
SENATE BILL No. 565

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-30; IC 4-33.

Synopsis: Administration of the state lottery. Establishes the division of lottery security within the Indiana gaming commission. Abolishes the existing division of security within the state lottery commission, and transfers its duties and powers and its employees to the new division of lottery security. Specifies the powers and duties of the division of lottery security. Establishes the position of lottery internal auditor within the Indiana gaming commission. Transfers the existing internal auditor and internal audit staff of the state lottery commission to the Indiana gaming commission. Specifies the powers and duties of the new lottery internal auditor. Requires the state lottery commission to reimburse the Indiana gaming commission for the costs incurred by the division of lottery security and by the lottery internal auditor in carrying out their duties. Requires the state lottery commission to provide the division of lottery security and the lottery internal auditor full, free, and unrestricted access to all activities, records, property, and personnel of the state lottery commission. Provides that the powers and responsibilities of the division of lottery security and the lottery internal auditor also apply to any entity that has entered into an integrated services provider contract with the state lottery commission.

Effective: January 1, 2014.

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January 14, 2013, read first time and referred to Committee on Public Policy.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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SENATE BILL No. 565



A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-30-2-3.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2014]: **Sec. 3.5. "Division of lottery security" refers**
4 **to the division of lottery security established by IC 4-33-24-3 as a**
5 **division of the Indiana gaming commission.**

6 SECTION 2. IC 4-30-5-4 IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JANUARY 1, 2014]: Sec. 4. The director may create
8 divisions within the commission and allocate the various functions of
9 the commission among these divisions. However, to promote and
10 protect the integrity of and public confidence in the lottery, the division
11 of **lottery** security ~~created by IC 4-30-6~~ is responsible for security
12 matters. The director may not assign security matters to any other
13 division within the commission.

14 SECTION 3. IC 4-30-6-1 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JANUARY 1, 2014]: Sec. 1. ~~The director shall appoint~~
16 ~~a director of the division of security who is qualified by training and~~
17 ~~experience in law enforcement or security to supervise, direct,~~



1 coordinate, and administer all activities of the division. The following
 2 apply on January 1, 2014:

3 (1) The division of security of the state lottery commission is
 4 abolished.

5 (2) The division of lottery security is established as a division
 6 of the Indiana gaming commission as provided in
 7 IC 4-33-24-3.

8 (3) The powers and duties of the division of security of the
 9 state lottery commission are transferred to and become the
 10 powers and duties of the division of lottery security of the
 11 Indiana gaming commission.

12 (4) All employees of the division of security of the state lottery
 13 commission are transferred to and become employees of the
 14 division of lottery security of the Indiana gaming commission.

15 (5) A reference to the division of security of the state lottery
 16 commission in a statute, rule, contract, or other official
 17 document or instrument is considered a reference to the
 18 division of lottery security of the Indiana gaming commission.

19 (6) All equipment, records, and property of the division of
 20 security of the state lottery commission:

21 (A) are transferred to the division of lottery security of the
 22 Indiana gaming commission; and

23 (B) become the equipment, records, and property of the
 24 division of lottery security of the Indiana gaming
 25 commission.

26 (7) All contracts and other obligations entered into by the
 27 division of security of the state lottery commission:

28 (A) shall be assumed by the division of lottery security of
 29 the Indiana gaming commission; and

30 (B) become contracts and obligations of the division of
 31 lottery security of the Indiana gaming commission.

32 (8) Any amounts owed to the division of security of the state
 33 lottery commission are considered to be owed to the division
 34 of lottery security of the Indiana gaming commission.

35 (9) All administrative rules, policies, and guidelines adopted
 36 by the state lottery commission concerning the division of
 37 security of the state lottery commission apply to the division
 38 of lottery security of the Indiana gaming commission, except
 39 to the extent those rules conflict with any rules, policies, and
 40 guidelines adopted by the Indiana gaming commission
 41 concerning the division of lottery security of the Indiana
 42 gaming commission.

