal rights. The committee investigated the status of women in the areas of employment, education, credit, and insurance.

The committee submits three bills for consideration. In the area of employment, the committee recommends Bill 7, relating to the powers and duties of the Colorado Civil Rights Commission, and Bill 8, concerning grounds for revocation or suspension of the license of a private employment agency. Regarding education, the committee recommends Bill 9, relating to the designation of additional racing days to provide funding for athletics in institutions of higher education.

Women's Equal Rights in Employment

The committee was provided with an overview of the status of women in the area of employment through testimony by representatives of federal agencies charged with enforcement of equal employment opportunity laws. In addition, representatives of the Colorado Civil Rights Commission explained the role of the commission in the enforcement of the "Colorado Antidiscrimination Act of 1957". The committee heard testimony from federal and state representatives that there is a substantial backlog of complaints due to the number of complaints and the lack of personnel to properly investigate and conduct hearings on alleged discriminatory activities.

Powers and Duties of Colorado Civil Rights Commission -- Bill 7

Most members of the committee believe that no major changes in Colorado's employment discrimination law need to be made; however, better enforcement of the law should be undertaken, and this would require some revisions. Therefore, the committee recommends a bill which is designed to make the Colorado Civil Rights Commission more effective and efficient in meeting the enforcement responsibilities assigned it by the "Colorado Antidiscrimination Act of 1957".

In summary, Bill 7 would provide:

- (1) Discrimination based on marital status. Section 1 of the bill would prohibit any employment discrimination which is based on marital status.
- (2) Subpoena power. Section 24-34-305 (2) of Bill 7 would grant the Civil Rights Commission subpoena power during the investigative stage of its procedures. The subpoena power granted by this section would permit the commission

at an earlier date to determine whether or not there is a case of discrimination to be pursued.

- (3) Initial exclusive jurisdiction. Section 24-34-305 (3) of Bill 7 would make clear that the Civil Rights Commission would not be barred from action on a case when another agency is acting in concurrent areas of the same case. In effect, other agencies could not bar the jurisdiction of the Civil Rights Commission in its determination of violations of the "Colorado Antidiscrimination Act of 1957". This provision was included in Bill 7 due to a ruling of the Colorado Supreme Court in the case of Umberfield v. School District 11-J which held that the legal doctrine of res judicata barred the Colorado Civil Rights Commission from exercising its jurisdiction when another administrative agency had already heard the issue of discrimination.
- (4) Compensation, terms, and conditions of employment. Amendments to section 23-34-306 (1) (a) would add the phrase "compensation, terms, and conditions of employment" to the coverage of the antidiscrimination law. These amendments were added since the antidiscrimination law now prohibits discrimination in promotions, demotions, and compensation, but does not cover such aspects of employment as health and life insurance programs or disability leave policies.
- (5) Retaliation. Section 3 of Bill 7 would provide that a person who files a complaint or otherwise cooperates with the commission not be retaliated against by his employer.
- (6) Judicial review and enforcement. Section 4 of the bill states that the Court of Appeals, rather than a district court, would have initial jurisdiction in reviewing decisions of the Civil Rights Commission. Testimony was heard indicating that most cases going through the district court were appealed; therefore, the committee believes that this provision will lead to a more speedy resolution of conflict. Also, such a provision will help insure that the antidiscrimination laws will be more uniformly applied.

Testimony Concerning Sex Discrimination by Private Employment Agencies. The committee heard testimony from representatives of the Colorado Public Interest Research Group (CoPIRG) concerning its study of private employment agency practices in the metropolitan Denver area. The CoPIRG report stated that private employment agencies do discriminate against equally qualified applicants on the basis of sex. The report further indicated that the jobs referred to female applicants were weighted towards sales and clerical positions, while male applicants generally received referrals for jobs in professional, managerial, and technical areas.

Committee Directive to the Department of Labor and Employment and the Colorado Civil Rights Commission Concerning Sex Discrimination. The committee concurred with the CoPIRG finding that private employment agencies are in violation of federal and state legislation which prohibits sex discrimination in employment and, as a result, sent a letter to the executive director of the Department of Labor and Employment and to the executive director of the Colorado Civil Rights Commission to call to their attention the findings in the CoPIRG study. There was a written reply from the Department of Labor and Employment; however, no such reply was received from the Colorado Civil Rights Commission.

The letter to the department requested the following:

- (1) Ensure that all designated managing personnel and other employees of licensed private employment agencies are given a complete explanation of laws prohibiting sex discrimination; and
- (2) Initiate a rigid program of monitoring employment agencies licensed by the department to check on their compliance with Colorado's antidiscrimination in employment law. In cases where violations indicate a lack of "business integrity" under section 12-24-107 (2), proceedings should be initiated to revoke the illegally operating agency's license.

In response to the committee directive, Mr. Herrick Roth, executive director of the Department of Labor and Employment, stated that every agency listed in the CoPIRG report had been contacted by an investigator from the Division of Labor, apprised of the contents of that report, and advised that the department expected complete compliance with all federal and state laws relating to sex discrimination. Mr. Roth added that each agency listed in the CoPIRG report was advised that discriminatory job orders should not be accepted from employers, and referrals should not be based on sex, age, race, creed, or color.

Mr. Roth also noted that, in response to the committee's directive, copies of antidiscrimination posters will be sent to every employment agency with instructions regarding posting. In addition, the policy to spot-check all licensed private employment agencies for compliance with Colorado's antidiscrimination law has been reemphasized.

The committee learned from the executive director that section 12-24-107 (2), relating to grounds for revocation of an employment agency license, should be clarified to state specifically that sex discrimination constitutes one of the grounds for revocation or suspension of an employment agency license. The committee concurs with this proposal, and further believes that the portion of the "Private Employment Agency Act of 1967" relating to revocation of licenses should address itself to the problem of sex discrimination in employment. Accordingly, the committee recommends Bill S.

Grounds for Revocation or Suspension of Private Employment Agency Licenses - Bill 8

Bill 8 would clarify in the "Private Employment Agency Act of 1967" that the Division of Labor has full authority to revoke or suspend the license of a private employment agency when it has been finally determined by an agency charged with enforcement of antidiscrimination laws (e.g., U.S. Equal Employment Opportunity Commission or Colorado Civil Rights Commission) that an employment agency is guilty of sex discrimination.

Section 12-24-107 (2) currently gives the director of the Division of Labor authority to revoke an employment agency license when a licensee is found to be "not of good moral character and business integrity". Bill 8 would amend section 12-24-107 (2) to specifically state that engaging in practices which are discriminatory on the basis of sex would be sufficient evidence to indicate that a licensee does not show good business integrity.

Review by Standing Committees of Affirmative Action Plans for Colorado's Executive Branch. In an executive order issued April 16, 1975, Governor Lamm affirmed the commitment of his administration to providing equal opportunity for all employees and those seeking employment with the state. To carry out the commitment, the Governor directed that all agencies and departments in the executive branch develop and implement affirmative action plans. The executive director of the Department of Personnel was given the responsibility for the development, implementation, and continuing evaluation of those affirmative action plans.

The Department of Personnel has set a January 1, 1976, deadline for every department in the executive branch to have an affirmative action plan in effect and available to department employees. The committee has an interest in a follow-up on the progress of executive departments in the development and implementation of their individual affirmative action plans. According to Joint Rule No. 25, the standing committees of State Affairs and Business Affairs and Labor are given the responsibility to review the activities and budget of the Department of Personnel. The committee recommends that the department be prepared to appear before those committees early in the 1976 session to present an update on its activities in this area.

Women's Equal Rights In Education

Testimony Concerning Sexism in Education. The committee received testimony citing evidence of sexism in curricula, textbooks, counseling, vocational education, school expenditures, and teacher attitudes which promote "myths" concerning the role of women in society. Similarly, the committee was told that the educational process is a significant tool in promoting or hindering equal opportunities in employment for women.

The opportunities, or lack thereof, afforded women for athletic competition in high schools and colleges were reviewed by the committee. The committee heard testimony on the women's athletic programs at the University of Colorado, Colorado State University, University of Northern Colorado, University of Southern Colorado, and the University of Denver. This testimony indicated that equality of opportunity does not always exist for women in terms of the supplies and equipment provided, medical and training services offered, or game and practice schedules which have been established.

Impact of Title IX on Education. To attempt to end sexism in education, Congress passed Title IX of the Education Amendments of 1972. Title IX provides that "no person...shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance...". Title IX regulations bar sex discrimination in the nation's elementary and secondary schools and institutions of higher education. Title IX regulations also prohibit sex discrimination against either students or education employees.

The committee heard testimony on the coverage and regulations of Title IX and was informed of its specific impact on counseling, vocational education, and affirmative action plans for employees in high schools and colleges. A particular emphasis was placed on studying the effect of Title IX on women's athletics at the collegiate level.

The committee is in accord with Title IX regulations that equality of opportunity should be provided members of both sexes to participate in athletics. (This does not mean that equal funding must be provided for female and male athletic teams.) The committee believes that additional funding is necessary for women's athletics at the collegiate level for females to achieve athletic opportunities equal to those now afforded males in Colorado. Thus, the committee recommends Bill 9.

Designation of Additional Racing Days to Provide Funding for College Athletics -- Bill 9

This bill would provide that the Colorado Racing Commission shall authorize one additional racing day for any 30-day race meet, not to exceed two race meets in any calendar year, in order to generate additional revenue for men's and women's athletics, including intramurals, in institutions of higher education. The state's percentage of the gross receipts from the pari-mutuel wagering proceeds for the additional days of racing would be collected by the Colorado Racing Commission and deposited to the credit of the Colorado Commission on Higher Education (C.C.H.E.).

The proceeds deposited to the credit of the C.C.H.E. would be allocated among the athletic departments of the various state-

supported colleges and universities. The allocation formula has not been determined at this date. The bill would require that at least half of the funds collected from racing by the C.C.H.E. be for the benefit of women's athletics, including intramural programs.

Women's Equal Rights in Credit and Insurance

Committee Conclusions on Credit Opportunities for Women

The committee was informed of the provisions of the Federal Equal Credit Opportunity Act (ECOA) which took effect on October 28, 1975. In brief, ECOA provides that it is unlawful for any creditor to "discriminate against any applicant on the basis of sex or marital status" with respect to any aspect of a credit transaction. The ECOA covers all who regularly extend credit to individuals, including savings and loan associations, banks, finance companies, department stores, credit card issuers, and government agencies such as the Small Business Administration.

Colorado's statute prohibiting credit discrimination based on sex (section 5-1-109) and the statute prohibiting discrimination based on marital status and religion in granting financial assistance in certain housing practices (section 24-34-405 (1)) were reviewed by the committee. The committee recognizes that ECOA has been in effect for such a short time that a complete evaluation of its effectiveness and coverage is not now possible. The committee recommends that no changes be made in the state credit laws until ECOA can be fairly evaluated and judged as to possible shortcomings.

Committee Conclusions on Sex Discrimination in Insurance

The committee received testimony on the implementation and effectiveness of two bills signed into law in 1975 concerning women's rights and insurance -- H.B. 1437, relating to maternity care coverage, and H.B. 1446, prohibiting classification of individuals based solely on marital status or sex. The committee has no changes to recommend on either of these bills or subject areas.

The committee considered a request that the right of conversion, i.e., the right of a person covered under an insurance policy to obtain coverage from that insurer for the same risks when the person's eligibility for the existing coverage ends, should be included in family insurance policies. The committee learned that a task force of Lawyers for Colorado's Women, together with several representatives of the insurance industry, is drafting legislation for possible introduction in the 1976 session concerning conversion rights. The committee supports and encourages the efforts to provide the right of conversion in family insurance policies but recommends no specific legislation at this time.

COMMITTEE ON STATE AFFAIRS

BILL 7

A BILL FOR AN ACT

1 CONCERNING CIVIL RIGHTS, AND PROVIDING FOR THE PROTECTION OF SUCH
2 RIGHTS IN CONNECTION WITH EMPLOYMENT.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Concerns civil rights and includes marital status and provides more uniformity in the protected categories. Expands the jurisdiction of the civil rights commission and makes certain procedural changes. Defines further discriminatory and unfair employment practices.

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

4 SECTION 1. 24-34-305 (1) (i), Colorado Revised Statutes
5 1973, is amended, and the said 24-34-305 is further amended BY
6 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

7 24-34-305. Powers and duties of commission. (1) (i) To
8 make recommendations to the general assembly for such further
9 legislation concerning discrimination because of race, creed,
10 color, national origin, or ancestry, SEX, OR MARITAL STATUS as it
11 may deem necessary and desirable;

12 (2) The commission has the further power to compel an
13 employer, employment agency, labor organization, joint

1 apprenticeship committee, or vocational school, or official or
2 agent thereof, during its investigative process, by the use of
3 its subpoena power, to produce for examination any books, papers,
4 or documents relating to any matter involved in a verified
5 complaint filed with the commission. If a person either fails or
6 refuses to obey a subpoena issued by the commission, the
7 commission may petition the district court having jurisdiction
8 for issuance of a subpoena in the premises and the court shall in
9 a proper case issue its subpoena. Refusal to obey such subpoena
10 shall be punishable by contempt.

11 (3) The commission shall have exclusive jurisdiction to
12 receive, investigate, and pass upon complaints filed pursuant to
13 this part 3 and to grant relief for violations of the "Colorado
14 Anti-Discrimination Act of 1957". The offering of evidence
15 before, or consideration of a claim or ruling by, any other
16 agency of the state or political subdivision thereof, any school
17 district, or any other person or entity as to whether a
18 discriminatory or unfair employment practice as defined in this
19 part 3 was committed shall not prevent or bar any person from
20 seeking redress pursuant to the provisions of this part 3 before
21 the commission, and the commission shall not be barred from
22 receiving, investigating, passing upon, or determining such claim
23 or from granting relief by application of the doctrines of res
24 judicata, collateral estoppel, election of remedies, or other
25 similar doctrine.

26 SECTION 2. 24-34-306 (1) (a), (1) (b), (1) (c), (1) (d),
27 (1) (f) (I), (1) (f) (II), and (1) (f) (III) and (2), Colorado

1 Revised Statutes 1973, are amended to read:

2 24-34-306. Discriminatory and unfair employment practices.

3 (1) (a) For an employer to refuse to hire, to discharge, to
4 promote or demote, or to discriminate ~~in-matters-of--compensation~~
5 against any person otherwise qualified WITH RESPECT TO
6 COMPENSATION AND TERMS AND CONDITIONS OF EMPLOYMENT because of
7 race, creed, color, sex, national origin, ~~or~~ ancestry, OR MARITAL
8 STATUS;

9 (b) For an employment agency to refuse to list and properly
10 classify for employment or to refer an individual for employment
11 in a known available job for which such individual is otherwise
12 qualified because of race, creed, color, sex, national origin, ~~or~~
13 ancestry, OR MARITAL STATUS, or to comply with a request from an
14 employer for referral of applicants for employment if the request
15 indicates either directly or indirectly that the employer
16 discriminates in employment on account of race, creed, color,
17 sex, national origin, ~~or~~ ancestry, OR MARITAL STATUS;

18 (c) For a labor organization to exclude any individual
19 otherwise qualified from full membership rights in such labor
20 organization, or to expel any such individual from membership in
21 such labor organization, or to otherwise discriminate against any
22 of its members in the full enjoyment of work opportunity because
23 of race, creed, color, sex, national origin, ~~or~~ ancestry, OR
24 MARITAL STATUS;

25 (d) For any employer, employment agency, or labor
26 organization to print or circulate or cause to be printed or
27 circulated any statement, advertisement, or publication, or to
28 use any form of application for employment or membership, or to

1 make any inquiry in connection with prospective employment or
2 membership which expresses, either directly or indirectly, any
3 limitation, specification, or discrimination as to race, creed,
4 color, sex, national origin, ~~or~~ ancestry, OR MARITAL STATUS, or
5 intent to make any such limitation, specification, or
6 discrimination; unless based upon a bona fide occupational
7 qualification or required by and given to an agency of government
8 for security reasons;

9 (f) (I) To deny to or withhold from any qualified person
10 because of his race, creed, color, sex, national origin, ~~or~~
11 ancestry, OR MARITAL STATUS the right to be admitted to or
12 participate in an apprenticeship training program, on-the-job
13 training program, or other occupational instruction, training, or
14 retraining program;

15 (II) To discriminate against any qualified person in his
16 pursuit of such programs or to discriminate against such a person
17 in the terms, conditions, or privileges of such programs because
18 of race, creed, color, sex, national origin, ~~or~~ ancestry, OR
19 MARITAL STATUS;

20 (III) To print or circulate or cause to be printed or
21 circulated any statement, advertisement, or publication, or to
22 use any form of application for such programs, or to make any
23 inquiry in connection with such program which expresses, directly
24 or indirectly, any limitation, specification, or discrimination
25 as to race, creed, color, sex, national origin, ~~or~~ ancestry, OR
26 MARITAL STATUS, or any intent to make any such limitation,
27 specification, or discrimination unless based on a bona fide
28 occupational qualification.

