



COLORADO

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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, 44-3-202, and 44-3-501, C.R.S., I, Michael S. Hartman, 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, 2019 is imperatively necessary to comply with the statutory mandates of the Colorado Liquor Code sections 44-3-101 to 44-3-1002, C.R.S.; (2) the adoption of this revised rule is imperatively 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 44-3-102, 44-3-201(1), 44-3-202(1)(b), 44-3-202(2)(a), and 44-3-501(3)(a)-(b), (d) and (4), 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 44-3-501(3)(d), C.R.S., the fees established pursuant to section 44-3-501, 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. Furthermore, pursuant to subsection 44-3-501(2), C.R.S., such fees may be reduced if necessary pursuant to section 24-75-402(3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited.

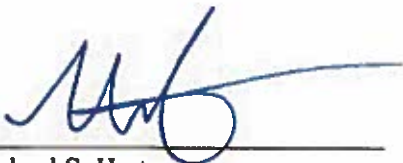
In accordance with the legislative declaration of section 44-3-102, C.R.S., the Colorado Liquor Code is deemed an exercise of the police powers of the State of Colorado for the protection of the economic and social welfare and the health, peace, and morals of the people of the State of Colorado. Regulation 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 downward to ensure continued proper regulation and control over the administration and enforcement of articles 3, 4, and 5 of title 44 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 in conjunction with this Statement of Emergency Justification and Adoption. A public hearing on the proposed permanent rule will take place on February 4, 2019 at 1:00 P.M. at the Marijuana Enforcement Division, 1707 Cole Blvd, Suite 300, Golden, CO 80401; in the "Red Rocks" conference room. 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: (1) to comply with subsection 44-3-501(3)(d) C.R.S., requiring adjustment of fees when necessary to reflect the direct and indirect costs of the Liquor Enforcement Division and the State Licensing Authority; (2) to comply with subsections 44-3-501(2) and 24-75-402(3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited; and (3) 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.

This emergency rule is effective January 1, 2019. 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 adoption date unless sooner terminated or replaced by a permanent rule.



Michael S. Hartman
Executive Director
Colorado Department of Revenue
State Licensing Authority

12/27/18

Date