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1 SECTION 4. IC 4-30-6-2 IS REPEALED [EFFECTIVE JANUARY
2 1, 2014]. Sec. 2: The division director and all investigators employed
3 by the division of security must meet the requirements for employment
4 and appointment applicable to enforcement officers under IC 7.1-2:
5 The division director and the investigators may do any of the following:

- 6 (1) Investigate an alleged violation:
7 (2) Arrest an alleged violator of this article or a rule adopted by
8 the commission:
9 (3) Enter upon a premises in which lottery tickets are sold;
10 manufactured; printed; or stored within Indiana for the
11 performance of their lawful duties:
12 (4) Take with them necessary equipment for further investigation:
13 (5) If there is reason to believe that a violation has occurred;
14 search and inspect the premises where the violation is alleged to
15 have occurred or is occurring. These searches may not be
16 conducted unless a warrant has first been obtained by the division
17 director. In addition, a contract entered into by the commission
18 may not include a provision allowing for warrantless searches.
19 (6) Seize or take possession of papers; records; tickets; currency;
20 or other items related to an alleged violation.

21 SECTION 5. IC 4-30-6-3 IS REPEALED [EFFECTIVE JANUARY
22 1, 2014]. Sec. 3: The state police department shall, at the request of the
23 division of security, perform full criminal background investigations on
24 employees of the commission at the level of director or division
25 director and at any level within the division of security, including
26 applicants for employment. The commission shall reimburse the state
27 police department for actual costs of an investigation.

28 SECTION 6. IC 4-30-6-4 IS REPEALED [EFFECTIVE JANUARY
29 1, 2014]. Sec. 4: The division of security shall conduct investigations
30 of vendors; retailers; and employees of the commission, including
31 applicants for contracts or employment, necessary to ensure the
32 security and integrity of the operation of the lottery. The commission
33 may require persons subject to an investigation to provide any
34 information, including fingerprints; that is needed by the state police
35 department to carry out the investigation or that is otherwise necessary
36 to facilitate access to state and criminal history information.

37 SECTION 7. IC 4-30-6-5 IS REPEALED [EFFECTIVE JANUARY
38 1, 2014]. Sec. 5: (a) The state police department shall provide:

- 39 (1) assistance in obtaining criminal history information relevant
40 to investigations required for honest, secure, exemplary lottery
41 operations; and
42 (2) any other assistance that may be requested by the director and

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1 agreed to by the superintendent of the state police department.

2 (b) Any other state agency, including the department of state
3 revenue and the professional licensing agency, shall upon request
4 provide the lottery commission with information relevant to an
5 investigation conducted under this article. The commission shall
6 reimburse an agency for the actual cost of providing assistance under
7 this section.

8 SECTION 8. IC 4-30-6-6 IS REPEALED [EFFECTIVE JANUARY
9 1, 2014]. Sec. 6. The division of security shall supervise ticket
10 validation and lottery drawings.

11 SECTION 9. IC 4-30-6-7 IS REPEALED [EFFECTIVE JANUARY
12 1, 2014]. Sec. 7. (a) After the first full year of ticket sales to the public;
13 or sooner if the director considers necessary, the commission shall
14 engage an independent firm experienced in security procedures;
15 including computer security and systems security; to conduct a
16 comprehensive study and evaluation of all aspects of security in the
17 operation of the division of security.

18 (b) The part of the security report containing the overall evaluation
19 of the commission shall be presented to the commission and the
20 governor. Any part of the security report containing information
21 protected from disclosure by IC 5-14-3 shall not be disclosed by the
22 commission or by the governor.

23 (c) After the initial security study, similar studies of security shall
24 be conducted as the commission determines to be appropriate but at
25 least once every two (2) years.