1 (2) Notwithstanding any provisions of this section to the
2 contrary, it is not an unlawful discriminatory practice for the
3 division of employment of the department of labor and employment
4 to ascertain and record the age, sex, race, creed, color, or
5 national origin, ANCESTRY, OR MARITAL STATUS, of any individual
6 for the purpose of making such reports as may be required by law
7 to agencies of the federal or state government only. Said
8 records may be made and kept in the manner required by the
9 federal or state law, but no such information shall be divulged
10 by said division or department to prospective employers as a
11 basis for employment, except as provided in this subsection (2).

12 SECTION 3. 24-34-306 (1), Colorado Revised Statutes 1973,
13 is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

14 24-34-306. Discriminatory and unfair employment practices.

15 (1) (h) For an employer to discriminate against any of his
16 employees or applicants for employment, for an employment agency,
17 or a joint apprenticeship committee or vocational school
18 providing and controlling apprenticeship or other training or
19 retraining, including on-the-job training programs or other
20 training programs, to discriminate against any individual, or for
21 a labor organization to discriminate against any member thereof
22 or applicant for membership because he has opposed any practice
23 made an unlawful employment practice by this part 3 or because an
24 individual had made a charge, testified, assisted, or
25 participated in any manner in an investigation, proceeding, or
26 hearing under this part 3 or part 7 of this article.

27 SECTION 4. 24-34-308 (2), (11), and (12), Colorado Revised

1 Statutes 1973, are amended to read:

2 24-34-308. Judicial review and enforcement. (2) Such
3 proceeding shall be brought in the ~~district-court-of-the-district~~
4 ~~in-which-is-located-the-county-wherein-the-alleged-discriminatory~~
5 ~~or-unfair-employment-practice-which-is-the-subject-of-the~~
6 ~~commission's-order-was-committed-or-wherein-any-respondent;~~
7 ~~required-in-the-order-to-cess-and-desist-from-a-discriminatory~~
8 ~~or-unfair-employment-practice-or-to-take-other-affirmative~~
9 ~~action,-resides-or-transacts-business,~~ COURT OF APPEALS.

10 (11) Petitions filed under this section shall be heard
11 expeditiously and determined upon the transcript filed, without
12 requirement for printing. Hearings in the court under this part 3
13 shall take precedence over all other matters, except matters of
14 the same character AND MATTERS INVOLVING AWARDS OR ACTIONS OF THE
15 INDUSTRIAL COMMISSION UNDER ARTICLES 53 AND 74 OF TITLE 8, C.R.S.
16 1973.

17 (12) If no proceeding to obtain judicial review is
18 instituted by a complainant or respondent within thirty days from
19 the service of an order of the commission pursuant to section
20 24-34-307, the commission may obtain a decree of the court for
21 the enforcement of such order upon showing that respondent is
22 subject to the jurisdiction of the commission. ~~and-resides-or~~
23 ~~transacts-business-within-the-county-in-which-the-petition-for~~
24 ~~enforcement-is-brought.~~

25 SECTION 5. 13-4-102 (2), Colorado Revised Statutes 1973, is
26 amended to read:

27 13-4-102. Jurisdiction. (2) The court of appeals shall

1 have initial jurisdiction to review awards or actions of the
2 industrial commission, as provided in articles 53 and 74 of title
3 8, C.R.S. 1973, and to review orders of the banking board
4 granting or denying charters for new state banks as provided in
5 article 2 of title 11, C.R.S. 1973, AND TO REVIEW FINAL DECISIONS
6 OR ORDERS OF THE COLORADO CIVIL RIGHTS COMMISSION UNDER PART 3 OF
7 ARTICLE 34 OF TITLE 24, C.R.S. 1973.

8 SECTION 6. Effective date. This act shall take effect July
9 1, 1976.

10 SECTION 7. Safety clause. The general assembly hereby
11 finds, determines, and declares that this act is necessary for
12 the immediate preservation of the public peace, health, and
13 safety.

COMMITTEE ON STATE AFFAIRS

BILL 8

A BILL FOR AN ACT

1 CONCERNING GROUNDS FOR REVOCATION OR SUSPENSION OF THE LICENSE OF
2 A PRIVATE EMPLOYMENT AGENCY.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides for the revocation or suspension of a private employment agency license upon a final determination of a violation of antidiscrimination law.

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

4 SECTION 1. 12-24-107 (2), Colorado Revised Statutes 1973,
5 is amended to read:

6 12-24-107. License - granted - renewed - revoked. (2) The
7 director may revoke the license of any licensee under this part 1
8 where, upon investigation, it finds that the licensee is not of
9 good moral character and business integrity. In determining the
10 character of a person, the director shall be governed by the
11 provisions of section 24-5-101, C.R.S. 1973. Willful violation of
12 the provisions of this part 1 or rules and regulations
13 promulgated under this part 1 by the commission shall be
14 considered prima facie evidence of a lack of business integrity.

1 WHENEVER ANY AGENCY HAVING JURISDICTION TO ENFORCE ANY FEDERAL OR
2 STATE ANTIDISCRIMINATION LAW HAS MADE A FINAL DETERMINATION THAT
3 A LICENSEE UNDER THIS PART 1 HAS VIOLATED SUCH ANTIDISCRIMINATION
4 LAW, THE DIRECTOR MAY REVOKE OR SUSPEND THE LICENSE OF SUCH
5 LICENSEE.

6 SECTION 2. Effective date. This act shall take effect July
7 1, 1976.

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

COMMITTEE ON STATE AFFAIRS

BILL 9

A BILL FOR AN ACT

1 CONCERNING THE DESIGNATION OF ADDITIONAL RACING DAYS TO PROVIDE
2 FUNDING FOR ATHLETICS IN INSTITUTIONS OF HIGHER EDUCATION.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides for additional racing days, with the proceeds going to provide funding for athletics in institutions of higher education.

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

4 SECTION 1. 12-60-107, Colorado Revised Statutes 1973, is
5 amended BY THE ADDITION OF A NEW SUBSECTION to read:

6 12-60-107. Duration of meets - additional racing days. (5)
7 Notwithstanding any provision of this section to the contrary,
8 the commission shall authorize and specify one additional racing
9 day for any thirty-day race meet, not to exceed two meets in any
10 calendar year, authorized by the commission pursuant to this
11 article. The provisions of this article and the rules and
12 regulations of the commission shall govern the conduct of any
13 such additional days of racing. The state's percentage of the
14 gross receipts of the pari-mutuel wagering proceeds, as provided

1 for in section 12-60-110, shall be collected by the commission,
2 and shall be deposited to the credit of the Colorado commission
3 on higher education, which funds are hereby appropriated to said
4 commission, to be used for the funding of athletics, including
5 intramural programs, in institutions of higher education. At
6 least one-half of such appropriation shall be used to fund and
7 promote women's athletic competition, including intramural
8 programs.

9 SECTION 2. Repeal. 24-80-1108, Colorado Revised Statutes
10 1973, is repealed.

11 SECTION 3. Effective date. This act shall take effect
12 January 1, 1977.

13 SECTION 4. Safety clause. The general assembly hereby
14 finds, determines, and declares that this act is necessary for
15 the immediate preservation of the public peace, health, and
16 safety.

LEGISLATIVE COUNCIL
COMMITTEE ON BUSINESS AFFAIRS
AND LABOR

Members of the Committee

Sen. Kingston Minister, Co-Chairman	Rep. Polly Barragan
Rep. Charles DeMoulin, Co-Chairman	Rep. Carl Biedsoe
Sen. Robert Allshouse	Rep. George Boley
Sen. Fred Anderson	Rep. Joe Cantrell
Sen. Hank Brown	Rep. Nancy Flett
Sen. Eldon Cooper	Rep. Carl Gustafson
Sen. Clarence Decker	Rep. John Hamlin
Sen. James Kadleck	Rep. Jean Marks
	Rep. Phillip Massari
	Rep. Kay Munson
	Rep. Walt Younglund

Council Staff

Lenny Arnold
Research Associate

Duane Barnard
Research Assistant

COMMITTEE ON BUSINESS AFFAIRS
AND LABOR

The joint interim Committee on Business Affairs and Labor was charged by House Joint Resolution 1046 to undertake a study of the following subject areas: 1) The "Liquor Code of 1935" and the fermented malt beverage act; 2) The "Colorado Employment Security Act"; and 3) The Public Utilities Commission -- customer rate classification and ash and trash haulers.

Liquor Code of 1935

The committee believes that the liquor code in its present form is replete with ambiguous language, incongruities, and outdated provisions, making the code difficult to administer and enforce. Therefore, it requested the Department of Revenue in conjunction with the Attorney General's Office to draft a recodification of the beer and liquor laws. This recodification was to provide a noncontroversial updating, reordering, and rewording of the statutes so that they can be more easily used and interpreted. It was the committee's intention that the recodification avoid the more controversial changes in the law. However, due to the time constraints, the Department of Revenue was unable to have the recodification available prior to the committee's last meeting. Notwithstanding, the committee does recommend the following specific amendments to the liquor code and fermented malt beverage statutes.

Recommended Legislation -- Bill 10 through 18

Bill 10 would authorize retail package liquor stores to sell products related to the consumption of alcoholic beverages. The bill would allow the sale, in addition to tobaccos, tobacco products, and smokers' supplies, of other nonfood items such as bottle openers, glasses, and corkscrews.

Bill 11 would permit the sale of alcoholic beverages on primary and general election days during polling hours. Presently, the sale of alcoholic beverages is allowed during polling hours of local elections only.

Bill 12 would allow local licensing authorities to charge the following fees for license applications:

- 1) Application for a new license -- up to \$350;
- 2) Application for a transfer of location or ownership -- up to \$150; and
- 3) Application for a license renewal (annually) -- up to \$75.

Bill 12 would amend both the fermented malt beverage act and the "Liquor Code of 1935", to establish the above application fees. Presently, the fermented beverage act makes no provision for licensing authorities to collect necessary expenses associated with application processing. In addition, the liquor code does not authorize local licensing authorities to collect expenses for license applications other than new licenses. The above fee schedule reflects the average rounded costs to local licensing authorities based on a survey conducted by the Colorado Municipal League.

Bill 13 would authorize the state or local licensing authority to revoke or elect not to renew a beer or liquor license for inactivity or failure to construct a proposed licensed premise. In the case of an inactive license, the bill would establish a six-month time limit as prima facie evidence of inactivity. A proposed licensed premise would be allowed one year for construction commencing on the date of approval of the license application.

Bill 14 would allow a licensing authority to have access to the criminal history record information of a criminal justice agency in investigating the character of a licensee or applicant.

Bill 15 would establish a new "tavern" license category. An establishment of this type would not be required to provide meals, but would have to make available sandwiches and other light snacks. This bill, the committee believes would recognize the present practice in many operations now licensed as a hotel or restaurant in which primary emphasis is placed on consumption of alcoholic beverages. Bill 15, in addition, would assist licensing authorities and the public in evaluating whether the nature of the operations of pending applications would be truly that of a hotel or restaurant, or whether it would constitute a "tavern" operation. Provision is made to "grandfather in" existing establishments which are presently licensed as hotels or restaurants but which are more properly classified, in fact, as taverns.

Bill 16 would permit the issuance of multiple liquor licenses only to hotels and restaurants under certain express conditions, requirements, and limitations. Bill 16 is intended to legitimize existing multiple operations presently organized under contractual management agreements, in certain restaurant and hotel chain operations. The committee was informed that the Department of Revenue has, in the past, allowed such agreements to exist but is presently examining these arrangements and intends to more actively enforce present statutory provisions which prohibit multiple ownership and financial interest in liquor licenses. Expressly under the liquor code (section 12-47-129), no person, partnership, association, or corporation may be interested financially in more than one licensed liquor establishment.

Other major provisions of the bill include:

(1) Restaurant receipts from meals and beverages would have to provide a majority of the income of the business. The Department of Revenue would be required to establish standards for determination of income source. Hotels would be able to serve liquor by the drink in hotel rooms and on the premises where meals are served consistently and provide a substantial source of income to the business.

(2) In order to prevent a hotel or restaurant chain from forming monopolies with regard to the purchase of liquor from wholesalers, the bill incorporates a "registered manager" concept. Under this concept:

- The hotel or restaurant license would be granted for specific premises and issued in the name of the owner or lessee.
- The hotel and restaurant licensee would have to have a separate manager at each location who would be registered with the state and local licensing authority. No person could be a registered manager for more than one hotel and restaurant licensee.
- The registered manager would be required to purchase the alcoholic beverage only for the location which he manages and for no other hotel or restaurant.
- It would be unlawful for a liquor manufacturer or importer to sell directly to a retail liquor establishment or to enter into any financial arrangement, formally or informally, with a retail licensee. The manufacturer could only deal with a liquor or beer wholesaler.
- It would be unlawful to require a wholesaler to make a delivery to any premises other than the specific hotel or restaurant in which the alcoholic beverage is to be sold or consumed.

Bill 17 would delete the requirement that applicants for beer or liquor licenses file complete plans and specifications for unconstructed buildings and would provide that they file plot plans and detailed sketches of the interior. The bill would allow a local licensing authority to impose additional requirements, as necessary, for approval of a license application.

Bill 18 would make clarifying amendments to the special events permit law and would delete the two-consecutive-day limitation on a special events permit. Presently, special event permits may be renewed four times during a calendar year for a combined maximum of eight days. Testimony indicated that many special events run more than two days in length and that such a limitation is an unwarranted hardship. The bill would retain the eight-day limitation, but a permit could be issued for all or part of eight consecutive days. Bill 18, in addition, would allow a local licensing authority to fix and collect permit processing fees, and would require the local authority to apply the same standards for permit issuance applicable to the state authority.

The Colorado Employment Security Act

After considerable testimony from representatives of labor, industry, the Department of Labor and Employment, and other interested persons, the committee concluded that the Employment Security Act was in need of revision.

However, no bill proposals were placed before the committee until the November 3rd meeting, at which time the committee received the attached bill from the Department of Labor and Employment. Due to the comprehensive nature of the proposal, the limited amount of time for review by all interested persons and a full agenda at the committee's final meeting, no thorough consideration and discussion of the bill was possible.

The attached bill is included in this report as a courtesy to the Department of Labor and Employment, and in no way should be considered as a committee proposal or as receiving committee approval. The committee hopes that by the bill's inclusion in this report, persons interested in employment security laws will have time, prior to the session, to undertake a review of the bill and its impact on affected parties.

The committee acknowledges that there are numerous questions concerning the department's bill and its effect on employers, employees, and the unemployed. Therefore, the bill is being forwarded without comment with the understanding that this item could be on the Governor's call for the coming session.

It should be noted that the committee in its review of the employment security area, also gave some consideration to possible reorganization of the Department of Labor and Employment. Mr. Herrick Roth, executive director of the department, briefly outlined his reorganization plans which he hoped could be implemented without statutory authorization. No clear determination has been made that legislation will not eventually be necessary to reorganize the Department of Labor and Employment, nor has the committee expressly or tacitly approved Mr. Roth's plan of reorganization.

Amendments to Colorado Employment Security Act -- Bill 19

Following is a brief synopsis of the provisions of the department's proposal on the Employment Security Act.

1. 8-70-103 (3) (a) would change the benefit year to a 52-week period following the filing of a claim. The benefit "year" is now a four quarter period which is in effect a variable nine- to twelve-month period depending upon the date on which the claim is filed.

2. 8-70-103 (8) (a) would provide for the immediate coverage of employment of an employer who had one or more employees at any time during the year. Would eliminate the requirement that to be covered an employer must have a payroll of \$1,500 or more in a quarter or one employee for some portion of a day in each of twenty calendar weeks.
3. 8-70-103 (10) (a) (II) would be repealed. This would give recognition to the fact that there are independent subcontractors who contract to perform services at another company's place of business.
4. 8-70-103 (10) (g) (I) would eliminate the exemption of organizations, other than churches, which are operated primarily for religious purposes. This would cover employment for youth camps, hospitals, social clubs, concessions, etc., operated under the auspices of a church or a convention or association of churches.
5. 8-70-103 (11) (a) (I) (A) would eliminate the raising and harvesting of horticultural commodities from the definition of farm employment, thus bringing such employment under the act.
6. 8-70-103 (11) (a) (I) (C) would eliminate the reference to that part of the Agricultural Marketing Act which deals with gum trees because it is not applicable in Colorado.
7. 8-70-103 (11) (a) (I) (D) and (F) would remove horticultural commodities from the farm exclusion.
8. 8-70-103 (11) (a) (II) would cover employment in nurseries and greenhouses.
9. 8-70-103 (11) (1) would be repealed. This would eliminate the exclusion of real estate salesmen and insurance agents working on a commission basis from the Employment Security Act. Earnings of such salesmen and agents would be subject to the same tests of employment as other commissioned salesmen.
10. 8-70-103 (22) (a) would provide for an increase in the taxable wage base from the present \$4,200 in a calendar year to 70 percent of the average annual wages of workers in selected industries in Colorado or the FUTA (Federal Unemployment Tax Act) wage base, whichever is greater.
11. 8-72-107 (3) would provide that the Division of Employment may assess all or any portion of the allowable penalty against an employer for failure to file contribution reports, permitting greater flexibility in the application of the penalty provision.

