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**Colorado Department of Revenue
Liquor Enforcement Division
Adoption of Revised Rule on an Emergency Basis
Colorado Liquor Rules, 1 C.C.R. 203-2**

Emergency Rule

Regulation 47-506 – Fees

Statement of Emergency Justification and Adoption

Pursuant to sections 24-4-103, 12-47-202, and 12-47-501, C.R.S., I, Barbara J. Brohl, Executive Director of the Department of Revenue and State Licensing Authority, hereby adopt the aforementioned revised Colorado Liquor Rule which is attached hereto.

Section 24-4-103(6), C.R.S., authorizes the State Licensing Authority to issue an emergency rule if the State Licensing Authority finds that the immediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare and compliance with the requirements of section 24-4-103, C.R.S., would be contrary to the public interest.

I find: (1) the adoption of this revised rule effective January 1, 2017, is necessary to comply with the statutory mandates of the Colorado Liquor Code sections 12-47-101 to 12-47-1002, C.R.S.; (2) the adoption of this revised rule is necessary to preserve the public health, safety, and welfare; and (3) compliance with the notice and public hearing requirements of section 24-4-103, C.R.S., would be contrary to the public interest.

Statutory Authority

The statutory authority for this revised rule is found at subsections 12-47-102, 12-47-202(1)(b), 12-47-202(2)(a), 12-47-501(2)(a)-(b) and (d), C.R.S.

Purpose

The purpose of the revision to this rule on an emergency basis is to update the fee levels in accordance with statutory requirements and the needs of the Liquor Enforcement Division. Pursuant to subsection 12-47-501(2)(d), C.R.S. the fees established pursuant to section 12-47-501, C.R.S. shall be reviewed at least annually and adjusted to reflect the direct and indirect costs of the Liquor Enforcement Division and the State Licensing Authority. In accordance with the legislative declaration of section 12-47-102, C.R.S., the Colorado Liquor Code is deemed an exercise of the police powers of the State of Colorado for the protection of the economic and social welfare and the health, peace, and morals of the people of the State of Colorado. Regulation of the manufacture, distribution, and sale of alcohol beverages is regulated by the Colorado Liquor Code as a matter of statewide concern. It is imperatively necessary to adjust fees upward to ensure continued proper regulation and control over the administration and enforcement of articles 46, 47, and 48 of title 12 to meet these legislative charges and responsibilities in order to preserve the public health, safety, and welfare of the State of Colorado.

The State Licensing Authority filed a permanent rulemaking notice for this rule on December 22, 2016. A public hearing on the proposed permanent rule will take place on February 9, 2017. That process will include the opportunity for substantial stakeholder and public participation.

Adoption

The State Licensing Authority is adopting this revised rule on an emergency basis to assure the public is provided with notice of the fees that the State Licensing Authority currently collects. Adoption of these emergency rules will clarify the fee schedule for applicants and licensees.

A permanent rule for an updated fee schedule under Regulation 47-506, 1 C.C.R. 203-2 was recently adopted by the State Licensing Authority on November 18, 2016, after notice and public hearing. That permanent rule is scheduled for implementation on January 01, 2017. This emergency rule supersedes the adopted Regulation 47-506, 1 C.C.R. 203-2.

This emergency rule is effective January 1, 2017. The prior version of Regulation 47-506, 1 C.C.R. 203-2 is hereby repealed and replaced by the attached emergency rule which will remain in effect until its expiration upon 120 days from the effective date unless sooner terminated or replaced by a permanent rule.



Barbara J. Brohl
Executive Director
Colorado Department of Revenue
State Licensing Authority



Date