



Notice of Proposed Rulemaking

Office of the Secretary of State Rules Concerning Bingo and Raffles Games 8 CCR 1505-2

Date of notice: July 15, 2021

Date and time of public hearing: August 24, 2021 at 1:00 p.m.

I. Hearing Notice

As required by the State Administrative Procedure Act,¹ the Secretary of State gives notice of proposed rulemaking. The hearing is scheduled for August 24, 2021 at 1:00 p.m. **This meeting will be conducted via webinar.** Details regarding how to join the webinar and testify during the hearing are outlined in section VI of this notice.

II. Subject

The Secretary is considering amendments to the bingo and raffles games rules² to improve the administration and enforcement of Colorado bingo and raffles laws.³

Specifically, the Secretary proposes permanent rule revisions necessary to: implement changes made by Senate Bill 21-055 concerning collection of state debts; update rules concerning closing a bingo game, opening a new pull tab deal during progressive bingo, suspending progressive pull tab operations, and authorizing prepackaged games for playing progressive raffles; eliminate obsolete provisions; organize existing rules for clarity; simplify the language of existing rules; and ensure consistency with Department rulemaking standards. The Secretary may consider additional rule amendments.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

¹ Section 24-4-103(3)(a), C.R.S. (2020).

² 8 CCR 1505-2.

³ Article XVIII, Section 2 of the Colorado Constitution and Part 6, Article 21, Title 24 of the Colorado Revised Statutes.

III. Statutory authority

The Secretary proposes the rule revisions and amendments in accordance with the following statutory provisions:

- Section 24-21-605(1)(b), C.R.S., (2020), which authorizes the Secretary of State to “supervise the administration and enforcement of [the Bingo and Raffles Law] and, in consultation with the board, to adopt, amend, and repeal rules governing the holding, operating, and conducting of games of chance[.]”
- Section 24-21-617(5), C.R.S., (2020), which requires the Secretary of State to establish by rule the method of play for games of chance.
- Section 24-21-620(2)(f)(I), C.R.S., (2020), which authorizes the Secretary of State to establish by rule the permitted methods of conducting a progressive raffle.
- Senate Bill 21-055; enacted March 21, 2021.

IV. Copies of draft rules

A preliminary draft of the proposed rules is posted on the Secretary of State’s rules and notices of rulemaking website at:

www.sos.state.co.us/pubs/rule_making/hearings/2021/BingoRulesHearing20210824.html.

You may also contact our office to request an editable electronic copy of the draft rules.

As required by the State Administrative Procedures Act,⁴ if changes are made before the hearing, revised proposed draft rules will be available to the public and posted on the website by August 19, 2021.

V. Opportunity to testify and submit written comments

The Secretary values your feedback in our rulemaking process and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the attached proposed draft rules.

Everyone will have the opportunity to testify and provide written comment concerning the rule amendments. You may submit written comments to SoS.Rulemaking@sos.state.co.us any time before and during the hearing. Additional opportunity to comment in writing will be announced at the conclusion of the hearing. Information regarding how to testify during the webinar hearing is providing in section VI of this notice.

⁴ Section 24-4-103(3)(a), C.R.S. (2020). “Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

As soon as possible after receipt, written comments will be posted online at the Secretary of State website:

www.sos.state.co.us/pubs/rule_making/hearings/2021/BingoRulesHearing20210824.html.

We will redact apparent personal contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor. All written comments will be added to the official rulemaking record.

VI. Webinar and audio recording of hearing

Register for the webinar hearing

To join and listen to the hearing, you must register for the webinar online: <https://attendee.gotowebinar.com/register/3975766292490274571>

When you register, you must provide your full name and email address. Please provide additional contact information including your address and telephone number. You may also provide your job title and organization. Lastly, indicate whether you plan to testify during the hearing. When you submit your registration, you should receive a confirmation email including details about how to join the webinar.

Webinar hearing procedures

At the beginning of the webinar, we will mute all public participants. After the introduction and a brief summary of the rulemaking, we will open the hearing to testimony as follows:

- Referencing registration records, we will identify and individually unmute participants who indicated that they plan to testify during the hearing.
- When we exhaust the list, we will ask whether any additional attendees wish to testify. Attendees may raise/lower their hand by clicking the icon in their control panel.
- To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

Before the hearing concludes, we will announce an additional opportunity to submit written comments and the associated deadline.