12. 8-73-102 (2) would correct an inequity in the present qualifying formulas which may result in a person who qualifies under the 60 percent of 1/13 of high quarter wages formula being ineligible when the 30 x WBA (weekly benefit amount) formula is applied against his total wages.
13. 8-73-104 (1) See comment 14 below.
14. 8-73-106 would be repealed. Seasonal employment would no longer be given special treatment. Wages earned in seasonal employment would then be usable in the same way as all other wages. There would be no further need to restrict portions of a claimant's entitlement to certain periods of the year or to hold seasonal hearings.
15. 8-73-107 (1) (c) would delete special provisions providing for the employer's right to appeal on the basis of the claimant's failure to comply with eligibility conditions.
16. 8-73-108 would be repealed and reenacted. The amendment would provide for adjudicating only the last separation prior to the date of the claim for purposes of determining disqualification of the claimant, instead of adjudicating each separation since the beginning of the base period as is presently the case. Under the amendment, separations from base period covered employers would be adjudicated only for the purposes of determining chargeability. Non-charged benefits would be chargeable to the pooled fund.

The amendment would provide further that disqualification would be six to twelve weeks for voluntary leaving without good cause, discharge for cause, and refusal of referral to, or an offer of, suitable work.

In cases of gross misconduct the disqualification continues to be thirteen to 26 weeks and the maximum benefit amount would be reduced by an amount equal to the weeks of disqualification times the weekly benefit amount. The specific reasons for the various types of awards would be deleted and separations would be treated under the appropriate six- to twelve-week or thirteen- to 26-week disqualification authority depending upon the nature and severity of the claimant's act.

17. 8-73-110 (4) and (5) would be repealed and would delete the special provisions relating to deductibility of OASI (Old Age Survivor's Insurance) benefits. Primary benefits under the Social Security Act would no longer have an effect on unemployment insurance payments.

18. 8-74-102. The present statute states that a decision of the division becomes final within fifteen days unless the claimant or another interested party files an appeal. There is no provision for the acceptance of an appeal after the fifteen-day period for any reason.

The Manpower Administration has advised that a late appeal should be accepted if the late filing is due to circumstances beyond the claimant's control. The Manpower Administration construes section 303 (a) (3) of the Social Security Act to require state laws to make this provision.

19. 8-75-101 (2). The Manpower Administration has recommended that the comprehensive definition of "exhaustee" which they have provided be incorporated into Colorado law in place of the present definition. The change in definition would have no effect on the extended benefits program.
20. 8-76-103 (1) (a) would eliminate another reference to seasonal employment and relates to proposed amendment number 13.
21. 8-76-103 (3) (a) would provide that newly covered employers pay the full 2.7 percent rate rather than the one percent as presently provided.
22. 8-76-103 (3) (b) (II) would amend the present method of computing employer tax rates, would provide a new schedule of rates, and would provide for rounding the percent of excess to the nearest percentage point rather than to one-tenth of one percent.
23. 8-79-101 would increase the rate of interest on past-due contributions to 3/4 of one percent per month or nine percent per year rather than the present six percent per year.

The preceding explanations were taken largely from the portfolio provided to the committee on November 3 by the Department of Labor and Employment.

Public Utilities Commission

The committee studied three specific subjects concerning the Public Utilities Commission. Two of the subjects, ash and trash hauler regulation and public utility customer rate classification, were part of the committee's study charge. The third subject, concerning P.U.C. regulation of commercial carriers, was considered at the request of the P.U.C. The hearings resulted in two bills, one concerning ash and trash haulers and the other concerning commercial carriers. Although the committee did not make any recommendation with

regard to public utility customer rate classification, the committee heard testimony from the Public Utilities Commission and two public utilities about customer rate classification practices.

Ash and Trash Haulers -- Bill 20

Presently, the Public Utilities Commission has the authority to regulate the rates, charges, and service areas of motor vehicle carriers transporting ashes, trash, waste, rubbish, and garbage to and from disposal sites. The committee received testimony from the Public Utilities Commission and the industry as to whether there should be total deregulation of the rates, charges, and service areas for these carriers, or deregulation only with regard to rates and charges. The committee recommends Bill 20 which would remove from the Public Utilities Commission the authority to regulate rates, charges, and service areas. However, the carriers would continue to be required to file liability insurance policies or surety bonds and obtain permits from the commission.

Commercial Carriers -- Bill 21

The committee recommends Bill 21 which transfers the permit and insurance requirements for commercial carriers from the Public Utilities Commission to the Department of Revenue. This bill was considered at the request of the Public Utilities Commission. Testimony indicated that under present law regulation of commercial carriers consisted of issuing a one-time permit and filing an insurance liability policy or surety bond with the commission. It was further indicated that these functions could be transferred to the Department of Revenue, since that department is responsible for enforcing the Motor Vehicle Financial Responsibility Law.

Leased Property Tax Liens

Concerning Exemptions of Certain Property Under Lease From Tax Liens -- Bill 22

Bill 22 which is recommended by the committee concerns exemptions from tax liens of certain property under lease. It would limit a tax lien to a delinquent lessee's equity in property under a lease -- purchase agreement. The bill further provides that leases would be filed with the Department of Revenue. Presently the lease or a memorandum is filed or recorded with the county clerk and recorder of the county in which the property is located or based.

COMMITTEE ON BUSINESS AFFAIRS
AND LABOR

BILL 10

A BILL FOR AN ACT

1 AUTHORIZING RETAIL LIQUOR STORES TO SELL NONFOOD ITEMS RELATED TO
2 THE CONSUMPTION OF ALCOHOLIC BEVERAGES.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides that package retail liquor stores may sell nonfood items relating to the consumption of alcoholic beverages.

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

4 SECTION 1. 12-47-102 (16), Colorado Revised Statutes 1973,
5 is amended to read:

6 12-47-102. Definitions. (16) "Retail liquor store" means
7 an establishment engaged only in the sale of malt, vinous, and
8 spirituous liquors and soft drinks and mixers, all in sealed
9 containers for consumption off the premises, and in the sale of
10 tobaccos, tobacco products, and smokers' supplies, AND NONFOOD
11 ITEMS RELATED TO THE CONSUMPTION OF SUCH BEVERAGES.

12 SECTION 2. 12-47-109 (1), Colorado Revised Statutes 1973,
13 is amended to read:

14 12-47-109. Retail liquor store license. (1) Retail liquor

1 stores shall be licensed only to sell malt, vinous, and
2 spirituous liquors in sealed containers not to be consumed at the
3 place where sold. Malt, vinous, and spirituous liquors in sealed
4 containers shall not be sold at retail other than in retail
5 liquor stores, except as provided in section 12-47-110. IN
6 ADDITION, RETAIL LIQUOR STORES MAY SELL NONFOOD ITEMS RELATED TO
7 THE CONSUMPTION OF SUCH LIQUORS.

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

COMMITTEE ON BUSINESS AFFAIRS
AND LABOR

BILL 11

A BILL FOR AN ACT

1 PERMITTING THE SALE OF ALCOHOLIC BEVERAGES ON ELECTION DAY.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Permits sale of liquor on general and special election days.

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

3 SECTION 1. 12-47-124 (1) (c), Colorado Revised Statutes
4 1973, is amended to read:

5 12-47-124. Unlawful acts. (1) (c) To sell, serve, or
6 distribute any malt, vinous, or spirituous liquors on any primary
7 or general election day, as defined by article 1 of title 1,
8 C.R.S.:1973, during polling, or on Sunday and Christmas except as
9 permitted under paragraph (d) of this subsection (1). The
10 provisions of this paragraph (c) shall not apply to any other
11 election held in this state, including, but not limited to,
12 elections held pursuant to title 22, title 23, and part 6 of
13 article 32 of title 24, part 2 of article 20 of title 30, article
14 10 and parts 5 and 6 of article 25 of title 31, and title 32
15 (except part 1 of article 5 and article 8), C.R.S.:1973, or to a

1 dining, club, or parlor car, plane, bus, or other conveyance of a
2 public system engaged in the transportation of passengers when
3 the selling and consumption of such beverages takes place within
4 such conveyance.

5 SECTION 2. Effective date. This act shall take effect July
6 1, 1976.

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

COMMITTEE ON BUSINESS AFFAIRS
AND LABOR

BILL 12

A BILL FOR AN ACT

1 CONCERNING APPLICATION TO LOCAL LICENSING AUTHORITIES FOR
2 FERMENTED MALT BEVERAGE AND LIQUOR LICENSES, AND PROVIDING
3 FEES THEREFOR.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides for local license application, renewal, and transfer of license fees for beer and liquor licenses.

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

5 SECTION 1. 12-46-116, Colorado Revised Statutes 1973, is
6 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

7 12-46-116. Applications - fee - building not constructed.

8 (1) Each application for a license filed with a local licensing
9 authority shall be accompanied by an application fee in an amount
10 determined by the local licensing authority to cover actual and
11 necessary expenses subject to the following limitations:

12 (a) For a new license, not to exceed three hundred fifty
13 dollars;

14 (b) For a transfer of location or ownership, not to exceed

1 one hundred fifty dollars;

2 (c) For a renewal of license, not to exceed seventy-five
3 dollars.

4 (2) (a) Application to sell fermented malt beverages at
5 retail may be made to a local licensing authority prior to the
6 construction of the building in which such beverages are to be
7 sold. If, at the time an application to sell fermented malt
8 beverages at retail is made to a local licensing authority, the
9 building in which the beverages are to be sold has not been
10 constructed, the following procedure shall be followed:

11 (I) The applicant shall file at the time of application
12 plans and specifications for the interior of the building to be
13 occupied and a drawing of the building to be constructed.

14 (II) The premises upon which the building is to be
15 constructed shall be posted by the applicant in such a manner
16 that the notice is conspicuous and plainly visible to the public.

17 (b) No license shall be issued by the local licensing
18 authority after approval of the application until the building in
19 which the business is to be conducted is ready for occupancy,
20 with such furniture, fixtures, and equipment in place as is
21 necessary to comply with the provisions of this article and then
22 only after inspection of the premises has been made by the local
23 licensing authority to determine that the applicant has complied
24 with drawings and plans and specifications submitted with the
25 application.

26 SECTION 2. 12-47-138, Colorado Revised Statutes 1973, is
27 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

1 12-47-138. Applications - fee - building not constructed.

2 (1) Each application for a license filed with a local licensing
3 authority shall be filed on forms provided by the state licensing
4 authority and shall contain such information as the state
5 licensing authority may require. Each application shall be
6 verified by the oath or affirmation of such persons as prescribed
7 by the state licensing authority.

8 (2) Each application for a license filed with a local
9 licensing authority shall be accompanied by an application fee in
10 an amount determined by the local licensing authority to cover
11 actual and necessary expenses subject to the following
12 limitations:

13 (a) For a new license, not to exceed three hundred fifty
14 dollars;

15 (b) For a transfer of location or ownership, not to exceed
16 one hundred fifty dollars;

17 (c) For a renewal of license, not to exceed seventy-five
18 dollars.

19 (3) The applicant shall file at the time of application
20 plans and specifications for the interior of the building if the
21 building to be occupied is in existence at the time. If the
22 building is not in existence, the applicant shall, in addition to
23 the plans and specifications for the interior, submit an
24 architect's drawing of the building to be constructed.

25 SECTION 3. Effective date. This act shall take effect July
26 1, 1976.

27 SECTION 4. Safety clause. The general assembly hereby

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

COMMITTEE ON BUSINESS AFFAIRS
AND LABOR

BILL 13

A BILL FOR AN ACT

1 AUTHORIZING THE TERMINATION OF A FERMENTED MALT BEVERAGE OR
2 LIQUOR RETAIL LICENSE FOR INACTIVITY OR FAILURE TO CONSTRUCT
3 PREMISES.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Authorizes the state or a local licensing authority to revoke or elect not to renew a beer or liquor license for inactivity or failure to construct the proposed licensed premises.

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

5 SECTION 1. 12-46-103 (1) (f) (I), Colorado Revised Statutes
6 1973, is amended to read:

7 12-46-103. Licensing authority - powers and duties. (1)
8 (f) (I) Upon his own motion or upon complaint, after
9 investigation and public hearing, at which the licensee shall be
10 afforded an opportunity to be heard, to suspend or revoke any
11 license issued by him upon any violation by the licensee, or by
12 any agent, servant, or employee of such licensee, of any
13 provision of this article, or of any rule or regulation of the

1 licensing authority authorized by this article, or of any term,
2 condition, or provision of the license issued by the licensing
3 authority. IN ADDITION, A LICENSING AUTHORITY, STATE OR LOCAL,
4 IN ITS DISCRETION, MAY REVOKE OR ELECT NOT TO RENEW A RETAIL
5 LICENSE IF IT DETERMINES THAT, WITHOUT GOOD CAUSE, THE LICENSED
6 LOCATION HAS BEEN INACTIVE FOR AT LEAST SIX MONTHS OR, IN THE
7 CASE OF A RETAIL LICENSE APPROVED FOR A FACILITY WHICH HAS NOT
8 BEEN CONSTRUCTED, SUCH FACILITY HAS NOT BEEN CONSTRUCTED AND
9 PLACED IN OPERATION WITHIN ONE YEAR OF APPROVAL OF THE LICENSE
10 APPLICATION.

11 SECTION 2. 12-47-120 (1), Colorado Revised Statutes 1973,
12 is amended to read:

13 12-47-120. Suspension and revocation. (1) In addition to
14 any other penalties prescribed by this article, any licensing
15 authority has the power, on his own motion or on complaint, after
16 investigation and public hearing at which the licensee shall be
17 afforded an opportunity to be heard, to suspend or revoke any
18 license issued by such authority for any violation by the
19 licensee or by any of the agents, servants, or employees of such
20 licensee of the provisions of this article, or of any of the
21 rules or regulations authorized hereunder, or of any of the
22 terms, conditions, or provisions of the license issued by such
23 authority. IN ADDITION, ANY STATE OR LOCAL LICENSING AUTHORITY,
24 IN ITS DISCRETION, MAY REVOKE OR ELECT NOT TO RENEW A RETAIL
25 LICENSE IF IT DETERMINES THAT, WITHOUT GOOD CAUSE, THE LICENSED
26 LOCATION HAS BEEN INACTIVE FOR AT LEAST SIX MONTHS OR, IN THE
27 CASE OF A RETAIL LICENSE APPROVED FOR A FACILITY WHICH HAS NOT

1 BEEN CONSTRUCTED, SUCH FACILITY HAS NOT BEEN CONSTRUCTED AND
2 PLACED IN OPERATION WITHIN ONE YEAR OF APPROVAL OF THE LICENSE
3 APPLICATION. Any licensing authority has the power to administer
4 oaths and issue subpoenas to require the presence of persons and
5 the production of papers, books, and records necessary to the
6 determination of any hearing which the licensing authority is
7 authorized to conduct.

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

COMMITTEE ON BUSINESS AFFAIRS
AND LABOR

BILL 14

A BILL FOR AN ACT

1 CONCERNING THE USE OF CRIMINAL HISTORY INFORMATION IN
2 INVESTIGATIONS OF FERMENTED MALT BEVERAGE AND LIQUOR LICENSE
3 APPLICANTS.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides that the state or a local licensing authority may use criminal history information in investigating the character of beer or liquor license applicants.

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

5 SECTION 1. 12-46-105 (1) (b), Colorado Revised Statutes
6 1973, is amended to read:

7 12-46-105. Qualifications and conditions for license. (1)

8 (b) A licensee shall be of good character and reputation. No
9 license shall be issued to or held by any corporation, any of
10 whose officers, directors, or stockholders hold over ten percent
11 of the outstanding and issued stock thereof, unless such
12 director, officer, or stockholder is of good moral character and
13 reputation. In determining whether an applicant for a license or
14 a licensee is of good moral character, the executive director of

1 the department of revenue shall be governed by the provisions of
2 section 24-5-101, C.R.S. 1973. IN INVESTIGATING THE CHARACTER OF
3 AN APPLICANT OR A LICENSEE, THE STATE OR A LOCAL LICENSING
4 AUTHORITY MAY HAVE ACCESS TO CRIMINAL HISTORY RECORD INFORMATION
5 FURNISHED BY A CRIMINAL JUSTICE AGENCY SUBJECT TO ANY
6 RESTRICTIONS IMPOSED BY SUCH AGENCY. AS USED IN THIS PARAGRAPH
7 (b), "CRIMINAL JUSTICE AGENCY" MEANS ANY FEDERAL, STATE, OR
8 MUNICIPAL COURT OR ANY GOVERNMENTAL AGENCY OR SUBUNIT OF SUCH
9 AGENCY WHICH PERFORMS THE ADMINISTRATION OF CRIMINAL JUSTICE
10 PURSUANT TO A STATUTE OR EXECUTIVE ORDER AND WHICH ALLOCATES A
11 SUBSTANTIAL PART OF ITS ANNUAL BUDGET TO THE ADMINISTRATION OF
12 CRIMINAL JUSTICE.

