

RESOLUTION 2019-114

RESOLUTION ADOPTING AN EMERGENCY RULE REGARDING THE CONDUCT OF CHARITY GAMING

The Indiana Gaming Commission (“Commission”) adopts the following resolution pursuant to the authority granted under IC 4-32.2 and House Enrolled Act 1517 (“HEA 1517”).

The Commission has considered the following factors:

1. Pursuant to HEA 1517 and IC 4-22-2-37.1, the Commission has the authority to adopt emergency rules.
2. HEA 1517 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. During the 2019 legislative session, HEA 1517 and Senate Enrolled Act 393 (“SEA 393”) were enacted into law (collectively referred to as the “Charity Gaming Bills”).
4. SEA 393 allows the Commission to issue an annual casino night licenses to certain bona fide civic organizations.
5. HEA 1517 repeals the current charity gaming article (IC art. 4-32.2) and replaces it with a reorganized, updated, and modernized charity gaming article (IC 4-32.3). HEA 1517 is a Commission agency bill.
6. Together, the Charity Gaming Bills will be codified under IC art. 4-32.3 and will become effective July 1, 2019. Administrative rules currently in effect are insufficient to provide adequate oversight of charity gaming as contemplated by the Charity Gaming Bills. To that end, the emergency rules are meant to address existing practices and incorporate recent legislative changes to ensure the status quo is maintained. In addition, there could be a negative fiscal impact to the State in the event the Commission does not have regulations in place at the time IC 4-32.2 is repealed on July 1, 2019.
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 4-32.3 and the Charity Gaming Bills.

SECTION 2: DEFINITIONS

The definitions set forth in the Charity Gaming Bills 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 July 1, 2019.

SECTION 5: EXPIRATION DATE

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

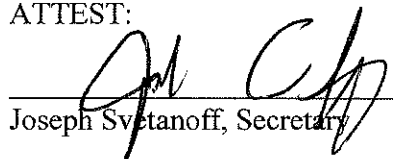
ADOPTED, THIS 30th DAY OF MAY, 2019.

THE INDIANA GAMING COMMISSION:



Michael McMains, Chair

ATTEST:



Joseph Svetanoff, Secretary