

RESOLUTION 2012-148

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. Senate Enrolled Act 315, signed by Governor Daniels on March 16, 2012, becomes effective July 1, 2012, which requires rule changes to Title 68 of the Indiana Administrative Code, Chapter 21.
4. At the March 15, 2012, Business Meeting, the Commission approved Resolution 2012-59, a resolution adopting an emergency rule for charity gaming, a resolution which bridged the gap between SEA 340 and SEA 315.
5. The instant resolution adopts the emergency rules necessary to implement the legislative changes in SEA 315 which will become effective July 1, 2012.
6. On May 30, 2012, the Commission filed its notice of intent to adopt a final rule for all charity gaming matters related to SEA 340 and SEA 315 with the Indiana Register (LSA Doc. #12-280).
7. 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.
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.

**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 filing.

SECTION 5: EXPIRATION DATE

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

ADOPTED, THIS THE 2ND DAY OF AUGUST, 2012.

THE INDIANA GAMING COMMISSION



Marc Fine, Vice-Chair

ATTEST: 

Mary Shy, Secretary