13 SECTION 2. 12-47-115 (2), Colorado Revised Statutes 1973,
14 is amended to read:

15 12-47-115. Application for license. (2) (a) Before
16 granting any license for which application has been made, the
17 state licensing authority or one or more of its inspectors shall
18 visit and inspect the plant or property in which the applicant
19 proposes to conduct his business and investigate the fitness to
20 conduct such business of any person or the officers and directors
21 of any corporation applying for a license. IN INVESTIGATING THE
22 FITNESS OF THE APPLICANT OR A LICENSEE, THE STATE LICENSING
23 AUTHORITY MAY HAVE ACCESS TO CRIMINAL HISTORY RECORD INFORMATION
24 FURNISHED BY A CRIMINAL JUSTICE AGENCY SUBJECT TO ANY
25 RESTRICTIONS IMPOSED BY SUCH AGENCY. In granting licenses the
26 state licensing authority shall consider the reasonable
27 requirements of the neighborhood and the desires of the

1 inhabitants as evidenced by petitions, remonstrances, or
2 otherwise.

3 (b) AS USED IN PARAGRAPH (a) OF THIS SUBSECTION (2),
4 "CRIMINAL JUSTICE AGENCY" MEANS ANY FEDERAL, STATE, OR MUNICIPAL
5 COURT OR ANY GOVERNMENTAL AGENCY OR SUBUNIT OF SUCH AGENCY WHICH
6 PERFORMS THE ADMINISTRATION OF CRIMINAL JUSTICE PURSUANT TO A
7 STATUTE OR EXECUTIVE ORDER AND WHICH ALLOCATES A SUBSTANTIAL PART
8 OF ITS ANNUAL BUDGET TO THE ADMINISTRATION OF CRIMINAL JUSTICE.

9 SECTION 3. 12-47-141 (2), Colorado Revised Statutes 1973,
10 is amended to read:

11 12-47-141. Results of investigation - decision of
12 authorities. (2) (a) Before entering any decision approving or
13 denying the application, the local licensing authority shall
14 consider the facts and evidence adduced as a result of its
15 investigation, as well as any other facts, the reasonable
16 requirements of the neighborhood for the type of license for
17 which application has been made, the number, type, and
18 availability of liquor outlets located in or near the
19 neighborhood under consideration, and any other pertinent matters
20 affecting the qualifications of the applicant for the conduct of
21 the type of business proposed; except that the reasonable
22 requirements of the neighborhood shall not be considered in the
23 issuance of a club liquor license. IN INVESTIGATING THE
24 QUALIFICATIONS OF THE APPLICANT OR A LICENSEE, THE LOCAL
25 LICENSING AUTHORITY MAY HAVE ACCESS TO CRIMINAL HISTORY RECORD
26 INFORMATION FURNISHED BY A CRIMINAL JUSTICE AGENCY SUBJECT TO ANY
27 RESTRICTIONS IMPOSED BY SUCH AGENCY.

1 (b) AS USED IN PARAGRAPH (a) OF THIS SUBSECTION (2),
2 "CRIMINAL JUSTICE AGENCY" MEANS ANY FEDERAL, STATE, OR MUNICIPAL
3 COURT OR ANY GOVERNMENTAL AGENCY OR SUBUNIT OF SUCH AGENCY WHICH
4 PERFORMS THE ADMINISTRATION OF CRIMINAL JUSTICE PURSUANT TO A
5 STATUTE OR EXECUTIVE ORDER AND WHICH ALLOCATES A SUBSTANTIAL PART
6 OF ITS ANNUAL BUDGET TO THE ADMINISTRATION OF CRIMINAL JUSTICE.

7 SECTION 4. Safety clause. The general assembly hereby
8 finds, determines, and declares that this act is necessary for
9 the immediate preservation of the public peace, health, and
10 safety.

COMMITTEE ON BUSINESS AFFAIRS
AND LABOR

BILL 15

A BILL FOR AN ACT

1 CONCERNING A NEW CATEGORY OF RETAIL LIQUOR LICENSE FOR
2 CONSUMPTION ON PREMISES.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides for a tavern retail on premises liquor license which requires that sandwiches and light snacks, but not meals, shall be served as well as liquor.

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

4 SECTION 1. 12-47-102 (9), Colorado Revised Statutes 1973,
5 is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

6 12-47-102. Definitions. (9) (a) "Meal" means a quantity
7 of food of such nature as is ordinarily consumed by an individual
8 at regular intervals for the purpose of sustenance, in the
9 following places:

10 (I) In any dining room of a hotel operated for the
11 accommodation and reception of guests and travelers and where
12 meals are regularly served at tables and in any guest room;

13 (II) In the dining room of a restaurant where meals are
14 regularly served at tables or lunch counters.

1 (b) Meals shall be required to be served only between the
2 hours of 8 a.m. and 11 p.m.; except that on Sundays and
3 Christmas, meals shall not be required to be served after 8 p.m.
4 At all other hours packaged snacks or light foods shall be
5 considered meals. Meals need not be prepared upon the actual
6 premises of the hotel or restaurant.

7 SECTION 2. 12-47-102 (15), Colorado Revised Statutes 1973,
8 is amended, and the said 12-47-102, as amended, is further
9 amended BY THE ADDITION OF A NEW SUBSECTION, to read:

10 12-47-102. Definitions. (15) "Restaurant" means an
11 establishment provided with special space and accommodations,
12 where, in consideration of payment, food MEALS, drinks, tobaccos,
13 and candies are furnished to guests, and in which room nothing is
14 sold excepting food, drinks, tobaccos, and candies, and where
15 malt, vinous, and spirituous liquors shall not be served at any
16 place excepting tables and counters with stools. Any
17 establishment connected with any business wherein any business is
18 conducted, excepting the sale of food, drinks, tobaccos, candies,
19 or hotel business, is declared not to be a restaurant. Any hotel
20 not maintaining a restaurant regularly provided with special
21 space and accommodations where food MEALS, drinks, tobaccos, and
22 candies are furnished to guests is likewise declared not to be a
23 restaurant. Nothing in this subsection (15) shall be construed to
24 prohibit the use in a restaurant of orchestras, singers, floor
25 shows, coin operated music machines, and amusement devices which
26 pay nothing of value and cannot by adjustment be made to pay
27 anything of value, or other forms of entertainment commonly

1 provided in restaurants. Nothing in this subsection (15) shall
2 authorize or permit any gambling, or the use of any gambling
3 machine or device, or the use of any machine which may be used
4 for gambling, either directly or indirectly.

5 (22.5) "Tavern" means an establishment serving malt,
6 vinous, and spirituous liquors in which the principal business is
7 the sale of such beverages at retail for consumption on the
8 premises and where sandwiches and light snacks are available for
9 consumption on the premises.

10 SECTION 3. 12-47-106 (1), Colorado Revised Statutes 1973,
11 is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12 12-47-106. Classes of licenses. (1) (i) Tavern license.

13 SECTION 4. 12-47-112 (1), Colorado Revised Statutes 1973,
14 is amended to read:

15 12-47-112. Hotel - restaurant license. (1) Restaurants
16 may sell MALT, VINOUS, AND spirituous liquors by the drink only
17 to customers for consumption on the premises, but only ~~in--the~~
18 ~~rooms-where~~ IF meals are served ~~and-only-with-meals~~ CONSISTENTLY,
19 AND MEALS AND BEVERAGES SHALL PROVIDE A MAJORITY OF THE INCOME OF
20 THE BUSINESS OF THE LICENSED PREMISES. Hotels may sell malt,
21 vinous, and spirituous liquors by the drink IN HOTEL ROOMS only
22 to customers of said hotel and ~~the-same-shall-be-served-at-tables~~
23 ~~with-food~~ ELSEWHERE ONLY ON THE LICENSED PREMISES WHERE MEALS ARE
24 SERVED CONSISTENTLY AND PROVIDE A SUBSTANTIAL SOURCE OF INCOME TO
25 THE BUSINESS OF THE LICENSED PREMISES.

26 SECTION 5. Article 47 of title 12, Colorado Revised
27 Statutes 1973, as amended, is amended BY THE ADDITION OF A NEW

1 SECTION to read:

2 12-47-112.5. Tavern license. (1) Taverns may sell malt,
3 vinous, or spirituous liquors by the drink only to customers for
4 consumption on the premises and shall have available for
5 consumption on the premises during business hours sandwiches and
6 light snacks, but need not have meals available for consumption.

7 (2) Every person selling spirituous liquors as provided in
8 this section shall pay to the department of revenue a license fee
9 of twenty-five dollars annually in advance for each place where
10 such liquor is sold.

11 (3) In addition to the state license fee, every person
12 selling malt, vinous, and spirituous liquors as provided in this
13 section shall pay to the town, city, city and county, or county
14 an annual license fee of three hundred twenty-five dollars in
15 advance for each place where such liquor is sold.

16 SECTION 6. 12-47-115 (3), Colorado Revised Statutes 1973,
17 is amended to read:

18 12-47-115. Application for license. (3) No application to
19 have a retail liquor store license, liquor licensed drug store,
20 beer and wine license, TAVERN LICENSE, or hotel and restaurant
21 license at a particular location by or on behalf of the same
22 person shall be received or acted upon concerning a location for
23 which, within two years preceding, the appropriate licensing
24 authority has refused to approve any one of the foregoing types
25 of licenses on the ground, in whole or in part, that the licenses
26 already granted for the particular locality were adequate for the
27 reasonable requirements of the neighborhood and the desires of

1 the inhabitants at the time of such refusal.

2 SECTION 7. 12-47-124 (1) (d) (II) and (1) (e), Colorado
3 Revised Statutes 1973, as amended, are amended to read:

4 12-47-124. Unlawful acts. (1) (d) (II) Notwithstanding
5 the provisions of subparagraph (I) of this paragraph (d), hotel
6 and restaurant licensees, ~~or~~ beer and wine licensees, AND TAVERN
7 LICENSEES, upon the payment of an additional annual fee of two
8 hundred dollars to the local licensing authority, may obtain a
9 special license to sell, serve, or distribute malt, vinous, and
10 spirituous liquors by the drink after the hour of 8 p.m. and
11 until 12 midnight on Sundays and Christmas.

12 (e) To sell malt, vinous, or spirituous liquors in a place
13 where the same is to be consumed, unless such place is a hotel,
14 restaurant, TAVERN, or club or unless such place is a dining,
15 club, or parlor car, plane, bus, or other conveyance of a public
16 system engaged in the transportation of passengers;

17 SECTION 8. 12-47-129 (4), Colorado Revised Statutes 1973,
18 is amended to read:

19 12-47-129. Unlawful financial assistance. (4) It is
20 unlawful for any owner, part owner, shareholder, or person
21 interested directly or indirectly in any retail liquor
22 establishment, retail license, liquor licensed drug store, or
23 retail dispensary of any kind licensed under this article to
24 conduct, own either in whole or in part, or be directly or
25 indirectly interested in any other retail liquor establishment,
26 or license, or retail dispensary of any kind licensed under this
27 article in this state; EXCEPT THAT THIS SUBSECTION (4) SHALL NOT

1 BE APPLICABLE TO A RETAIL LICENSED TAVERN WHICH IS ALSO LICENSED
2 PURSUANT TO ARTICLE 60 OF THIS TITLE WITH RESPECT TO AN INTEREST
3 IN ANY OTHER RETAIL LICENSED TAVERN WHICH IS ALSO LICENSED
4 PURSUANT TO ARTICLE 60 OF THIS TITLE.

5 SECTION 9. 12-47-137 (2) (c), Colorado Revised Statutes
6 1973, is amended, and the said 12-47-137 is further amended BY
7 THE ADDITION OF A NEW SUBSECTION, to read:

8 12-47-137. New license - local licensing authorities -
9 definitions. (2) (c) "New license" applies only to the
10 following classes of licenses: Retail liquor store, liquor
11 licensed drug store, beer and wine license, hotel and restaurant
12 license, TAVERN LICENSE, and club license. It shall not include
13 any license required of a railroad transportation system.

14 (3) Any person holding a hotel and restaurant license for a
15 particular location on July 1, 1976, who, on the first renewal
16 date of such license, obtains a tavern license rather than a
17 hotel and restaurant license shall be subject to license renewal
18 procedures rather than new license procedures.

19 SECTION 10. Effective date. This act shall take effect
20 July 1, 1976.

21 SECTION 11. Safety clause. The general assembly hereby
22 finds, determines, and declares that this act is necessary for
23 the immediate preservation of the public peace, health, and
24 safety.

COMMITTEE ON BUSINESS AFFAIRS
AND LABOR

BILL 16

A BILL FOR AN ACT

1 CONCERNING MULTIPLE LICENSING OF ESTABLISHMENTS HOLDING HOTEL
2 AND RESTAURANT LIQUOR LICENSES, AND PROVIDING FOR REGISTERED
3 MANAGERS FOR SUCH ESTABLISHMENTS.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Permits multiple license interests for hotel and restaurant licensees and requires an on-premises registered manager for such licensees.

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

5 SECTION 1. 12-47-102 (9), Colorado Revised Statutes 1973,
6 is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

7 12-47-102. Definitions. (9) (a) "Meal" means a quantity
8 of food of such nature as is ordinarily consumed by an individual
9 at regular intervals for the purpose of sustenance, in the
10 following places:

11 (I) In any dining room of a hotel operated for the
12 accommodation and reception of guests and travelers and where
13 meals are regularly served at tables, and in any guest room;

14 (II) In the dining room of a restaurant where meals are

1 regularly served at tables or lunch counters.

2 (b) Meals shall be required to be served only between the
3 hours of 8 a.m. and 11 p.m.; except that on Sundays and
4 Christmas, meals shall not be required to be served after 8 p.m.
5 At all other hours packaged snacks or light foods shall be
6 considered meals. Meals need not be prepared upon the actual
7 premises of the hotel or restaurant.

8 SECTION 2. 12-47-112 (1), Colorado Revised Statutes 1973,
9 is amended, and the said 12-47-112 is further amended BY THE
10 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

11 12-47-112. Hotel - restaurant license. (1) Restaurants
12 may sell spirituous liquors by the drink only to customers for
13 consumption on the premises, but only in the rooms OR FACILITIES
14 where meals are served ~~and-only-with-meals~~ CONSISTENTLY, MEALS
15 AND BEVERAGES SHALL PROVIDE A MAJORITY OF THE INCOME OF THE
16 BUSINESS OF THE LICENSED PREMISES. THE DEPARTMENT OF REVENUE, BY
17 RULE AND REGULATION, SHALL ESTABLISH THE STANDARD FOR
18 DETERMINATION OF INCOME SOURCE FOR A PREMISES LICENSED PURSUANT
19 TO THIS SECTION. Hotels may sell malt, vinous, and spirituous
20 liquors by the drink IN HOTEL ROOMS only to customers of said
21 hotel, and ~~the--same-shall-be-served-at-tables-with-feed~~ ELSEWHERE
22 ONLY ON THE PREMISES WHERE MEALS ARE SERVED CONSISTENTLY AND
23 PROVIDE A SUBSTANTIAL SOURCE OF INCOME TO THE BUSINESS OF THE
24 LICENSED PREMISES.

25 (3) Each hotel and restaurant license shall be granted for
26 specific premises and issued in the name of the owner or lessee
27 of the business.

1 (4) Each hotel and restaurant licensee shall have a
2 separate and distinct manager and shall register the manager of
3 each liquor license premises with the state and the local
4 licensing authority. No person shall be a registered manager for
5 more than one hotel and restaurant license.

6 (5) The registered manager for each hotel and restaurant
7 license shall purchase alcoholic beverages for that licensed
8 premises only, and such purchases shall be separate and distinct
9 from purchases for any other hotel and restaurant license.

10 (6) When a person ceases to be a registered manager of a
11 hotel and restaurant license, for whatever reason, the hotel and
12 restaurant licensee shall notify the licensing authorities
13 immediately and shall designate a new registered manager within
14 thirty days.

15 (7) Either the state or the licensing authority may refuse
16 to accept any person as a registered manager unless he is
17 satisfactory to the respective licensing authorities as to his
18 character, record, and reputation. In determining a registered
19 manager's character, record, and reputation, the state or local
20 licensing authority may have access to criminal history record
21 information furnished by a criminal justice agency subject to any
22 restrictions imposed by such agency.

23 (8) The hotel and restaurant licensee shall pay a
24 registration fee not to exceed seventy-five dollars to the state
25 and to the local licensing authority for actual and necessary
26 expenses incurred in establishing the character, record, and
27 reputation of each registered manager.

1 SECTION 3. 12-47-124 (1) (m), Colorado Revised Statutes
2 1973, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

3 12-47-124. Unlawful acts. (1) (m) If a retailer, to buy
4 any vinous or spirituous liquors from any person not licensed to
5 sell and deliver at wholesale; if a consumer, to buy any vinous
6 or spirituous liquors from any person not licensed to sell or
7 serve the same at retail as provided by this article.

