

RESOLUTION 2012-59

A RESOLUTION ADOPTING AN EMERGENCY RULE REGARDING THE CONDUCT OF CHARITY GAMING UNDER IC 4-32.2

The Indiana Gaming Commission (“Commission”) adopts the following resolution pursuant to the authority granted under IC 4-32.2.

The Commission has considered the following factors:

1. Pursuant to IC 4-32.2-3-3 and IC 4-22-2-37.1, the Commission has the authority to adopt emergency rules.
2. IC 4-32.2-3-3 authorizes the Commission to adopt emergency rules if the Commission determines that: (1) the need for a rule is so immediate and substantial that rulemaking procedures under 4-22-2-13 through 4-22-2-36 are inadequate to address the need; and (2) an emergency rule is likely to address the need.
3. During the 2011 legislative session, Senate Enrolled Act 340 (“SEA 340”) was enacted into law, effective July 1, 2011. In Resolution 2011-133, the Commission adopted an emergency rule, published at LSA Document No. 11-398(E). During the interim period, the Commission worked with charitable organizations and other stakeholders to implement the provisions of the emergency rule and made changes, which were reflected in the emergency rule adopted by the Commission in Resolution 2011-262.
4. During the fall of 2011, national charitable organizations sought substantial legislative changes to permit national charitable organizations to conduct events. During the 2012 legislative session, several charitable gaming bills were introduced, including SB 315 and HB 1224. The provisions of HB 1224 have been incorporated into SEA 315, which has passed both chambers and, when signed by the Governor, will become law on July 1, 2012. SEA 315 will require changes to the same administrative code sections as SEA 340.
5. This resolution bridges the gap between the existing emergency rule and the effective date of SEA 315, which will require Commission staff to draft and finalize additional rules for the Commission’s final approval.
6. The Commission finds that the need for an updated rule regarding the conduct of charity gaming is immediate and substantial such that rulemaking procedures under IC 4-22-2-24 through IC 4-22-2-36 are inadequate to address the need and that an emergency rule is necessary to address the need.

7. While the emergency rule is in effect, the Commission will proceed with the non-emergency promulgation process, including IC 4-22-2-24 through 4-22-2-36.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1: SCOPE

This resolution applies to all organizations conducting gaming events pursuant to IC 4-32.2.

SECTION 2: DEFINITIONS

The definitions set forth in IC 4-32.2 and 68 IAC 21 apply to this resolution.

SECTION 3: ADOPTION OF THE EMERGENCY RULE

Pursuant to IC 4-22-2-37.1, the Commission adopts this rule as an emergency rule for the initial ninety (90) day period as well as for the optional ninety (90) day extension period. The Commission further adopts any stylistic, grammatical, typographical, or other non-substantive changes that the Commission or the Legislative Services Agency may make to this emergency rule. The Commission shall file the proposed emergency rule and submit it for publication with the Legislative Services Agency.

SECTION 4: EFFECTIVE DATE

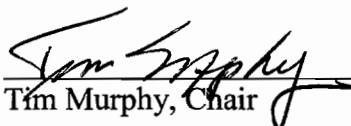
The emergency rule adopted in Section 3 of this resolution is to become effective on April 7, 2012.

SECTION 5: EXPIRATION DATE

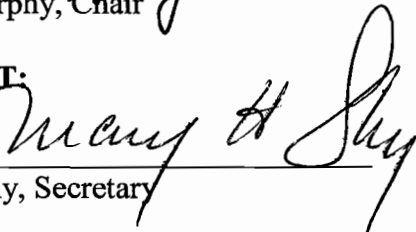
This resolution expires upon the final expiration of the emergency rule adopted herein.

ADOPTED, THIS THE 15TH DAY OF MARCH, 2012.

THE INDIANA GAMING COMMISSION



Tim Murphy, Chair

ATTEST:


Mary Shy, Secretary