26 SECTION 10. IC 4-30-8-2 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JANUARY 1, 2014]: Sec. 2. The division of
28 **lottery** security shall investigate the financial responsibility, security,
29 and integrity of a person who submits a bid, proposal, or offer as part
30 of a major procurement. At a minimum, each person must disclose at
31 the time of submitting a bid, proposal, or offer to the commission all of
32 the following items:

33 (1) A disclosure of the vendor's name and address and the names
34 and addresses of the following:

35 (A) If the vendor is a corporation, the officers, directors, and
36 each stockholder in the corporation, except that in the case of
37 owners of equity securities of a publicly traded corporation
38 only the names and addresses of those known to the
39 corporation to own beneficially at least five percent (5%) in
40 equity securities need be disclosed.

41 (B) If the vendor is a trust, the trustees and all persons entitled
42 to receive income or benefits from the trust.

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- 1 (C) If the vendor is an association, the members, officers, and
- 2 directors.
- 3 (D) If the vendor is a partnership or joint venture, all of the
- 4 general partners, limited partners, or joint venturers.
- 5 (2) A disclosure of all the states and jurisdictions in which the
- 6 vendor does business and the nature of that business for each state
- 7 or jurisdiction.
- 8 (3) A disclosure of all the states and jurisdictions in which the
- 9 vendor has contracts to supply gaming goods or services,
- 10 including lottery goods and services, and of the nature of the
- 11 goods and services involved for each state or jurisdiction.
- 12 (4) A disclosure of all the states and jurisdictions in which the
- 13 vendor has applied for, has sought renewal of, has received, has
- 14 been denied, has pending, or has had revoked or terminated a
- 15 gaming license or contract of any kind and of the disposition in
- 16 each state or jurisdiction. If a gaming license or contract has been
- 17 revoked or terminated or has not been renewed or a gaming
- 18 license application or contract bid has been either denied or is
- 19 pending and has remained pending for more than six (6) months,
- 20 all of the facts and circumstances underlying this failure to
- 21 receive a license or contract must be disclosed.
- 22 (5) A tax clearance statement from the department of state
- 23 revenue certifying that the vendor is not on the most recent tax
- 24 warrant list.
- 25 (6) A disclosure of the details of a conviction or judgment of a
- 26 state or federal court of the vendor of a felony or any other
- 27 criminal offense other than a traffic violation.
- 28 (7) A disclosure of the details of a bankruptcy, an insolvency, a
- 29 reorganization, or any pending litigation of the vendor.
- 30 (8) If a vendor subcontracts part of the work to be performed, the
- 31 vendor shall disclose all the information required by this chapter
- 32 for the subcontractor as if the subcontractor were a vendor.
- 33 (9) Additional disclosures and information the commission
- 34 determines appropriate for the procurement involved.
- 35 SECTION 11. IC 4-33-24 IS ADDED TO THE INDIANA CODE
- 36 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 37 JANUARY 1, 2014]:
- 38 **Chapter 24. Division of Lottery Security**
- 39 **Sec. 1. As used in this chapter, "division" means the division of**
- 40 **lottery security established by section 3 of this chapter.**
- 41 **Sec. 2. As used in this chapter, "state lottery commission"**
- 42 **means the state lottery commission established by IC 4-30-3-1. The**

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1 term includes any entity that has entered into an integrated
2 services provider contract with the state lottery commission.

3 **Sec. 3. The division of lottery security is established within the**
4 **commission to carry out security functions related to the state**
5 **lottery commission as provided in this chapter and in any other**
6 **law.**

7 **Sec. 4. The commission shall employ the personnel necessary to**
8 **carry out the division's duties under this chapter or any other law.**

9 **Sec. 5. The executive director shall appoint a director of the**
10 **division who is qualified by training and experience in law**
11 **enforcement or security to supervise, direct, coordinate, and**
12 **administer all activities of the division.**

13 **Sec. 6. The director of the division and all investigators**
14 **employed by the division must meet the requirements for**
15 **employment and appointment applicable to enforcement officers**
16 **under IC 7.1-2. The director of the division and the investigators**
17 **may do any of the following:**

18 (1) Investigate an alleged violation of IC 4-30 or a rule
19 adopted by the state lottery commission.

20 (2) Arrest an alleged violator of IC 4-30 or a rule adopted by
21 the state lottery commission.