Webinar audio requirements

Please be advised: we strongly encourage attendees to join the webinar through their computer even if they use their telephone to dial in for audio. To testify during the hearing, it is best to use your computer microphone and speakers or a headset. As outlined above, we will first receive testimony from attendees whose registration indicates that they plan to provide testimony and then we will offer attendees the option to raise their hand. If you access the webinar only by telephone, you may not appear in our webinar attendee list meaning we may not be able to unmute you. Moreover, the raise your hand feature is only available to attendees who access the webinar by computer.

Audio recording

After the hearing concludes, a recording will be available on our audio broadcasts page here: https://www.sos.state.co.us/pubs/info_center/audioBroadcasts.html.

VII. Office contact

If you have any questions or would like to submit written comments, please contact the Department Rulemaking Program Manager at SoS.Rulemaking@sos.state.co.us or (303) 894-2200 ext. 6329.

Dated this 15th day of July, 2021,

Christopher P. Beall
Deputy Secretary of State

For

Jena Griswold
Colorado Secretary of State



Draft Statement of Basis, Purpose, and Specific Statutory Authority

Office of the Secretary of State Rules Concerning Bingo and Raffles Games 8 CCR 1505-2

July 15, 2021

I. Basis and Purpose

This statement explains proposed amendments to the Colorado Secretary of State Bingo and Raffles Games Rules. The Secretary is considering amendments to ensure uniform and proper administration, implementation, and enforcement of Colorado bingo and raffles laws,¹ answer questions arising under these laws, and improve the administration of bingo and raffles games in Colorado. Such amendments include revisions proposed by Colorado Bingo-Raffle Advisory Board members and bingo-raffle stakeholders.

Specific proposed changes include:

- Amendments to Rules 3.1.5(b) and (d) to clarify the procedures for closing a bingo. Specifically, the amendments provide procedures if a caller fails to hear a player signal bingo and for verifying a bingo. These amendments increase fairness in bingo playing and decrease the potential for disputes.
- Amendments to Rule 5.4.1 to clarify that a licensee may only open the next deal in a progressive pull tab game when a winner is not immediately discovered and to specify the requirements for ensuring that a winner has sufficient notice. These amendments increase efficiency for licensees by allowing them to proceed to the next deal when the sole outstanding issue is to determine the last deal's winner. The amendment also ensures that a winner has sufficient time to come forward to claim a prize.
- Amendments to Rule 5.4.3 to clarify that a licensee may suspend play of a progressive pull tab game only while operating a pari-mutuel bingo operation. Pari-mutuel bingo is played during short and rapidly played sessions. Suspension of the requirement to sell progressive pull tabs during a pari-mutuel session increases efficiency for licensees.

¹ Article XVIII, Section 2 of the Colorado Constitution and Part 6, Article 21, Title 24 of the Colorado Revised Statutes.

- Amendments to Rule 8.4 to authorize licensees to use prepackaged games for playing card progressive raffles and to specify the requirements for these games. These amendments increase variety for licensees conducting progressive raffle games and create additional opportunities for licensed suppliers.
- Repeal of Current Rule 15.6.3 which references referral of fines to the Central Collection Services (CSS) for collection. This Rule is outdated because SB 21-055 eliminated the CSS and made state agencies responsible for collecting their own debts.

Other changes to rules not specifically listed are non-substantive and necessary for consistency with Department rulemaking format and style. Cross-references in rules are also corrected or updated.

II. Rulemaking Authority

The statutory authority is as follows:

- Section 24-21-605(1)(b), C.R.S., (2020), which authorizes the Secretary of State to “supervise the administration and enforcement of [the Bingo and Raffles Law] and, in consultation with the board, to adopt, amend, and repeal rules governing the holding, operating, and conducting of games of chance[.]”
- Section 24-21-617(5), C.R.S., (2020), which requires the Secretary of State to establish by rule the method of play for games of chance.
- Section 24-21-620(2)(f)(I), C.R.S., (2020), which authorizes the Secretary of State to establish by rule the permitted methods of conducting a progressive raffle.
- Senate Bill 21-055; enacted March 21, 2021.