

RESOLUTION 2011-210

A RESOLUTION ADOPTING AN EMERGENCY RULE BARRING IMMEDIATE FAMILY OF LEVEL 1 OCCUPATIONAL LICENSEES AND CERTAIN LEVEL 2 OCCUPATIONAL LICENSEES FROM PARTICIPATING IN CERTAIN PROMOTIONAL EVENTS

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

The Commission has considered the following factors:

1. Pursuant to IC 4-33-4, IC 4-35-4, and IC 4-22-2-37.1, the Commission has the authority to adopt emergency rules.
2. IC 4-33-4-3(a)(8) 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. The Commission intends to bar the immediate family of Level 1 and “promotion-related” Level 2 occupational licensees from winning prizes that exceed one thousand dollars in value in promotional events. This prohibition will enhance the integrity of gambling and reduce any appearance that the casino’s promotions are determined by anything other than chance and/or level of rated play.
4. Administrative rules currently in effect are insufficient to fulfill the Commission’s intent.
5. The Commission finds that the need for a rule addressing immediate family of Level 1 and certain Level 2 occupational licensees participating in promotions 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 needs 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 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 riverboat licensees, operating agents, gambling game licensees, and trustees.

SECTION 2: DEFINITIONS

The definitions set forth in IC 4-33, IC 4-35, and 68 IAC 1-1 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 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

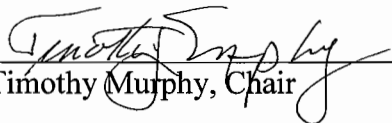
The emergency rule adopted in Section 3 of this resolution is to become effective in accordance with Ind. Code 4-22-2-37.1.

SECTION 5: EXPIRATION DATE

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

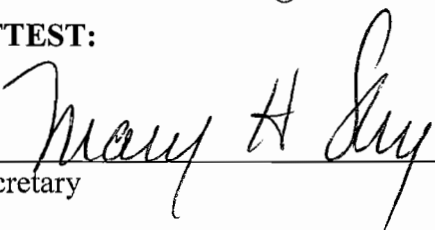
ADOPTED, THIS THE 15th DAY OF SEPTEMBER, 2011.

THE INDIANA GAMING COMMISSION



Timothy Murphy, Chair

ATTEST:



Secretary