

## RESOLUTION 2007-93

### 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 to it under IC 4-32.2.

The Commission has considered the following factors:

1. On March 8, 2007, the Commission adopted comprehensive administrative rules regarding the conduct of charity gaming. Those rules went into effect on June 29, 2007. On July 1, 2007, House Enrolled Act 1510 (HEA 1510) went into effect.
2. HEA 1510 made numerous significant changes to the charity gaming statutes, including, but not limited to, the creation of new licenses and changes to existing licenses, changes in publication requirements for annual bingo and charity game night license notices, the expansion of the categories of persons allowed to assist in conducting an allowable event, and the elimination of a limit on the rental of real estate. Some newly-enacted statutory changes contradict portions of the current administrative rule and require updates to the administrative rule to supplement and clarify application of the statute.
3. The proposed emergency rule amends 68 IAC 21 to change inconsistencies existing between the current administrative rules and the statutory changes made in HEA 1510. Without this emergency rule, those inconsistent administrative rules will remain in effect until the completion of the regular administrative rule promulgation process.
4. Indiana Code 4-32.2-3-3(b) provides, in pertinent part, that the Commission "may adopt emergency rules under IC 4-22-2-37.1 if the commission determines that: (1) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need and (2) an emergency rules is likely to address the need."
5. Pursuant to IC 4-32.2-3-3(b), the Commission finds that the need for a rule regarding the conduct of charitable gaming is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need and that the attached emergency rule is likely to address the need.
6. While the emergency rule is in effect, the Commission will proceed with the formal rulemaking procedures set forth in IC 4-22-2.
7. The Commission staff will submit the adopted emergency rule to the Legislative Services Agency. The emergency rule will become effective upon filing with the Legislative Services Agency and will continue to be effective for ninety (90) days thereafter. The Commission will renew the effectiveness of the emergency rule for an additional ninety (90) days pending the formal promulgation process.

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

**SECTION 1: SCOPE**

This resolution applies to Commission members, employees and agents, qualified organizations, manufacturers, distributors, applicants for a charity gaming license, each charity gaming licensee, and workers and operators at allowable events.

**SECTION 2: DEFINITIONS**

The definitions set forth in IC 4-32.2 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 the attached rule as an emergency rule regarding the conduct of charitable gaming 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 submit the rule to the Publisher of the Indiana Register and the Indiana Administrative Code for the assignment of a document control number.

**SECTION 4: EFFECTIVE DATE**


The emergency rule adopted in section 3 of this resolution is to become effective upon filing with the Legislative Services Agency.

**SECTION 5: EXPIRATION DATE**

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

**ADOPTED, THIS THE 13<sup>TH</sup> DAY OF SEPTEMBER, 2007.**

**THE INDIANA GAMING COMMISSION:**



William W. Barrett, Chair

ATTEST:



Tim Murphy, Vice Chair