8 SECTION 4. 12-47-124 (1), Colorado Revised Statutes 1973,
9 as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW
10 PARAGRAPHS to read:

11 12-47-124. Unlawful acts. (1) (v) Who holds a
12 manufacturer's and importer's liquor license to sell directly to
13 any retail liquor establishment or to enter into any financial
14 arrangement formally or informally with any retail licensee for
15 the purchase of liquor. It is the intent of this paragraph (v)
16 to require all manufacturers and importers to deal only with
17 licensees of wholesalers' liquor licenses and wholesalers' beer
18 licenses. Any violation of this paragraph (v) by the licensee of
19 a manufacturer's and importer's liquor license shall be grounds
20 for revocation of that license by the state licensing authority.

21 (w) Who holds a hotel and restaurant license or for the
22 registered manager of a hotel and restaurant license to require a
23 wholesaler to make delivery to any premises other than the
24 specific hotel and restaurant premises where the alcoholic
25 beverage is to be sold and consumed.

26 SECTION 5. 12-47-129 (4), Colorado Revised Statutes 1973,
27 is amended to read:

1 12-47-129. Unlawful financial assistance. (4) It is
2 unlawful for any owner, part owner, shareholder, or person
3 interested directly or indirectly in any retail liquor
4 establishment, retail license, liquor licensed drug store, or
5 retail dispensary of any kind licensed under this article to
6 conduct, own either in whole or in part, or be directly or
7 indirectly interested in any other retail liquor establishment,
8 or license, or retail dispensary of any kind licensed under this
9 article in this state; EXCEPT THAT IT IS NOT UNLAWFUL FOR ANY
10 OWNER, PART OWNER, SHAREHOLDER, OR PERSON INTERESTED DIRECTLY OR
11 INDIRECTLY IN ANY HOTEL AND RESTAURANT LICENSE TO CONDUCT, OWN
12 EITHER IN WHOLE OR IN PART, OR BE DIRECTLY OR INDIRECTLY
13 INTERESTED IN ANY OTHER HOTEL AND RESTAURANT LICENSE OR
14 ESTABLISHMENT. THE STATE LICENSING AUTHORITY, BY RULE AND
15 REGULATION, SHALL REQUIRE A COMPLETE DISCLOSURE OF ALL PERSONS
16 HAVING A DIRECT OR INDIRECT FINANCIAL INTEREST, AND THE EXTENT OF
17 SUCH INTEREST, IN EACH RETAIL LICENSE ISSUED UNDER THIS ARTICLE.
18 THE INVALIDITY OF ANY PROVISION OF THIS SUBSECTION (4) CONCERNING
19 INTEREST IN MORE THAN ONE HOTEL AND RESTAURANT LICENSE SHALL
20 INVALIDATE ALL INTERESTS IN MORE THAN ONE HOTEL AND RESTAURANT
21 LICENSE, AND SUCH INVALIDITY SHALL MAKE ANY SUCH INTEREST
22 UNLAWFUL FINANCIAL ASSISTANCE AS DESCRIBED BY THIS SUBSECTION
23 (4).

24 SECTION 6. Effective date. This act shall take effect July
25 1, 1976.

26 SECTION 7. Safety clause. The *general assembly hereby*
27 finds, determines, and declares that this act is necessary for

1 the immediate preservation of the public peace, health, and
2 safety.

COMMITTEE ON BUSINESS AFFAIRS
AND LABOR

BILL 17

A BILL FOR AN ACT

1 CONCERNING THE REQUIREMENT THAT APPLICANTS FOR FERMENTED MALT
2 BEVERAGE OR LIQUOR LICENSES FILE PLANS AND SPECIFICATIONS
3 FOR THE INTERIOR OF UNCONSTRUCTED BUILDINGS.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Deletes the requirement that applicants for beer or liquor licenses file complete plans and specifications for unconstructed buildings and provides that they file plot plans and detailed sketches of the interior.

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

5 SECTION 1. 12-46-116 (1) (a), Colorado Revised Statutes
6 1973, is amended to read:

7 12-46-116. Applications - building not constructed -
8 procedure. (1) (a) The applicant shall file at the time of an
9 application ~~complete--plans-and-specifications~~ A PLOT PLAN AND A
10 DETAILED SKETCH for the interior of the building to be occupied
11 and a drawing of the building to be constructed. IN ITS
12 DISCRETION THE LOCAL LICENSING AUTHORITY MAY IMPOSE ADDITIONAL
13 REQUIREMENTS NECESSARY FOR APPROVAL OF THE APPLICATION.

1 SECTION 2. 12-47-138 (3), Colorado Revised Statutes 1973,
2 is amended to read:

3 12-47-138. Applications. (3) The applicant shall file at
4 the time of application ~~complete~~ plans and specifications for the
5 interior of the building if the building to be occupied is in
6 existence at the time. If the building is not in existence, the
7 applicant shall ~~in-addition-to-the-plans-and-specifications~~ FILE
8 A PLOT PLAN AND A DETAILED SKETCH for the interior AND submit an
9 architect's drawing of the building to be constructed. IN ITS
10 DISCRETION THE LOCAL LICENSING AUTHORITY MAY IMPOSE ADDITIONAL
11 REQUIREMENTS NECESSARY FOR APPROVAL OF THE APPLICATION.

12 SECTION 3. Effective date. This act shall take effect July
13 1, 1976.

14 SECTION 4. Safety clause. The general assembly hereby
15 finds, determines, and declares that this act is necessary for
16 the immediate preservation of the public peace, health, and
17 safety.

COMMITTEE ON BUSINESS AFFAIRS
AND LABOR

BILL 18

A BILL FOR AN ACT

1 AMENDING ARTICLE 48 OF TITLE 12, COLORADO REVISED STATUTES 1973,
2 CONCERNING SPECIAL EVENTS PERMITS.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Makes clarifying amendments to the special events permit law and deletes the two consecutive day limitation on a special events permit.

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

4 SECTION 1. 12-48-101, Colorado Revised Statutes 1973, is
5 amended to read:

6 12-48-101. Special licenses authorized. The state
7 licensing authority, as defined in articles 46 and 47 of this
8 title, may issue a special event permit for the sale, by the
9 drink only, of malt beverages or the sale, BY THE DRINK ONLY, of
10 malt, spirituous, or vinous liquors to organizations qualifying
11 under this article, subject to the APPLICABLE provisions of
12 articles 46 ~~to--48~~ AND 47 of this title and to the limitations
13 imposed by this article.

14 SECTION 2. 12-48-103, Colorado Revised Statutes 1973, is

1 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

2 12-48-103. Grounds for issuance of special permits. (1) A
3 special event permit may be issued only upon a satisfactory
4 showing by an organization that other existing facilities are not
5 available or are inadequate for the needs of the organization
6 and:

7 (a) Its existing licensed facilities are inadequate for the
8 purposes of serving members or guests of the organization and
9 that additional facilities are necessary by reason of the nature
10 of the special event being scheduled; or

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

15 SECTION 3. 12-48-105 (3) and (4), Colorado Revised Statutes
16 1973, are amended, and the said 12-48-105 is further amended BY
17 THE ADDITION OF A NEW SUBSECTION, to read:

18 12-48-105. Restrictions related to permits. (3) A special
19 event permit may not be issued to any organization for more than
20 ~~two-consecutive-days;-or-for-a-maximum-total-time~~ EIGHT DAYS in
21 one calendar year. ~~of-eight-days;~~

22 (4) No issuance of a special event permit shall have the
23 effect of requiring the state OR LOCAL licensing authority to
24 issue such a permit upon any subsequent application by an
25 organization.

26 (5) Sandwiches or other food snacks shall be available
27 during all hours of service of malt, spirituous, or vinous

1 liquors, but prepared meals need not be served.

2 SECTION 4. 12-48-106, Colorado Revised Statutes 1973, is
3 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

4 12-48-106. Grounds for denial of special permit. (1) The
5 state licensing authority may deny the issuance of a special
6 event permit upon the grounds that such issuance would be
7 injurious to the public welfare by reason of the nature of the
8 special event, its location within the community, or the failure
9 of the applicant in a past special event to conduct such event in
10 compliance with applicable laws and regulations.

11 (2) Public notice of the proposed permit and of the
12 procedure for protesting issuance of the permit shall be
13 conspicuously posted at the proposed location for at least ten
14 days before approval of the permit by the local licensing
15 authority.

16 SECTION 5. 12-48-107 (2), Colorado Revised Statutes 1973,
17 is amended, and the said 12-48-107 is further amended BY THE
18 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

19 12-48-107. Applications for special permit. (2) In
20 addition to the fees provided in section 12-48-104, applications
21 shall be accompanied by such fee as the local licensing authority
22 may fix, not to exceed in amount the fees provided in section
23 12-48-104, for both investigation and issuance of permit. Upon
24 approval of any application, the local licensing authority shall
25 notify the state licensing authority of such approval. The state
26 licensing authority shall thereupon promptly act and either
27 approve or disapprove such application. The state licensing

1 authority shall not issue any permit under this article until the
2 local licensing authority has approved such application. IN
3 REVIEWING AN APPLICATION, THE LOCAL LICENSING AUTHORITY SHALL
4 APPLY THE SAME STANDARDS FOR APPROVAL AND DENIAL APPLICABLE TO
5 THE STATE LICENSING AUTHORITY PURSUANT TO THIS ARTICLE.

6 (3) The local licensing authority shall cause a hearing to
7 be held if, after investigation and upon review of the contents
8 of any protest filed by affected persons, sufficient grounds
9 appear to exist for denial of a permit. Any protest shall be
10 filed by affected persons within ten days after the date of
11 notice pursuant to section 12-48-106 (2). Any hearing required
12 by this subsection (3) or any hearing held at the discretion of
13 the local licensing authority shall be held at least ten days
14 after the initial posting of the notice, and notice thereof shall
15 be provided the applicant and any person who has filed a protest.

16 (4) The local licensing authority may assign all or any
17 portion of its functions under this article to an administrative
18 officer.

19 SECTION 6. Safety clause. The general assembly hereby
20 finds, determines, and declares that this act is necessary for
21 the immediate preservation of the public peace, health, and
22 safety.

COMMITTEE ON BUSINESS AFFAIRS
AND LABOR

BILL 19

A BILL FOR AN ACT

1 AMENDING THE "COLORADO EMPLOYMENT SECURITY ACT".

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Makes various amendments to the "Colorado Employment Security Act".

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

3 SECTION 1. 8-70-103 (3) (a), (8) (a), (10) (4) (1), (11)
4 (a) (1), (11) (a) (11), and (22) (a), Colorado Revised Statutes
5 1973, are amended to read:

6 8-70-103. Definitions. (3) (a) "benefit year" means a the
7 period of ~~four---consecutive---calendar---quarters~~ FIFTY-TWO
8 CONSECUTIVE CALENDAR WEEKS beginning with the quarter--when
9 contains--the--first--calendar week with-respect-to in which the
10 individual first files a valid initial claim, and--thereafter--the
11 period--of--four--calendar--quarters--in--the--first--of--which--the
12 individual next files a valid initial claim for--benefits--after
13 the--termination--of--his--preceding--benefit--year.

14 (b) (a) Any employing unit which, after December 31, 1971,

1 in any calendar quarter in either the current or the preceding
2 calendar year, paid for service in employment wages or fifteen
3 hundred dollars or more; or which, for some portion of a day in
4 each of twenty different calendar weeks, whether or not such
5 weeks were consecutive, in either the current or the preceding
6 calendar year had in employment at least one individual
7 irrespective of whether the same individual was in employment on
8 each such day; OR ANY EMPLOYING UNIT WHICH, AFTER DECEMBER 31,
9 1975, HAD FOR SOME PORTION OF A DAY IN ANY CALENDAR WEEK, AN
10 INDIVIDUAL IN EMPLOYMENT; or

11 (10) (g) (1) In the employ of a church, convention, or
12 association of churches; or organization--which--is--operated
13 primarily--for--religious--purposes--and--which--is--operated
14 supervised--controlled--or--principally--supported--by--a--church
15 convention--or--association--of--churches--or

16 (11) (a) (1) Agricultural labor, and, for purposes of this
17 paragraph (a), "agricultural labor" means any service performed
18 prior to January 1, 1972, which was agricultural labor as defined
19 in this paragraph (a) prior to such date and remunerated service
20 performed after December 31, 1971:

21 (A) On a farm in the employ of any person, in connection
22 with cultivating the soil, or in connection with raising or
23 harvesting any agricultural or-horticultural commodity, including
24 the raising, shearing, feeding, caring for, training, and
25 management of livestock, bees, poultry, and fur-bearing animals
26 and wildlife;

27 (B) In the employ of the owner, tenant, or other operator

1 or a farm, in connection with the operation, management,
2 conservation, improvement, or maintenance of such farm and its
3 tools and equipment, or in salvaging timber or clearing land or
4 brush and other debris left by an act of nature, if the major
5 part of the service is performed on a farm;

6 (C) ~~In connection with the production or harvesting of any~~
7 ~~commodity defined as an agricultural commodity in section 15~~
8 ~~(g) of the "Agricultural Marketing Act" as amended (to read~~
9 ~~1550) section 1550 of the "Agricultural Marketing Act" or~~ In connection with the
10 operation or maintenance of ditches, canals, reservoirs, or
11 waterways, not owned or operated for profit, used exclusively for
12 supplying and storing water for farming purposes;

13 (D) In the employ of the operator of a farm in handling,
14 planting, drying, packing, packaging, processing, freezing,
15 grading, storing, or delivering to storage or to market or to a
16 carrier for transportation to market, in its unmanufactured
17 state, any agricultural ~~or horticultural~~ commodity, but only if
18 such operator produced more than one-half of the commodity with
19 respect to which the service is performed;

20 (E) In the employ of a group of operators of farms (or a
21 cooperative organization of which such operators are members) in
22 the performance of service described in subparagraph (i) (D) of
23 this paragraph (a), but only if such operators produced more than
24 one-half of the commodity with respect to which the service is
25 performed;

26 (F) The provisions of sub-subparagraphs (D) and (E) of this
27 subparagraph (i) are not applicable with respect to service

1 performed in connection with commercial canning or commercial
2 freezing or in connection with any agricultural ~~or-norticultural~~
3 commodity after its delivery to a terminal market for
4 distribution for consumption; or

5 (6) on a farm operated for profit if the service is not in
6 the course of the employer's trade or business or is domestic
7 service in a private home of the employer.

8 (11) As used in this paragraph (a), the term "farm"
9 includes stock, dairy, poultry, fruit, fur-bearing animals, and
10 truck farms, plantations, ranches, ~~nurseries,~~ ranges, greenhouses
11 or other similar structures used primarily for the raising of
12 agricultural ~~or-norticultural~~ commodities and orchards.

13 (22) (a) "wages" means all remuneration for personal
14 services, including the cash value of all remuneration paid in
15 any medium other than cash; ~~except--that~~ for the purposes of
16 sections 8-76-101 to 8-76-104, wages shall not include that part
17 of the remuneration which, after remuneration equal to ~~not~~
18 ~~thousand--two--hundred--dollars--seventy~~ PERCENT OF THE AVERAGE
19 ANNUAL WAGES OF EMPLOYEES OF SELECTED INDUSTRIES IN COLORADO AS
20 PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS FOR THE
21 CALENDAR YEAR PRIOR TO THE COMPUTATION DATE, ROUNDED TO THE
22 NEAREST THOUSAND, OR THE FEDERAL UNEMPLOYMENT TAX ACT WAGE BASE,
23 WHICHEVER IS GREATER, has been paid in a calendar year to an
24 individual by an employer, ~~is--paid--such--individual--by--the~~
25 ~~employer--during--such--calendar--year--unless--that--part--of--the~~
26 ~~remuneration--is~~ subject to a tax under a Federal law imposing a
27 tax against which credit may be taken for contributions required

1 to be paid into a state unemployment fund ~~or within any calendar~~
2 ~~year that part of an individual's remuneration from a single~~
3 ~~employer which after four thousand two hundred dollars has been~~
4 ~~paid him and upon which contributions have been paid under the~~
5 ~~unemployment compensation law of any state is paid with respect~~
6 ~~to employment BY A SINGLE EMPLOYER; or when an employing unit,~~
7 during a calendar year, acquired the experience of an employer as
8 provided in section 8-76-104, and if, immediately after such
9 acquisition, the successor employer continues to employ an
10 individual who immediately prior to the acquisition was an
11 employee of the predecessor, then and in that event any
12 remuneration previously paid to the individual by the predecessor
13 shall be considered as having been paid by the successor.

14 SECTION 2. 8-72-107 (3), Colorado Revised Statutes 1973, is
15 amended to read:

16 8-72-107. Records and reports. (3) Whenever an employer
17 fails to furnish contribution reports required by the division of
18 employment, ~~for each such failure unless good cause is shown to~~
19 ~~the satisfaction of the division,~~ such employer shall be
20 assessed a fine of five dollars for each SUCH delinquency, and
21 each additional day of delinquency shall be considered a separate
22 offense, and the penalty shall be imposed at the rate of one
23 dollar per additional day of delinquency for each report. If
24 GOOD CAUSE IS SHOWN TO THE SATISFACTION OF THE DIVISION, THE
25 TOTAL PENALTY, OR ANY PORTION THEREOF MAY BE WAIVED. The penalty
26 shall be collected in the same manner as contributions due under
27 articles 70 to 82 of this title.

