

RESOLUTION 2021-108

RESOLUTION ADOPTING AN EMERGENCY RULE REGARDING CASINO OWNER'S LICENSEES AND OWNERSHIP

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted under IC 4-33-4-2 and IC 4-35-4-3.

The Commission has considered the following factors:

1. Pursuant to IC 4-33-4-3(a)(8), IC 4-35-4-2(a)(6), and IC 4-22-2-37.1, the Commission has the authority to adopt emergency rules.
2. IC 4-33-4-2 and IC 4-35-4-3 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. In order to ensure the integrity of gaming in Indiana, the public's confidence in its strict regulation must be maintained. Accountability and transparency are critical factors in promoting public confidence. In order to uphold the high standards placed upon the gaming industry, the Commission must continually identify and address risks in the regulatory environment that would serve to erode the reputation of the industry.
4. In order for the Commission to fulfill its responsibilities under IC 4-33-4, IC 4-35-4, and 68 IAC, measures to enhance the accountability of privately held companies must be executed immediately.
5. The Commission has identified rules applicable to all casino licensees that will likewise serve to support the integrity of the industry. These emergency rules cover those areas as well.
6. The instant resolution adopts emergency rules necessary to update and enhance the oversight of privately owned casino licensees, and related matters, as contemplated by the Riverboat Gaming Act and Gambling Games at Racetracks Act, and to effectively regulate casino gaming until the final administrative rule is effective.
7. The Commission finds that the need for an updated rule regarding casino licensees 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.
8. 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.
9. This proposed emergency rule will supersede and replace LSA Document #21-127(E), the emergency rule adopted at the March 2021 meeting, upon its effective date. The Commission's reasoning and rationale for adopting that emergency rule are fully incorporated herein.

10. The proposed emergency rule includes improvements and clarifications to LSA Document #21-127(E) identified through Commission staff's application of the rule and ongoing dialogue with licensees, which are routine and practical results of the rulemaking process.

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

SECTION 1: SCOPE

This resolution applies to all licensees and other persons subject to the jurisdiction of the commission pursuant to IC 4-33 and IC 4-35.

SECTION 2: DEFINITIONS

The definitions set forth in IC 4-33, IC 4-35, and 68 IAC 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 upon filing with the publisher.

SECTION 5: EXPIRATION DATE

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

ADOPTED, THIS 25th DAY OF MAY, 2021.

THE INDIANA GAMING COMMISSION:



Michael McMains, Chair

ATTEST:



Jason Dudich, Secretary