

STATE OF COLORADO
Department of State
1700 Broadway
Suite 300
Denver, CO 80290



Mike Coffman
Secretary of State

Andrew Whitfield
Acting Director, Licensing & Enforcement Division

Notice of Temporary Adoption

Pursuant to C.R.S. 12-9-103 and the rule-making provisions of the State Administrative Procedures Act, C.R.S. 24-4-103, I, William A. Hobbs, Colorado Deputy Secretary of State and bingo-raffle licensing authority, do hereby adopt and give NOTICE of the temporary adoption this 30th day of April 2008, effective this date, of amended Rules 4, 8, 13 and 16 the Rules Regulating Bingo and Raffles, which adoptions are necessary for the implementation of HB 08-1273, "Concerning the regulation of games of chance by the secretary of state...."

William A. Hobbs
Deputy Secretary of State

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Statement of Emergency Justification and Reasons for the Adoption of Temporary Rules

The rules to which this statement pertains are primarily those to implement House Bill 08-1273, "Concerning continuation of the regulation of games of chance by the Secretary of State..." in Rules Regulating Bingo and Raffles.

The Secretary of State finds that immediate adoption of these rules is imperative to comply with state law, as well as for the public welfare, and that compliance with the full requirements of C.R.S. 24-4-103 would therefore be contrary to the public interest.

These rules are necessary for the implementation of amendments which occurred to the bingo and Raffles Law, Article 9 of Title 12 of the Colorado Revised Statutes, with the enactment of House Bill 08-1273 on April 3, 2008. Due to the passage of HB 08-1273 on this date, it leaves insufficient time to promulgate permanent rules and necessitates the adoption of temporary rules to regulate the changes to the law.

For this reason, these emergency rules must be expeditiously adopted.

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New and Amended Rules Covering and Regulating Bingo and Raffles

Statement of Basis, Purpose and Specific Statutory Authority

Basis and Purpose

These rules are based upon the provisions of HB 08-1273, “Concerning Continuation of the Regulation of Games Chance by the Secretary of State...”, and upon information and recommendations from:

- Bingo-raffle supplier, manufacturer and landlord licensees;
- Charitable gaming administration and administrative regulation of other states; and
- The Colorado Bingo-Raffle Advisory Board.

It is the general purpose of these rules to clarify and carry out the provisions of HB 08-1273, as well as to comply with the specific rule-making requirements of the act. The specific purposes of the individual amendments and additions are as follows:

1. The amendment to Rule 4 which adds a new section providing for an increase in the total number of bingo games to be held per year due to the repeal of 12-9-107(7) CRS in HB 08-1273.
2. The amendments to Rule 8, Section A, Subsection 1(a), and Subsection 2, which allows Bingo-Raffle licensees to offer cash as a promotional prize due to the deletion of language in 12-9-102.5 from the passage of HB 08-1273.
3. The amendment to Rule 13, Section C, which allows Landlord licensees to offer cash as a promotional prize due to the deletion of language in 12-9-102.5 from the passage of HB 08-1273.
4. The amendment to Rule 16, Section A, Subsection 5 following from the change to Rule 4.

Authority for Proposed Rulemaking

These rules are promulgated in accordance with the State Administrative Procedure Act, specifically C.R.S. 24-4-103, “**Rule-making-procedure,**” and pursuant to the specific statutory authority granted to the Secretary of State by the Colorado Bingo and Raffles Law at C.R.S. 12-9-103(1), “**Licensing authority – powers – duties.**”

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New Rule 4.0.A.9 would be adopted as follows:

4.0.A.9. **NUMBER OF GAMES ALLOWED.** NO LICENSEE MAY HOLD, OPERATE, OR CONDUCT A GAME OF BINGO OR LOTTO MORE OFTEN THAN TWO HUNDRED TWENTY OCCASIONS IN ANY CALENDAR YEAR.

Rule 8.0.A.1.a would be repealed and amended as follows:

8.0.A.1.a. The merchandise, ~~or~~ services OR CASH awarded as a prize;

Rule 8.0.A.2 would be repealed and amended as follows:

8.0.A.2. **Promotion prize limits.** The bingo-raffle licensee shall not offer merchandise, ~~or~~ services OR CASH as a prize in a promotion that exceeds \$1,000 in value for any single promotion.

Rule 13.0.C would be amended as follows:

13.0.C. A Landlord licensee may award a prize OF MERCHANDISE, SERVICES OR CASH in a promotion that does not exceed \$10,000; however a landlord licensee shall not require participation by any bingo-raffle licensee and the landlord licensee shall not require payment in excess of \$1,000 from any bingo-raffle licensee for a promotion that the bingo-raffle licensee has agreed to.

Rule 16.0.A.5 would repealed and amended as follows:

16.0.A.5. Conducting more than ~~158~~ 220 bingo occasions in one calendar year under color of a single bingo-raffle license;