

RESOLUTION 2019-113

A RESOLUTION ASSIGNING TO THE EXECUTIVE DIRECTOR THE AUTHORITY TO EXERCISE CHARITY GAMING POWERS AND DUTIES CONFERRED UPON THE COMMISSION BY HOUSE ENROLLED ACT 1517

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted to it under House Enrolled Act 1517, to be codified in IC 4-32.3.

The Commission has considered the following factors:

1. Pursuant to IC 4-32.3-3-1, the Commission may, by resolution, assign to the Executive Director any duty imposed upon the Commission by IC 4-32.3. The Executive Director shall perform duties and exercise any power conferred upon him or her by the Commission.
2. During the 2019 legislative session via House Enrolled Act 1517, the General Assembly repealed IC 4-32.2, the current charity gaming article, and replaced it with IC 4-32.3 a reorganized and revised charity gaming article. IC 4-32.3 is effective July 1, 2019.
3. Under the power granted by IC 4-32.2-3-1, on August 28, 2008, the Commission adopted a resolution granting the Executive Director all powers necessary to ensure efficient and responsive operation of the Charity Gaming Division, reserving for itself all powers and duties with respect to the adoption of charity gaming administrative rules and to serving as the final authority in all instances of charity gaming license revocations. The Commission found this limitation of assignment to be in the best interest of charity gaming and the appropriate balance of authority between the Commission and the Executive Director.
4. Due primarily to the vast number of licenses at issue and the nature of charity gaming regulation, the Commission finds that a regulatory framework which assigns a significant amount of sole authority with the Commission would be burdensome, unresponsive, and an inefficient use of resources. As a result, it is in the best interest of the Commission and its Charity Gaming licensees to assign the right to perform all duties and exercise all powers conferred upon the Commission in IC 4-32.3, except as described herein, to the Executive Director until and unless otherwise revoked by the Commission. This resolution maintains the Commission's current practices regarding the regulation of charity gaming and is necessary given the new charity gaming article.
5. The Commission finds that it is in the best interest of charity gaming to limit this assignment and reserve for itself all powers and duties regarding the adoption of administrative rules and the revocations of charity gaming licenses.

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

SECTION 1: SCOPE

This resolution applies to the Indiana Gaming Commission and the Executive Director of the Indiana Gaming Commission.

SECTION 2: DEFINITIONS

The definitions set forth in IC 4-32.3, 68 IAC 21, and any future emergency or administrative rules regarding the conduct of charity gaming adopted by the Commission apply to this resolution. Any definitional conflict that may exist will be resolved by giving preference to the definitions in IC 4-32.3.

SECTION 3: ASSIGNMENT OF AUTHORITY TO THE EXECUTIVE DIRECTOR

The Indiana Gaming Commission hereby assigns to the Executive Director the right to exercise all powers and duties conferred upon the Commission by IC 4-32.3, as described herein.

SECTION 4: RESERVATION OF POWERS AND DUTIES BY THE COMMISSION

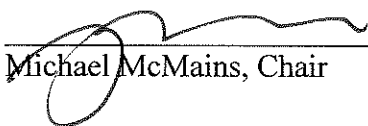
The Commission hereby limits the assignment of authority to the Executive Director, specifically reserving for itself all powers and duties with respect to the adoption of charity gaming administrative rules and to serving as the final authority in all instances of charity gaming license revocations.

SECTION 5: EFFECTIVE DATE

This resolution is effective on July 1, 2019, and supersedes and replaces Resolution 2008-109.

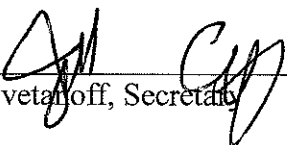
ADOPTED THIS THE 30th DAY OF MAY, 2019.

THE INDIANA GAMING COMMISSION:



Michael McMains, Chair

ATTEST:



Joseph Svetajoff, Secretary