1 SECTION 3. 8-73-102 (2), Colorado Revised Statutes 1973, is
2 amended to read:

3 8-73-102. weekly benefit amount for total unemployment.

4 (2) An individual who is entitled to the maximum weekly benefit
5 amount as computed in subsection (1) of this section ~~shall~~ MAY
6 receive a weekly benefit amount of fifty percent or one
7 fifty-second of his total wages paid for insured work during his
8 base period, computed to the next higher multiple of one dollar,
9 but not to exceed sixty percent of the average of the average
10 weekly earnings in selected industries in Colorado. ~~in no case~~
11 ~~shall~~ An individual SHALL receive a weekly benefit amount
12 computed in accordance with this subsection (2) ~~unless~~ if it is
13 greater than the weekly benefit amount yielded by computation in
14 accordance with subsection (1) of this section AND DOES NOT
15 PREVENT QUALIFICATION FOR BENEFITS UNDER THE PROVISIONS OF
16 SECTION 8-73-107 (1) (e).

17 SECTION 4. 8-73-104 (1), Colorado Revised Statutes 1973, is
18 amended to read:

19 8-73-104. duration of benefits. (1) The division shall
20 compute wage credits for each individual by crediting him with
21 the wages for insured work paid during each quarter of such
22 individual's base period, or twenty-six times the current maximum
23 benefit amount, whichever is the lesser. Any otherwise eligible
24 individual shall be entitled during any benefit year to a total
25 amount of benefits equal to whichever is the lesser of twenty-six
26 times his weekly benefit amount and one-third of his wage credits
27 for insured work paid during his base period. ~~except--that~~

1 benefits---based---on---seasonal---wages---may---be---paid---only---for
2 unemployment-during-the-normal-seasonal-period--of--the--seasonal
3 industry--in--which--such--wage--credits--were--earned--and--only--to
4 seasonal-workers-who-are-available--for--work--in--such--seasonal
5 industry--and--the--total--thereof--shall--not--exceed--one-third--of
6 such-individual's-wages-paid-for-insured-seasonal-work-during-the
7 corresponding-normal-seasonal-period-of-his-base-period. For the
8 purposes of this section, wages shall be counted as "wages for
9 insured work" for benefit purposes with respect to any benefit
10 year only if such benefit year begins subsequent to the date on
11 which the employing unit by whom the wages were paid has
12 satisfied the conditions of section 8-70-103 (a), 8-76-104, or
13 8-76-107, with respect to becoming an employer.

14 SECTION 5. 8-73-107 (1) (c), Colorado Revised Statutes
15 1973, is amended to read:

16 8-73-107. Eligibility conditions - penalty. (1) (c) He is
17 able to work and is available for all work deemed suitable
18 pursuant to the provisions of section 8-73-108. Decisions of the
19 division regarding the ability of the claimant to work, the
20 availability of the claimant for work, and the claimant's active
21 search for work may be appealed by the claimant or by any
22 employer whose account could be charged with any such benefits
23 paid pursuant to any such decision, if the appeal is made within
24 eleven FIFTEEN days from the date any such decision is rendered
25 by the division. ~~A--potentially--chargeable--employer--may--also~~
26 ~~appeal--on--the--basis--of--inability--to--work--nonavailability--for~~
27 ~~work--or--failure--to--search--for--work--within--eleven--days--from--the~~

1 date on which he discovers such a condition to exist or within
2 thirty days from the date on which payment was made for the week
3 during which the claimant is alleged to have been unable to work
4 or unavailable for work or to have failed to make an active
5 search for work whenever comes first; and therefore such
6 decisions of the division shall not be reviewable or appealable
7 for any purposes whatsoever; but nothing in this paragraph (c)
8 shall prevent the division from reviewing and redetermining any
9 such decision at any time, if the redetermination is based upon
10 facts not known to the division at the time of its original
11 decision. No individual shall be considered available for work
12 during any week in which he has, as a result of his removal to an
13 area, no reasonable expectation of securing employment in his
14 usual occupation or in an occupation for which he is reasonably
15 qualified.

16 SECTION 8. 8-75-106, Colorado Revised Statutes 1973, is
17 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

18 8-75-106. benefit awards. (1) In the granting of
19 unemployment compensation benefits, it is the intent of the
20 general assembly that the division at all times be guided by the
21 tenet that unemployment compensation is for the benefit of
22 persons unemployed through no fault of their own; and that each
23 eligible individual who is unemployed through no fault of his own
24 shall be entitled to receive benefits; and that every person has
25 the right to leave any job for any reason, but that the
26 circumstances of his separation shall be considered in
27 determining when the payment of benefits may commence and the

1 amount he may draw; and that certain acts of individuals are the
2 direct and proximate cause of their unemployment.

3 (2) An individual who voluntarily leaves his most recent
4 employment without good cause or who was discharged for cause
5 connected with his work not amounting to gross misconduct shall
6 be disqualified from receiving benefits for a period of not less
7 than six nor more than twelve weeks beginning with the week in
8 which the valid initial claim, as defined by section 8-70-103 (3)
9 (b), was established.

10 (3) An individual who was discharged for gross misconduct
11 connected with his most recent employment shall be disqualified
12 from receiving benefits for a period of not less than thirteen
13 weeks beginning with the week in which the valid initial claim as
14 defined by section 8-70-103 (3) (b), was established, and the
15 total benefits computed under section 8-73-104 shall be reduced
16 by the number of weeks of disqualification multiplied by the
17 individual's weekly benefit amount.

18 (4) An individual who refuses suitable work or who refuses
19 a referral to suitable work since his last separation from
20 employment shall be disqualified from receiving benefits for a
21 period of not less than six nor more than twelve weeks beginning
22 with the week in which such refusal of work or referral occurred.

23 (5) If a separation from employment preceding the
24 claimant's most recent separation is with respect to employment
25 for a base period employer and is determined to have occurred
26 under circumstances which would have resulted in a
27 disqualification under the provisions of this section if such

1 separation had been the claimant's most recent, the account of
2 the employer from whom such separation occurred shall not be
3 charged with benefits paid to the claimant.

4 SECTION 7. 8-74-102 (2), Colorado Revised Statutes 1973, as
5 amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

6 8-74-102. ~~Initial determination.~~ (2) (a) The deputy shall
7 promptly notify the claimant and any other interested parties of
8 the decision, including the earliest week with respect to which
9 benefits may commence, the weekly benefit amount, and the maximum
10 duration thereof, and the reasons for the decisions. The deputy,
11 for good cause, may reconsider his decision and shall promptly
12 notify the claimant and such other interested parties of his
13 amended decision and the reasons therefor. Such decision shall
14 be final and benefits shall be paid or denied in accordance
15 therewith unless:

16 (1) The claimant or any such interested party, within
17 fifteen calendar days after either the delivery of the deputy's
18 notification, or after such notification was mailed to his last
19 known address, whichever occurs first, files an appeal from such
20 decision; or

21 (11) The claimant or any such interested party files an
22 appeal later than the time prescribed by subparagraph (1) of this
23 paragraph (a), but whose delay in perfecting an appeal is the
24 result of circumstances which the division has determined to have
25 been for reasons beyond his control; or

26 (111) The late filing of an appeal is directly attributable
27 to fault or error on the part of the division.

1 (b) An appeal filed later than the time prescribed by
2 subparagraph (1) or paragraph (a) of this subsection (2) shall in
3 no case be accepted for hearing or consideration by a referee of
4 the division more than sixty days from the last day of the
5 fifteen-day appeal period set forth in said subparagraph (1).

6 (c) An appeal shall be considered to have been filed as of
7 the date of its delivery to a representative of the division or,
8 if mailed, as of the date of the postmark of the envelope in
9 which it was mailed. A mailed appeal which bears no postmark
10 shall be considered as timely if on the basis of customary mail
11 delivery practice and the date of receipt by the division it may
12 be presumed to have been mailed within the appeal period
13 prescribed by subparagraph (1) of paragraph (a) of this
14 subsection (2) or paragraph (b) of this subsection (2).

15 (d) A mailed notice shall be deemed served on the date of
16 mailing. If an appeal is duly filed, the division shall give
17 notice thereof to the parties entitled to notice of the original
18 determination.

19 SECTION 8. 8-75-101 (2), Colorado Revised Statutes 1973, is
20 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

21 8-75-101. Definitions. (2) "exhaustee" means an
22 individual who, with respect to any week of unemployment in his
23 eligibility period:

24 (a) Has received, prior to such week, all of the regular
25 benefits that were payable to him under this title or any other
26 state law (including dependents' allowances and regular benefits
27 payable to federal civilian employees and ex-servicemen under

1 U.S.C. Chapter 85) for his benefit year that includes such week;
2 or

3 (b) Has received, prior to such week, all of the regular
4 benefits that were available to him under this title or any other
5 state law (including dependents' allowances and regular benefits
6 available to federal civilian employees and ex-servicemen under
7 U.S.C. Chapter 85) in his benefit year that includes such week,
8 after the cancellation or some or all of his wage credits or the
9 total or partial reduction of his right to regular benefits; but
10 for the purposes of paragraph (a) of this subsection (2) and this
11 paragraph (b), an individual shall be deemed to have received in
12 his applicable benefit year all of the regular benefits that were
13 payable to him or available to him, as the case may be, even
14 though:

15 (I) As a result of a pending appeal with respect to wages
16 or employment, or both, that were not included in the original
17 monetary determination with respect to such benefit year, he may
18 subsequently be determined to be entitled to more regular
19 benefits; or

20 (II) by reason of the provisions in section 8-73-104 (1),
21 or the seasonal provisions of another state law, he is not
22 entitled to regular benefits with respect to such week of
23 unemployment; although he may be entitled to regular benefits
24 with respect to future weeks of unemployment in the next season
25 or off season, as the case may be, in such benefit year; and he
26 is otherwise an exhaustee within the meaning of this section with
27 respect to his right to regular benefits under such state law

1 seasonal provisions during the season or off season in which that
2 week of unemployment occurs; or

3 (III) Having established a benefit year, no regular
4 benefits are payable to him during such year because his wage
5 credits were cancelled or his right to regular benefits was
6 totally reduced as the result of the application of a
7 disqualification; or

8 (c) His benefit year having ended prior to such week, he
9 has insufficient wages or employment, or both, on the basis of
10 which he could establish in any state a new benefit year that
11 would include such week, or having established a new benefit year
12 that includes such week, he is precluded from receiving regular
13 benefits by reason of the provisions in section 8-73-107 (2)
14 which meets the requirements of section 3304 (a) (7) of the
15 "Federal Unemployment Tax Act" or the similar provision in any
16 other state law; and

17 (d) (1) Has no right for such week to unemployment benefits
18 or allowances, as the case may be, under the "Railroad
19 Unemployment Insurance Act", the "Trade Expansion Act of 1962",
20 and such other federal laws as are specified in regulations
21 issued by the United States secretary of labor; and

22 (II) Has not received and is not seeking for such week
23 unemployment benefits under the unemployment compensation law of
24 the Virgin Islands or Canada, unless the appropriate agency
25 finally determines that he is not entitled to unemployment
26 benefits under such law for such week.

27 (e) The term "applicable benefit year" means, with respect

1 to an individual, his current benefit year if at the time he
2 files a claim for extended benefits he has an unexpired benefit
3 year only in the state in which he files such claim or, in any
4 other case, his most recent benefit year. For this purpose his
5 most recent benefit year, if he has unexpired benefit years in
6 more than one state when he files a claim for extended benefits,
7 is the benefit year with the latest ending date, or if such
8 benefit years have the same ending date, the benefit year in
9 which his latest continued claim for regular benefits was filed.

10 SECTION 9. 8-76-103 (1) (a) and (3) (a), Colorado Revised
11 Statutes 1973, are amended to read:

12 8-76-103. Future rates based on benefit experience.

13 (1) (a) The division shall maintain a separate account for each
14 employer and shall credit his account with all contributions paid
15 on his own behalf. Nothing in articles 70 to 82 of this title
16 shall be construed to grant any employer or individuals in his
17 service prior claims or rights to the amounts paid by him into
18 the fund either on his own behalf or in behalf of such
19 individuals. Benefits paid to an eligible individual shall be
20 charged, in the amount provided in this section, against the
21 accounts of his employers in the base period in the inverse
22 chronological order in which the employment of such individual
23 occurred. ~~benefits--paid-to-a-seasonal-worker-during-the-normal~~
24 ~~seasonal-periods-shall-be-charged-against-the-account-of-his-most~~
25 ~~recent-seasonal-employers-in-the--corresponding--normal--seasonal~~
26 ~~period--of--his-base-period-in-the-inverse-chronological-order-in~~
27 ~~which-the-seasonal-employment-of--such--individual--occurred--and~~

1 prior---to---the---charging---of---benefits---based---on---nonseasonal
2 employment.

3 (3) (a) The standard rate of contributions shall be two
4 and seven-tenths percent; except that each employer newly subject
5 to articles 70 to 82 of this title shall pay contributions at the
6 STANDARD rate of ~~one percent~~ and such rate shall remain in
7 effect unless and until there have been twelve consecutive
8 calendar months immediately preceding the computation date
9 throughout which his account has been chargeable with benefit
10 payments; thereafter, his contribution rate shall be determined
11 in accordance with the provisions of subparagraph (11) or
12 paragraph (b) of this subsection (3), except an employer who
13 elects reimbursement under sections 8-76-108 to 8-76-110. An
14 ~~“employer newly subject” as used in this article means an~~
15 ~~employer who, prior to January 1, 1973, has never at any time~~
16 ~~been an employer under any provision of articles 70 to 82 of this~~
17 ~~title or an employer who has lost his prior experience under~~
18 ~~subsection (a) of this section.~~ An employer who, under the
19 provisions of section 8-76-110 (2) (a), terminates his election
20 to make payments in lieu of contributions, or whose election to
21 make payments in lieu of contributions terminated by the division
22 under the authority of section 8-76-110 (4) (e) or (4) (f), shall
23 be liable for contributions at the standard rate of two and
24 seven-tenths percent until there have been twelve consecutive
25 calendar months after such termination and immediately preceding
26 the computation date throughout which his experience rating
27 account has been chargeable with benefit payments; and thereafter

1 his rates shall be computed under the provisions of this section
2 for so long as the employer remains a contributing employer.

3 SECTION 10. 8-76-103 (3) (b) (11), Colorado Revised
4 Statutes 1973, is REPEALED AND REENACTED, WITH AMENDMENTS, to
5 read:

6 8-76-103. Future rates based on benefit experience. (3)
7 (b) (11) The total of all an employer's contributions paid on
8 his own behalf on or before thirty-one days immediately following
9 the computation date and the total benefits which were chargeable
10 to his account and were paid on or before thirty-one days
11 immediately following the computation date with respect to weeks,
12 or any established payroll period of unemployment beginning prior
13 to the computation date, shall be used to compute his
14 contribution rate for the ensuing calendar year in accordance
15 with the following table. "Percent of excess", as used in said
16 table, means the percentage resulting from dividing the excess of
17 contributions paid over benefits charged by the average annual
18 payroll, computed to the nearest one-tenth of one percent.
19 "Ratio of fund balance to total wages", as used in said table,
20 shall be used to determine the rate schedule for the rate year.
21 The total amount of wages for employment paid by all employers
22 during the calendar year preceding the rate year shall be divided
23 into the fund balance as of the June 30 immediately preceding the
24 rate year to compute the ratio of fund balance to total wages.
25 Employers shall be assigned the tax rate based on the computed
26 ratio of fund balance to total wages percent.