22 (3) Enter upon a premises in which lottery tickets are sold,
23 manufactured, printed, or stored within Indiana for the
24 performance of their lawful duties.

25 (4) Take with them necessary equipment for further
26 investigation.

27 (5) If there is reason to believe that a violation of IC 4-30 or
28 a rule adopted by the state lottery commission has occurred,
29 search and inspect the premises where the violation is alleged
30 to have occurred or is occurring. These searches may not be
31 conducted unless a warrant has first been obtained by the
32 division director. In addition, a contract entered into by the
33 commission or the state lottery commission may not include
34 a provision allowing for warrantless searches.

35 (6) Seize or take possession of papers, records, tickets,
36 currency, or other items related to an alleged violation.

37 **Sec. 7. The state police department shall, at the request of the**
38 **division, perform full criminal background investigations on**
39 **employees of the state lottery commission at the level of director or**
40 **division director and at any level within the division, including**
41 **applicants for employment. The state lottery commission shall**
42 **reimburse the state police department for actual costs of an**

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- 1 investigation.
- 2 **Sec. 8. The division shall conduct investigations of vendors,**
 3 **retailers, and employees of the state lottery commission, including**
 4 **applicants for contracts or employment, necessary to ensure the**
 5 **security and integrity of the operation of the lottery. The division**
 6 **may require persons subject to an investigation to provide any**
 7 **information, including fingerprints, that is needed by the state**
 8 **police department to carry out the investigation or that is**
 9 **otherwise necessary to facilitate access to state and federal**
 10 **criminal history information.**
- 11 **Sec. 9. (a) The state police department shall provide:**
- 12 (1) assistance in obtaining criminal history information
 13 relevant to investigations required for honest, secure, and
 14 exemplary lottery operations; and
- 15 (2) any other assistance that may be requested by the director
 16 of the division and agreed to by the superintendent of the state
 17 police department.
- 18 (b) Any other state agency, including the department of state
 19 revenue and the professional licensing agency, shall upon request
 20 provide the division with information relevant to an investigation
 21 conducted under IC 4-30 or a rule adopted by the state lottery
 22 commission. The state lottery commission shall reimburse an
 23 agency for the actual cost of providing assistance under this
 24 section.
- 25 **Sec. 10. The division shall supervise ticket validation and lottery**
 26 **drawings.**
- 27 **Sec. 11. (a) The division shall engage an independent firm**
 28 **experienced in security procedures, including computer security**
 29 **and systems security, to conduct a comprehensive study and**
 30 **evaluation of all aspects of security in the operation of the division.**
- 31 (b) The part of the security report containing the overall
 32 evaluation of the state lottery commission shall be presented to the
 33 commission, the state lottery commission, and the governor. Any
 34 part of the security report containing information protected from
 35 disclosure by IC 5-14-3 shall not be disclosed by the commission,
 36 the state lottery commission, or the governor.
- 37 (c) Security studies shall be conducted as the commission
 38 determines to be appropriate, but at least once every two (2) years.
- 39 **Sec. 12. The state lottery commission shall quarterly reimburse**
 40 **the commission for the costs incurred by the division in carrying**
 41 **out its duties under this chapter or any other law.**
- 42 **Sec. 13. The state lottery commission shall:**

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1 (1) provide the division full, free, and unrestricted access to all
 2 activities, records, property, and personnel of the state lottery
 3 commission consistent with the performance of the
 4 responsibilities of the division under this chapter or any other
 5 law; and

6 (2) assist the division in carrying out the responsibilities of the
 7 division under this chapter or any other law.

8 SECTION 12. IC 4-33-25 IS ADDED TO THE INDIANA CODE
 9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2014]:

11 **Chapter 25. Lottery Internal Auditor**

12 **Sec. 1.** As used in this chapter, "audit programs" means detailed
 13 lists of audit procedures or questionnaires to be completed or
 14 considered in the performance of an audit, inquiry, or examination.

15 **Sec. 2.** As used in this chapter, "audit staff" means the
 16 professional and clerical staff under the direction of the lottery
 17 internal auditor.