CONTRIBUTION RATES

RATIO OF FUND BALANCE TO TOTAL WAGES

	<u>3.3%</u>	<u>3.0%</u>	<u>2.7%</u>	<u>2.3%</u>	<u>2.0%</u>	<u>1.7%</u>	<u>1.3%</u>	<u>1.0%</u>
1								
2								
3	<u>3.3%</u>	<u>3.0%</u>	<u>2.7%</u>	<u>2.3%</u>	<u>2.0%</u>	<u>1.7%</u>	<u>1.3%</u>	<u>1.0%</u>
4	.003	.003	.003	.003	.003	.003	.003	.027
5	.003	.003	.003	.003	.003	.003	.003	.027
6	.003	.003	.003	.003	.003	.003	.007	.027
7	.003	.003	.003	.003	.003	.003	.009	.027
8	.003	.003	.003	.003	.003	.003	.011	.027
9	.003	.003	.003	.003	.003	.005	.013	.027
10	.003	.003	.003	.003	.005	.007	.015	.027
11	.003	.003	.003	.003	.007	.009	.018	.027
12	.003	.003	.003	.003	.009	.011	.021	.027
13	.003	.003	.003	.005	.011	.013	.023	.027
14	.003	.003	.003	.007	.011	.015	.025	.027
15	.003	.003	.003	.009	.013	.015	.025	.027
16	.003	.003	.005	.011	.013	.018	.027	.027
17	.003	.003	.007	.011	.015	.021	.027	.027
18	.003	.003	.009	.013	.018	.023	.027	.027
19	.003	.003	.009	.015	.018	.025	.027	.027
20	.003	.003	.011	.015	.021	.025	.027	.027
21	.003	.005	.013	.018	.021	.027	.027	.027
22	.003	.007	.015	.021	.023	.027	.027	.027
23	.005	.009	.018	.021	.025	.027	.027	.027

1 SECTION 11. 8-79-101, Colorado Revised Statutes 1973, is
2 amended to read:

3 8-79-101. Interest on past-due contribution. Contributions
4 unpaid on the date on which they are due and payable, as
5 prescribed by the commission, shall bear interest at the rate of
6 ~~six~~ NINE percent per annum, OR THREE-FOURTHS OF ONE PERCENT PER
7 MONTH OR ANY PORTION THEREOF, from and after such date until
8 payment plus accrued interest is received by the division.
9 Interest collected pursuant to this section shall be paid into
10 the unemployment revenue fund.

11 SECTION 12. Repeal. 8-70-105 (10) (a) (11) and (11) (1),
12 8-73-106, and 8-73-110 (4) and (5), Colorado Revised Statutes
13 1973, are repealed.

14 SECTION 13. Effective date. This act shall take effect
15 July 1, 1976.

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

COMMITTEE ON BUSINESS AFFAIRS
AND LABOR

BILL 20

A BILL FOR AN ACT

1 CONCERNING REGULATION BY THE PUBLIC UTILITIES COMMISSION OF
2 PERSONS TRANSPORTING ASHES, TRASH, WASTE, RUBBISH, AND
3 GARBAGE.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

Provides for deregulation of rates and territory of trash haulers by the public utilities commission.

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

5 SECTION 1. 40-10-101 (4) (a), Colorado Revised Statutes
6 1973, is amended to read:

7 40-10-101. Definitions. (4) (a) "Motor vehicle carrier"
8 means every person, lessee, trustee, receiver, or trustee
9 appointed by any court whatsoever owning, controlling, operating,
10 or managing any motor vehicle used in serving the public in the
11 business of the transportation of persons or property for
12 compensation as a common carrier over any public highway between
13 fixed points or over established routes, or otherwise, whether
14 such business or transportation is engaged in or transacted by

1 contract, or otherwise. and--said--"motor--vehicle--carrier"
2 specifically--includes--every--person;--lessee;--trustee;--receiver;--or
3 trustee--appointed--by--any--court--whatsoever--owning;--controlling;
4 operating;--or--managing--any--motor--vehicle--used--in--serving--the
5 public--in--the--business--of--the--transportation--of--ashes;--trash;
6 waste;--rubbish;--and--garbage--to--and--from--disposal--sites;

7 SECTION 2. 40-10-102, Colorado Revised Statutes 1973, is
8 amended to read:

9 40-10-102. Subject to control by commission. (1) All
10 motor vehicle carriers are declared to be public utilities within
11 the meaning of articles 1 to 7 of this title and are declared to
12 be affected with a public interest and subject to this article
13 and to the laws of this state, including the regulation of all
14 rates and charges pertaining to public utilities, so far as
15 applicable and not in conflict therewith.

16 (2) MOTOR VEHICLE CARRIERS TRANSPORTING ASHES, TRASH,
17 WASTE, RUBBISH, AND GARBAGE SHALL BE SUBJECT TO THIS ARTICLE
18 EXCEPT THOSE PROVISIONS CONCERNING REGULATION OF RATES AND
19 CHARGES AND ANY CONSIDERATION OF SERVICE AREAS.

20 SECTION 3. 40-10-105 (2), Colorado Revised Statutes 1973,
21 is amended to read:

22 40-10-105. Rules for issuance. (2) The granting of any
23 certificate of public convenience and necessity to operate a
24 motor vehicle for hire for the transportation of property shall
25 not be deemed to be an exclusive grant or monopoly, and the
26 doctrine of regulated competition shall prevail. The commission
27 has authority to grant more than one certificate of public

1 convenience and necessity to operate motor vehicles for the
2 transportation of property over the same route or a part thereof
3 or within the same territory or a part thereof if the commission
4 finds that the present or future public convenience and necessity
5 requires or will require such operation. THE PROVISIONS OF THIS
6 SUBSECTION (2) SHALL NOT APPLY TO MOTOR VEHICLE CARRIERS
7 TRANSPORTING ASHES, TRASH, WASTE, RUBBISH, AND GARBAGE.

8 SECTION 4. 40-10-110, Colorado Revised Statutes 1973, is
9 amended to read:

10 40-10-110. Carrier's liability insurance policy, filing.

11 Every motor vehicle carrier shall file with the commission a
12 liability insurance policy issued by some insurance carrier or
13 insurer, authorized to do business in the state of Colorado or a
14 surety bond issued by some company authorized to do a surety
15 business in the state of Colorado, in such sum, for such
16 protection, and in such form as the commission, by its rules and
17 regulations, may deem necessary to adequately safeguard the
18 public interest. THIS SECTION SHALL APPLY TO MOTOR VEHICLES USED
19 FOR TRANSPORTING ASHES, TRASH, WASTE, RUBBISH, AND GARBAGE IN
20 GENERAL SERVICE TO THE PUBLIC.

21 SECTION 5. 40-10-117, Colorado Revised Statutes 1973, is
22 amended to read:

23 40-10-117. Rates - limitations. It is unlawful for any
24 motor vehicle carrier to carry or advertise that it will carry
25 any goods or persons at rates different from those it has on file
26 with the commission for such carriage. THE PROVISIONS OF THIS
27 SECTION SHALL NOT APPLY TO MOTOR VEHICLE CARRIERS TRANSPORTING

1 ASHES, TRASH, WASTE, RUBBISH, AND GARBAGE.

2 SECTION 6. 40-11-101 (3), Colorado Revised Statutes 1973,
3 is amended to read:

4 40-11-101. Definitions. (3) "Contract carrier by motor
5 vehicle" means every corporation, person, firm, association of
6 persons, lessee, trustee, or any receiver or trustee appointed by
7 any court, other than motor vehicle carriers as defined by
8 section 40-10-101 (4), owning, controlling, operating, or
9 managing any motor vehicle in the business of transporting
10 persons or property of others, ~~or of transporting ashes, trash,~~
11 ~~waste, rubbish, and garbage to and from disposal sites;~~ for
12 compensation or hire, over any public highway of this state
13 between fixed points or over established routes, or otherwise, by
14 special contract or otherwise.

15 SECTION 7. 40-11-102, Colorado Revised Statutes 1973, is
16 amended to read:

17 40-11-102. Compliance required - exceptions. No person
18 shall operate any motor vehicle for the transportation of persons
19 or property for compensation on or over any public highway in
20 this state, except in accordance with the provisions of this
21 article or of article 10 of this title. Nothing in this article
22 shall apply to a private individual who carries a neighbor or a
23 friend on a trip, nor to motor vehicles especially constructed
24 for towing, wrecking, and repairing and not otherwise used in
25 transporting property, nor to hearses or ambulances; but this
26 article shall apply to motor vehicles used for transporting
27 ashes, trash, waste, rubbish, and garbage EXCEPT THOSE PROVISIONS

1 CONCERNING REGULATION OF RATES AND CHARGES AND ANY CONSIDERATION
2 OF SERVICE AREAS.

3 SECTION 8. 40-11-103 (1) and (2), Colorado Revised Statutes
4 1973, are amended to read:

5 40-11-103. Obtain permit from commission. (1) It is
6 unlawful for any contract carrier by motor vehicle to engage in
7 or transact the business of transporting passengers, freight,
8 merchandise, or other property over the public highways of the
9 state of Colorado in intrastate commerce without first obtaining
10 a permit therefor from the public utilities commission of the
11 state of Colorado. It is declared that the business of contract
12 carriers by motor vehicle is affected with a public interest and
13 that the safety and welfare of the public traveling upon such
14 highways, the preservation and maintenance of such highways, and
15 the proper regulation of motor vehicle common carriers using such
16 highways require the regulation of contract carriers by motor
17 vehicle to the extent provided in this article, for which
18 purposes the commission is vested with the authority to issue a
19 permit to a contract carrier by motor vehicle and may attach to
20 such permit and to the exercise of the rights and privileges
21 granted such terms and conditions as are reasonable. THE
22 PROVISIONS OF THIS SUBSECTION (1) SHALL APPLY TO CONTRACT
23 CARRIERS BY MOTOR VEHICLE TRANSPORTING ASHES, TRASH, WASTE,
24 RUBBISH, AND GARBAGE.

25 (2) No permit nor any extension or enlargement of an
26 existing permit shall be granted by the commission if in its
27 judgment the proposed operation of any such contract carrier will

1 impair the efficient public service of any authorized motor
2 vehicle common carrier then adequately serving the same territory
3 over the same general highway route. The commission shall give
4 written notice of any application for the same to all persons
5 interested in or affected by the issuance of such permit or any
6 extension or enlargement thereof, pursuant to section 40-6-108
7 (2). THE PROVISIONS OF THIS SUBSECTION (2) SHALL NOT APPLY TO
8 CONTRACT CARRIERS BY MOTOR VEHICLE TRANSPORTING ASHES, TRASH,
9 WASTE, RUBBISH, AND GARBAGE.

10 SECTION 9. 40-11-105, Colorado Revised Statutes 1973, is
11 amended BY THE ADDITION OF A NEW SUBSECTION to read:

92 40-11-105. Commission to make rules - prescribe rates. (4)
13 The provisions of subsections (2) and (3) of this section shall
14 not apply to contract carriers by motor vehicle transporting
15 ashes, trash, waste, rubbish, and garbage.

16 SECTION 10. 40-11-109, Colorado Revised Statutes 1973, is
17 amended to read:

18 40-11-109. Liability insurance or surety bond required.
19 Every contract carrier by motor vehicle shall file with the
20 commission a liability insurance policy issued by some insurance
21 carrier or insurer authorized to do business in the state of
22 Colorado or a surety bond issued by a company authorized to do a
23 surety business in the state of Colorado, in such sum, for such
24 protection, and in such form as the commission, by its rules and
25 regulations, may deem necessary to adequately safeguard the
26 public interest. THIS SECTION SHALL APPLY TO CONTRACT CARRIERS
27 BY MOTOR VEHICLE TRANSPORTING ASHES, TRASH, WASTE, RUBBISH, AND

1 GARBAGE.

2 SECTION 11. 40-11-116, Colorado Revised Statutes 1973, is
3 amended to read:

4 40-11-116. Public utilities law applies. The provisions of
5 articles 1 to 7 of this title and all acts amendatory thereof or
6 supplemental thereto shall apply insofar as applicable to all
7 contract carriers by motor vehicle subject to the provisions of
8 this article; EXCEPT THAT ANY PROVISION OF SAID ARTICLES AND ACTS
9 CONCERNING REGULATION OF RATES AND CHARGES AND OF SERVICE AREAS
10 SHALL NOT APPLY TO CONTRACT CARRIERS BY MOTOR VEHICLE
11 TRANSPORTING ASHES, TRASH, WASTE, RUBBISH, AND GARBAGE.

12 SECTION 12. Effective date. This act shall take effect
13 July 1, 1976.

14 SECTION 13. Safety clause. The general assembly hereby
15 finds, determines, and declares that this act is necessary for
16 the immediate preservation of the public peace, health, and
17 safety.

COMMITTEE ON BUSINESS AFFAIRS
AND LABOR

BILL 21

A BILL FOR AN ACT

1 CONCERNING THE FINANCIAL RESPONSIBILITY OF COMMERCIAL CARRIERS.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

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

3 SECTION 1. Article 7 of title 42, Colorado Revised Statutes
4 1973, is amended BY THE ADDITION OF A NEW PART to read:

5 PART 6

6 MOTOR CARRIERS - FINANCIAL RESPONSIBILITY

7 42-7-601. Definitions. As used in this article, unless the
8 context otherwise requires:

9 (1) "Commercial carrier by motor vehicle" means every
10 person, lessee, trustee, or receiver or trustee appointed by any
11 court (other than motor vehicle carriers as defined in section
12 40-10-101 (4), C.R.S. 1973, or contract carrier by motor vehicle
13 as defined in section 40-11-101 (3), C.R.S. 1973,) owning,
14 operating, controlling, or managing any motor vehicle used in the
15 transportation of property sold or to be sold by such person,

1 lessee, trustee, or receiver or trustee appointed by any court in
2 the furtherance of any contract commercial enterprise or of
3 property of which such person is the owner or lessee when such
4 property is transported for the purpose of lease or rent over any
5 public highway of this state between fixed points or over
6 established routes, or otherwise.

7 (2) "Department" means the department of revenue of the
8 state of Colorado.

9 (3) "Person" means any individual, partnership,
10 corporation, company, association, joint stock association, or
11 other legal entity.

12 42-7-602. Application to operation of motor vehicles. No
13 person shall operate any motor vehicle for the transportation of
14 property sold or to be sold by such person in the furtherance of
15 any private commercial enterprise, or property of which such
16 person is the owner or lessee, when transported for the purpose
17 of lease or rent on or over any public highway of this state,
18 except in accordance with the provisions of this part 6. Nothing
19 in this part 6 shall apply where any person transports property
20 belonging to such person which is not sold or to be sold in the
21 furtherance of any private commercial enterprise and which is not
22 owned or leased and transported for the purpose of lease or rent.

23 42-7-603. Permit required - when. (1) It is unlawful for
24 any commercial carrier by motor vehicle to engage in the
25 transportation of property over the public highways of this state
26 without first having obtained a permit therefor from the
27 department. It is declared that the use of the public highways

1 by commercial carriers by motor vehicle is affected with a public
2 interest and that the safety and welfare of the public traveling
3 upon such highways, the preservation and maintenance of the same,
4 and the proper regulation of motor vehicle common carriers using
5 the highways require the regulation of commercial carriers by
6 motor vehicle to the extent provided in this part 6, and the
7 department upon application shall issue a permit to a commercial
8 carrier by motor vehicle and may attach to such permit, and to
9 the exercise of the rights granted thereunder, such terms and
10 conditions as are reasonable and consistent with the safety of
11 the public.

12 (2) This part 6 shall not apply to any motor vehicle
13 carrier as defined in section 40-10-101 or to any contract
14 carrier by motor vehicle as defined in section 40-11-101, nor
15 shall anything contained in this part 6 be construed or applied
16 so as to compel a commercial carrier by motor vehicle to be or
17 become a common carrier or to subject such commercial carrier by
18 motor vehicle to the laws or rules and regulations applicable to
19 a common carrier or a contract carrier by motor vehicle, unless
20 such commercial carrier by motor vehicle is also engaged in the
21 business of transporting persons or property for compensation or
22 hire as a motor vehicle common carrier or as a contract carrier
23 by motor vehicle.

24 42-7-604. Fees - collection and disposition. The
25 department shall collect from all commercial carriers by motor
26 vehicle a filing fee for application for a permit and for the
27 issuance of the same of ten dollars. All fees collected under

1 this section shall be paid to the department which shall deposit
2 the same in the office of the state treasurer to be credited to
3 the general fund.

4 42-7-605. Insurance or bond required. Every commercial
5 carrier by motor vehicle shall file with the department a
6 liability insurance policy, issued by some insurance carrier or
7 insurer authorized to do business in the state of Colorado, or a
8 surety bond, issued by some company authorized to do a surety
9 business in the state of Colorado, in such sum, for such
10 protection, and in such form as the commission, by its rules and
11 regulation, may deem necessary to adequately safeguard the public
12 interest.

13 42-7-606. Suspension or revocation of permit - procedure.
14 The commission, by order duly entered, may revoke, suspend,
15 alter, or amend any such permit when it has been established to
16 the satisfaction of the department, after a hearing and upon
17 notice to the holder of any permit issued under this part 6, that
18 such holder has violated any of the provisions of this part 6 or
19 any of the terms and conditions of his permit or has exceeded the
20 authority granted by such permit.

21 42-7-607. Rules and regulations. The department shall
22 promulgate such rules and regulations as may be reasonably
23 necessary for the effective administration of the provisions of
24 this part 6.

25 42-7-608. Exemptions. (1) Nothing in this part 6 shall be
26 construed so as to apply to or prohibit the following:

27 (a) Transportation of farm products or livestock to market

1 by any farmer or producer when selling or delivering only such
2 farm products or livestock as have been actually grown or
3 produced by such farmer or producer;

4 (b) Transportation by such farmer or producer of supplies
5 to the farm for his own use if such farm products, livestock, or
6 supplies are transported in a motor vehicle actually belonging to
7 any such farmer or producer;

8 (c) Motor vehicles owned and operated by the United States,
9 the state of Colorado, or any county, city, town, or municipal
10 corporation in this state or by any department of any of them;

11 (d) Motor vehicles especially constructed for towing,
12 wrecking, and repairing, and not otherwise used in transporting
13 property;

14 (e) Hearses or ambulances.

15 (2) Nothing in this article shall be construed as
16 preventing a farmer from occasionally exchanging transportation
17 work with a neighbor.

18 42-7-609. Interstate and foreign carriers. The provisions
19 of this part 6 shall apply to commercial carriers by motor
20 vehicle engaged wholly or in part in interstate or foreign
21 commerce, except insofar as the same may be or become ineffective
22 under the provisions of the constitution of the United States or
23 of the acts of congress.

24 42-7-610. Penalties for violation. Any commercial carrier
25 by motor vehicle who violates the provisions of this part 6 is
26 guilty of a misdemeanor and, upon conviction thereof, shall be
27 punished by a fine of not more than one thousand dollars, or by

1 imprisonment in the county jail for not more than six months, or
2 by both such fine and imprisonment. Investigative personnel of
3 the department have all the powers conferred by law upon peace
4 officers to make arrests and to serve warrants and other process
5 in any county or city and county of this state.

6 42-7-611. Jurisdiction of courts. The district court or
7 within its jurisdiction the county court of any county in or
8 through which any commercial carrier by motor vehicle operates
9 shall have jurisdiction in all matters arising under this part 6
10 on account of the operations of such commercial carrier by motor
11 vehicle, except as otherwise provided in this part 6. It is the
12 duty of the district attorneys having jurisdiction in each such
13 county in which such commercial carrier by motor vehicle operates
14 to prosecute all violations of the provisions of this part 6.

15 SECTION 2. 10-4-707 (4), Colorado Revised Statutes 1973, is
16 amended to read:

17 10-4-707. Benefits payable. (4) When an accident involves
18 the operation of a motor vehicle by a person who is neither the
19 owner of the motor vehicle involved in the accident nor an
20 employee of the owner, and the operator of the motor vehicle is
21 an insured under a complying policy other than the complying
22 policy insuring the motor vehicle involved in the accident,
23 primary coverage as to all coverages provided in the policy under
24 which the operator is an insured shall be afforded by the policy
25 insuring the said operator and any policy under which the owner
26 is an insured shall afford excess coverage. When an accident
27 involves the operation of a motor vehicle regulated under the

1 provisions of article 10 OR 11 ~~or 12~~ of title 40 OR PART 6 OF
2 ARTICLE 7 OF TITLE 42, C.R.S. 1973, the provisions of subsection
3 (3) of this section shall apply.

4 SECTION 3. 22-32-128, Colorado Revised Statutes 1973, is
5 amended to read:

6 22-32-128. Use of school buses by residents of district.

7 At times to be specified by the board, motor vehicles used for
8 the transportation of pupils pursuant to the provisions of
9 section 22-32-113 shall be available to groups of five or more
10 residents of the district who are sixty-five years of age or
11 older for use within or without the district. The board of
12 education of each school district of the state shall adopt
13 policies regarding the reasonable use of such vehicles by groups
14 of persons with special consideration being given those residents
15 who are sixty-five years of age or older. Such motor vehicles
16 shall be covered by an insurance policy similar to, with limits
17 not less than, the insurance coverage which is in effect while
18 said motor vehicles are used for the transportation of pupils. To
19 the extent that such policies provide for the reimbursement to
20 the school district of all the expenses of the operation of such
21 motor vehicles as determined by the school district auditor, no
22 such reimbursement shall constitute compensation, and it shall
23 not subject the school district to the provisions of article 10
24 OR 11 ~~or 12~~ of title 40 OR PART 6 OF ARTICLE 7 OF TITLE 42,
25 C.R.S. 1973. The miles traveled and the costs expended under
26 this article shall not be allowable for the computation of
27 benefits accruing to a school district under the provisions of

1 article 51 of this title.

2 SECTION 4. 40-2-116, Colorado Revised Statutes 1973, is
3 amended to read:

4 40-2-116. Motor carrier safety regulations. The commission
5 has the duty to establish for motor carriers, subject to articles
6 10 ~~to-12~~ AND 11 of this title, reasonable requirements to promote
7 safety of operation and, to that end, prescribe qualifications
8 and maximum hours of service of employees and minimum standards
9 of equipment and for the operation thereof. For the purpose of
10 carrying out the provisions of this section pertaining to safety,
11 the commission may avail itself of the assistance of any agency
12 of the United States or of this state having special knowledge of
13 any such matter as may be necessary to promote the safety of
14 operation and equipment of motor vehicles as provided in this
15 section. In adopting such rules and regulations, the commission
16 shall use as general guidelines the standards contained in the
17 current rules and regulations of the United States department of
18 transportation relating to explosives and other dangerous
19 articles, safety regulations, qualifications of drivers, driving
20 of motor vehicles, parts and accessories, recording and reporting
21 of accidents, hours of service of drivers, and inspection and
22 maintenance of motor vehicles.

23 SECTION 5. Repeal. Article 12 of title 40, Colorado
24 Revised Statutes 1973, is repealed.

25 SECTION 6. Effective date. This act shall take effect July
26 1, 1976.

27 SECTION 7. Safety clause. The general assembly hereby

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

COMMITTEE ON BUSINESS AFFAIRS
AND LABOR

BILL 22

A BILL FOR AN ACT

1 CONCERNING EXEMPTIONS OF CERTAIN PROPERTY UNDER LEASE FROM LIENS
2 FOR INCOME, SALES, AND USE TAXES.

Bill Summary

(NOTE: This summary applies to this bill as introduced and does not necessarily reflect any amendments which may be subsequently adopted.)

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

4 SECTION 1. 39-22-604 (7) (c), Colorado Revised Statutes
5 1973, is amended, and the said 39-22-604 (7) is further amended
6 BY THE ADDITION OF A NEW PARAGRAPH, to read:

7 39-22-604. Withholding tax. (7) (c) The real or personal
8 property of an owner who has made a bona fide lease to an
9 employer shall be exempt from the lien created in paragraph (a)
10 of this subsection (7) if such property can reasonably be
11 identified from the lease description and if the lessee is given
12 no right to become the owner of the property leased. This
13 exemption shall be effective from the date of the execution of
14 the lease provided the lease or a memorandum thereof is filed or
15 recorded with the ~~clerk--and--recorder-of-the-county-where-the~~

1 ~~property-is-located-or-based~~ DEPARTMENT OF REVENUE ON SUCH FORM
2 AS MAY BE PRESCRIBED BY SAID DEPARTMENT within ten days after the
3 execution of the lease. Where the lessor and lessee are blood
4 relatives, relatives by law, or have twenty-five percent or more
5 common ownership, a lease between such lessee/lessor shall not be
6 considered bona fide for purposes of this section.

7 (e) Under leases where the lessee is given the right or may
8 have an obligation to become the owner of the property, the lien
9 created in paragraph (a) of this subsection (7) shall extend only
10 to the lessee's interest therein.

11 SECTION 2. 39-26-117 (1) (b), Colorado Revised Statutes
12 1973, is amended, and the said 39-26-117 (1) is further amended
13 BY THE ADDITION OF A NEW PARAGRAPH, to read:

14 39-26-117. Tax lien - exemption from lien. (1) (b) The
15 real or personal property of an owner who has made a bona fide
16 lease to a retailer shall be exempt from the lien created in
17 paragraph (a) of this subsection (1) if such property can
18 reasonably be identified from the lease description and if the
19 lessee is given no right to become the owner of the property
20 leased. This exemption shall be effective from the date of the
21 execution of the lease provided the lease or a memorandum thereof
22 is filed or recorded with the ~~county-clerk-and-recorder-of-the~~
23 ~~county-where-the-property--is--located--or--based~~ DEPARTMENT OF
24 REVENUE ON SUCH FORM AS MAY BE PRESCRIBED BY SAID DEPARTMENT
25 within ten days after the execution of the lease. Where the
26 lessor and lessee are blood relatives, relatives by law, or have
27 twenty-five percent or more common ownership, a lease between

1 such lessee/lessor shall not be considered bona fide for purposes
2 of this section.

3 (f) Under leases where the lessee is given the right or may
4 have an obligation to become the owner of the property, the lien
5 created in paragraph (a) of this subsection (1) shall extend only
6 to the lessee's interest therein.

7 SECTION 3. 39-26-205 (3), Colorado Revised Statutes 1973,
8 is amended, and the said 39-26-205 is further amended BY THE
9 ADDITION OF A NEW SUBSECTION, to read:

10 39-26-205. Tax constitutes lien - exemption from lien.

11 (3) The real or personal property of an owner who has made a
12 bona fide lease to any taxpayer described in subsection (1) of
13 this section shall be exempt from the lien created therein if
14 such property can reasonably be identified from the lease
15 description, and if the lessee is given no right to become the
16 owner of the property leased. This exemption shall be effective
17 from the date of the execution of the lease if the lease or a
18 memorandum thereof is filed or recorded with the ~~county-clerk-and~~
19 ~~recorder-of-the-county-where-the-property--is--located--or--based~~
20 DEPARTMENT OF REVENUE ON SUCH FORM AS MAY BE PRESCRIBED BY SAID
21 DEPARTMENT within ten days after the execution of the lease.
22 Where the lessor and lessee are blood relatives, relatives by
23 law, or have twenty-five percent or more common ownership, a
24 lease between such lessee/lessor shall not be considered bona
25 fide for purposes of this section.

26 (5) Under leases where the lessee is given the right or may
27 have an obligation to become the owner of the property, the lien

1 created in subsection (1) of this section shall extend only to
2 the lessee's interest therein.

3 SECTION 4. Effective date. This act shall take effect
4 January 1, 1977.

5 SECTION 5. Safety clause. The general assembly hereby
6 finds, determines, and declares that this act is necessary for
7 the immediate preservation of the public peace, health, and
8 safety.

LEGISLATIVE COUNCIL
COMMITTEE ON EDUCATION

Members of the Committee

Sen. Hugh Fowler, Chairman	Rep. Don Brinton
Rep. Leo Lucero, Vice-Chairman	Rep. Paul Brown
Sen. Robert Allshouse	Rep. Forrest Burns
Sen. William Comer	Rep. Bill Hilsmeier
Sen. Eldon Cooper	Rep. Wayne Knox
Sen. Dennis Gallagher	Rep. Phillip Massari
Sen. Robert Johnson	Rep. Laura Miller
Sen. Kingston Minister	Rep. Robert Ore
Sen. Ted Strickland	Rep. Clarence Quinlan
	Rep. Virginia Sears
	Rep. Mick Spano

Council Staff

Joyce Emerson
Research Associate

Linda Waldman
Senior Research Assistant

COMMITTEE ON EDUCATION

The Committee on Education, created pursuant to House Joint Resolution 1046, 1975 session, was directed to study the "Handicapped Children's Educational Act", pre- and post-graduate education of health care personnel, the child health associate program, the data acquisition reporting and utilization project of the Department of Education, alternatives to current procedures for the employment and dismissal of employees of the Colorado School for the Deaf and the Blind who are not covered by the state personnel system, the task force reports of the comprehensive planning effort of the Department of Higher Education, and tuition and fees at institutions of higher education in Colorado.

The committee heard testimony on and discussed each of the topics designated for study. Hearings were informative as to existing conditions or problems, and information provided to the committee will be an important resource material for setting direction and priorities for future action. However, the committee concludes at this time that while several problems have been discovered and explored, the evidence submitted to the committee is not sufficient to justify the recommendation of any proposals for legislative action, except in regard to the School for the Deaf and the Blind and the role of the Commission on Higher Education.

Handicapped Children's Educational Act

The committee reviewed the provisions and implementation of the "Handicapped Children's Educational Act" in light of the uncertainty of federal funding under Title XX of the Social Security Act. The committee examined a definition of "education" under the act, the services provided by various state agencies including school districts, community center boards, and institutions, and the needs of both the handicapped child and the non-handicapped child in the classroom. In addition, the committee discussed the need to clarify the responsibility of administrative units to the mentally retarded and seriously handicapped under the HCEA and reimbursement procedures for contracted services for certain personnel used or provided by the administrative units, such as public health nurses and audiologists.

During the hearings, the committee learned of possible problem areas within the act. This is the first year for full implementation and the committee encourages each legislator to become familiar with the situation in his own school districts to facilitate further study of the issue.

Health Care Personnel

The committee heard testimony on current programs for the education of physicians, dentists, nurses, and other health care per-

sonnel, with particular emphasis on the child health associate program, the requirements for admission to and curriculum required by medical schools, and the medical manpower needs in Colorado.

Task Force Reports

The committee reviewed the task force reports of the comprehensive planning effort of the Commission on Higher Education in the following areas:

- Access and Delivery;
- Governance and Process;
- Roles of Public Colleges and Universities;
- Graduate Education and Research;
- Manpower and Educational Policy; and
- Pricing.

Tuition and Fees

The committee examined both the present method of determining tuition at Colorado's institutions of higher education and alternatives to this system, such as a voucher or individual grant program, tuition subsidies for targeted groups, and a foundation program for the state higher education institutions. Both the Task Force on Pricing, which studied these issues, and the Colorado Commission on Higher Education told the committee they supported the present system although alternatives were being reviewed due to budgetary and fiscal constraints. In addition, the committee discussed the relationship of tuition to credit load, the definition of a full-time student for tuition purposes and for budgetary purposes, and the difficulty operating within these two definitions.

The committee also heard testimony from representatives of student bodies and administration of Colorado's institutions of higher education on the present status of student fees and the degree of control which students have in determining the amount and the use of such fees. Particular emphasis was placed on the bonding issues involved when one group of students indebts future students for the cost of buildings those future students might not want, legal recourse for bondholders in case of default, and bonding difficulties in today's uncertain market.

Adult Education

The committee heard extensive testimony from the profusion of departments involved with adult education services. One problem, as

expressed to the committee, is that there is a lack of coordination among the providers of adult education services (state, private, and other governmental agencies) which can result in a serious duplication of service, confused responsibilities, and increased program costs.

At the request of the committee, the Departments of Education and Higher Education (the primary state providers of adult education services) were asked to discuss their relative jurisdictions in this area and to suggest possible legislative changes which would be necessary to clarify responsibilities.

At this time, these departments have no policy to propose concerning the redefinition of their respective roles. The committee is assured that communication will continue and efforts will be made to review the need for coordination and definition of roles, particularly with regard to the elimination of any duplication in the provision of the basic education components in the public schools and the community colleges.

However, several members of the committee have indicated their interest in sponsoring a resolution to clarify jurisdiction in this area by designating the State Board for Community Colleges and Occupational Education as the state agency responsible for collecting, updating, and disseminating information concerning adult education services.

School for the Deaf and the Blind

The committee reviewed the status of the teachers at the School for the Deaf and the Blind who are not in the personnel system of the state. The committee concluded that the state constitutional and statutory provisions are ambiguous as to whether the faculty of the school should be excluded from the state personnel system.

Although the committee recognizes that some administrative steps are being taken to develop for the teachers a comprehensive employment and dismissal policy with the necessary procedural safeguards, it is apparent that need for statutory resolution of the exemption question, plus definition of personnel to be covered and due process for dismissal, requires legislative action. No specific bill on this issue is recommended, but the Governor will be asked to place the question on his call.

After reviewing the role of the school, the committee believes that the emphasis at the school is more on education rather than institutionalization. It is therefore recommended that the School for the Deaf and the Blind be transferred by a type 2 transfer to the Department of Education from the Department of Institutions. The committee has not prepared a separate bill on this topic, but suggests it be included in the aforementioned legislation on personnel practices.

Meetings with Governing Boards of Institutions of Higher Education

The committee hearings were augmented by testimony from members of governing boards of colleges and universities. Roles, governance, and budget procedures were the principal topics of informal conversations. The cost of the present multi-layer budget request process was a subject of considerable concern to the committee and the boards. The budgets of the institutions are reviewed by the Colorado Commission on Higher Education, the Office of State Planning and Budgeting, and the Joint Budget Committee, a procedure which can require a number of similar hearings for the institutions compounding the time and cost involved. The estimated cost to the institutions of solely the budget request process is:

<u>Governing Board</u>	<u>Cost</u>	<u>Comment</u>
Colorado School of Mines	\$ 75,000	total budget effort - 1974-1975
State Board for Community Colleges and Occupational Education	300,000	cost for individual institutions and board
University of Northern Colorado	56,000	add 25 percent to cost for time "donated" for night and at-home work
Trustees of State Colleges	275,000	cost for individual institutions and board - non-administrative costs
University of Colorado	406,000	direct costs plus direct FTE - excluding administrative officers, e.g., department chairmen
Board of Agriculture	333,619	cost for individual institutions and board - 1974-1975

Many board members expressed their concern to the committee about the role of the Commission on Higher Education in this process. Several board members contended that the role of the commission should be one of coordination, particularly with regard to overall policies and programs, rather than one of line-item budget analysis. The committee has no specific legislation in this area but recommends that the commission's involvement in the budgetary process be reviewed and that the topic be included on the Governor's call.