18 **Sec. 3.** As used in this chapter, "GAAP" means generally
 19 accepted accounting principles.

20 **Sec. 4.** As used in this chapter, "lottery internal auditor" means
 21 the person appointed by the executive director as lottery internal
 22 auditor under section 6 of this chapter.

23 **Sec. 5.** As used in this chapter, "state lottery commission"
 24 means the state lottery commission established by IC 4-30-3-1 and
 25 includes any entity that has entered into an integrated services
 26 provider contract with the state lottery commission.

27 **Sec. 6. (a)** The executive director shall appoint a lottery internal
 28 auditor to carry out internal audits of the state lottery commission.
 29 The lottery internal auditor shall report directly to the Indiana
 30 gaming commission.

31 **(b)** The Indiana gaming commission shall employ the personnel
 32 necessary to assist the lottery internal auditor in carrying out the
 33 lottery internal auditor's duties under this chapter or any other
 34 law.

35 **Sec. 7.** The lottery internal auditor shall do the following:

36 (1) Review and evaluate internal controls necessary to ensure
 37 the fiscal accountability of the state lottery commission.

38 (2) Conduct financial, compliance, operational, and
 39 performance audits of the state lottery commission and
 40 prepare audit reports.

41 (3) Act as a liaison with external auditors of the state lottery
 42 commission and coordinate internal assistance to facilitate the

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1 **conduct of audits and prevent duplications or omissions.**

2 **Sec. 8. (a) The lottery internal auditor and the audit staff shall**
 3 **abide by the Code of Ethics and Standards for the Professional**
 4 **Practice of Internal Auditors, Inc. and Statements of Internal**
 5 **Auditing Standards published by the Institute of Internal Auditors,**
 6 **Inc.**

7 **(b) The lottery internal auditor and the audit staff shall conduct**
 8 **audits of the state lottery commission in compliance with GAAP**
 9 **and generally accepted auditing standards, as appropriate.**

10 **Sec. 9. The lottery internal auditor shall develop a system of**
 11 **internal audits for the state lottery commission. The system of**
 12 **internal audits may include the following activities:**

13 **(1) Examination of internal controls intended to safeguard the**
 14 **assets of the state lottery commission, evaluation of those**
 15 **controls for operational sufficiency, and as appropriate,**
 16 **verification of the existence of the assets of the state lottery**
 17 **commission.**

18 **(2) Examination of security controls related to the state**
 19 **lottery commission's computer and other information**
 20 **technology systems.**

21 **(3) Review of the existence of and compliance with the**
 22 **following policies and procedures of the state lottery**
 23 **commission:**

24 **(A) Daily cash balancing policies and procedures.**

25 **(B) Inventory procedures.**

26 **(C) Winner validation and prize payment policies and**
 27 **procedures.**

28 **(D) Procurement policies and procedures, including quality**
 29 **control.**

30 **(E) Cash collections policies and procedures.**

31 **(F) Contract management policies and procedures.**

32 **(G) Property management policies and procedures.**

33 **(H) Vendor payments policies and procedures.**

34 **(I) Payroll policies and procedures.**

35 **(J) Accounts receivable and collections policies and**
 36 **procedures.**

37 **(K) Security policies and procedures.**

38 **(4) Preparation of procedures for examination and**
 39 **monitoring of the state lottery commission's drawing**
 40 **equipment and prize results.**

41 **(5) Determination that all operations of the state lottery**
 42 **commission are in compliance with Indiana statutes, rules,**

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- 1 regulations, policies, and procedures.
- 2 (6) Determination that financial reports of the state lottery
- 3 commission are presented fairly and in accordance with
- 4 GAAP.
- 5 (7) Participation in general management reviews of all phases
- 6 of the state lottery commission's operations, including
- 7 regional inventory and distribution procedures.
- 8 (8) Completion of special reviews and audits as requested by
- 9 the executive director, the commission, or the state lottery
- 10 commission.
- 11 (9) Completion of follow-up audit reviews on issued audit
- 12 reports to ensure that corrective action was taken.
- 13 (10) Any other internal audit functions considered
- 14 appropriate by the lottery internal auditor.
- 15 Sec. 10. (a) The lottery internal auditor shall develop a written
- 16 annual audit plan each year. The annual plan must do the
- 17 following:
- 18 (1) Document the goals and objectives for the ensuing year.
- 19 (2) Provide direction for the implementation of the audit
- 20 effort.
- 21 (3) Provide the basis for performance monitoring.
- 22 (4) Identify projects for the current year and prioritize the
- 23 projects based on audit requirements, priority of audit issues,
- 24 and other relevant information.
- 25 (5) Contain provisions to address special audit requests
- 26 initiated by the executive director, the commission, or the
- 27 state lottery commission.
- 28 (b) The lottery internal auditor shall develop a staffing plan to
- 29 ensure that an adequate number of qualified personnel are
- 30 available to accomplish the goals and objectives set forth in the
- 31 annual audit plan.
- 32 (c) For each internal audit project, the lottery internal auditor
- 33 shall prepare an audit work schedule, which must contain a
- 34 description of the internal audit project and the scope of the
- 35 project including an estimate of the time required to complete each
- 36 audit assignment.
- 37 (d) A study and evaluation of internal accounting and
- 38 administrative controls shall be performed for each audit.
- 39 (e) Written audit programs shall be developed for each audit
- 40 performed.
- 41 (f) Audit work papers shall be maintained for any audit
- 42 performed, including audit procedures used to document evidence

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and support conclusions reached by the lottery internal auditor.

(g) An exit conference shall be held at the conclusion of each audit with any appropriate persons before the issuance of the final audit report.

Sec. 11. The lottery internal auditor shall submit internal audit reports containing findings and recommendations and responses of lottery commission staff to the executive director, each member of the commission, and each member of the state lottery commission.

Sec. 12. The state lottery commission shall quarterly reimburse the commission for the costs incurred by the lottery internal auditor and the audit staff in carrying out their duties under this chapter or any other law.

Sec. 13. The state lottery commission shall:

- (1) provide the lottery internal auditor and the audit staff full, free, and unrestricted access to all activities, records, property, and personnel of the state lottery commission consistent with the performance of the responsibilities of the lottery internal auditor and the audit staff under this chapter or any other law; and
- (2) assist the lottery internal auditor and the audit staff in carrying out their responsibilities under this chapter or any other law.

Sec. 14. The following apply on January 1, 2014:

- (1) The powers and duties of the internal auditor of the state lottery commission are transferred to and become the powers and duties of the lottery internal auditor.
- (2) The internal auditor and the audit staff of the state lottery commission are transferred to and become employees of the Indiana gaming commission.
- (3) A reference to the internal auditor and the audit staff of the state lottery commission in a statute, rule, contract, or other official document or instrument is considered a reference to the lottery internal auditor and the internal audit staff of the Indiana gaming commission.
- (4) All equipment, records, and property of the internal auditor and the audit staff of the state lottery commission:
 - (A) are transferred to the Indiana gaming commission; and
 - (B) become the equipment, records, and property of the lottery internal auditor and the audit staff.
- (5) All contracts and other obligations entered into by the internal auditor and the audit staff of the state lottery

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commission:

**(A) shall be assumed by the Indiana gaming commission;
and**

**(B) become contracts and obligations of the Indiana
gaming commission.**

**(6) Any amounts owed to the internal auditor and the audit
staff of the state lottery commission are considered to be owed
to the Indiana gaming commission.**

**(7) All administrative rules, policies, and guidelines adopted
by the state lottery commission concerning the internal
auditor and the audit staff of the state lottery commission
apply to the lottery internal auditor and the audit staff of the
Indiana gaming commission, except to the extent those rules
conflict with any rules, policies, and guidelines adopted by the
Indiana gaming commission concerning the lottery internal
auditor and the audit staff of the Indiana gaming commission.**

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