
TITLE 65 STATE LOTTERY COMMISSION

Emergency Rule
LSA Document #09-771(E)

DIGEST

Amends [65 IAC 1-1-1](#) concerning the definition of "member". Amends [65 IAC 1-1-3](#) concerning the location of the office of the commission. Amends [65 IAC 1-1-5](#) concerning notice to members about meetings. Amends [65 IAC 1-1-8](#) concerning the chairman. Amends [65 IAC 1-1-16](#) concerning immunity to update an outdated citation. Repeals [65 IAC 1-1-6.5](#). Effective September 16, 2009.

[65 IAC 1-1-1](#); [65 IAC 1-1-3](#); [65 IAC 1-1-5](#); [65 IAC 1-1-6.5](#); [65 IAC 1-1-8](#); [65 IAC 1-1-16](#)

SECTION 1. [65 IAC 1-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[65 IAC 1-1-1](#) Definitions

Authority: [IC 4-30-3-7](#); [IC 4-30-3-9](#)

Affected: [IC 4-30](#)

Sec. 1. (a) "Commission" means the state lottery commission created by [IC 4-30](#). In order to differentiate the commission from agencies and commissions created in other states, the commission may use the name "The State Lottery Commission of Indiana", in the execution of agreements, contracts, and other documentation.

(b) "Chairman" means the chairman of the commission selected pursuant to [IC 4-30-4-3](#).

(c) "Director" means the director of the commission appointed pursuant to [IC 4-30-5](#).

(d) "Member" means a member of the commission, as described in [IC 4-30-3-1](#).

(State Lottery Commission; [65 IAC 1-1-1](#); emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2290; emergency rule filed Sep 5, 1989, 3:20 p.m.: 13 IR 90; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: [20071212-IR-065070656RFA](#); emergency rule filed Sep 16, 2009, 2:24 p.m.: [20090923-IR-065090771ERA](#))

SECTION 2. [65 IAC 1-1-3](#) IS AMENDED TO READ AS FOLLOWS:

[65 IAC 1-1-3](#) Office of the commission

Authority: [IC 4-30-3-7](#); [IC 4-30-3-9](#)

Affected: [IC 4-30-5-5](#)

Sec. 3. The principal office of the commission and the director shall be located at ~~Pan Am Plaza, Indianapolis, Indiana, or at such other place~~ within the city of Indianapolis **at such place** as the director shall determine.

(State Lottery Commission; [65 IAC 1-1-3](#); emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2290; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: [20071212-IR-065070656RFA](#); emergency rule filed Sep 16, 2009, 2:24 p.m.: [20090923-IR-065090771ERA](#))

SECTION 3. [65 IAC 1-1-5](#) IS AMENDED TO READ AS FOLLOWS:

[65 IAC 1-1-5](#) Meetings

Authority: [IC 4-30-3-7](#); [IC 4-30-3-9](#)

Affected: [IC 4-30-4](#); [IC 5-14-1.5](#)

Sec. 5. Meetings of the commission shall be held no less often than quarterly upon a call of the chairman or the director. The chairman shall call a meeting upon the written request of at least three (3) members of the commission. Upon calling a meeting, the chairman or director, as the case may be, shall give, or shall cause the secretary or an assistant secretary to give, written notice of the meeting, specifying the time, place, and general purpose of the meeting, to each commissioner, either personally, by mailing, **by e-mailing**, by messenger, by facsimile machine, or by telegram, at least forty-eight (48) hours in advance of the meeting, or such greater time in advance of the meeting as may be required by law. The secretary shall also give such notice and take such other actions as are required by [IC 5-14-1.5](#). A commissioner's attendance at or participation in a meeting waives any notice to the commissioner of the meeting required by this section unless the commissioner at the beginning of the meeting objects to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to action taken at the meeting. A commissioner may waive the notice required by this section of a meeting either before or after the date and time stated in the notice, which waiver must be in writing and signed by the commissioner entitled to the notice. A meeting for which proper notice has been given or waived may be adjourned to another date and time stated in the minutes of the adjourned meeting and no additional notice **to the members** shall be required.

(State Lottery Commission; [65 IAC 1-1-5](#); emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2290; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: [20071212-IR-065070656RFA](#); emergency rule filed Sep 16, 2009, 2:24 p.m.: [20090923-IR-065090771ERA](#))

SECTION 4. [65 IAC 1-1-8](#) IS AMENDED TO READ AS FOLLOWS:

[65 IAC 1-1-8](#) The chairman

Authority: [IC 4-30-3-7](#); [IC 4-30-3-9](#)

Affected: [IC 4-30-4](#)

Sec. 8. The chairman shall preside at meetings of the commission. The chairman shall discharge all the duties inherent to a presiding officer and perform such other duties as from time to time may be assigned to him **the chairman** by the commission or as prescribed by law or this rule.

(State Lottery Commission; [65 IAC 1-1-8](#); emergency rule filed Jul 20, 1989, 4:10 p.m.: 12 IR 2291; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: [20071212-IR-065070656RFA](#); emergency rule filed Sep 16, 2009, 2:24 p.m.: [20090923-IR-065090771ERA](#))

SECTION 5. [65 IAC 1-1-16](#) IS AMENDED TO READ AS FOLLOWS:

[65 IAC 1-1-16](#) Immunity

Authority: [IC 4-30-3-7](#); [IC 4-30-3-9](#)

Affected: [IC 4-30](#); [IC 34-13](#)

Sec. 16. The commission as a separate body politic and corporate is intended to be a separate legal entity and as such the commissioners, the director, their employees, and the state of Indiana shall not be liable to any licensee, vendor, or any other person or entity entering into any contract or agreement with the commission for any damage arising in connection with the operation or conduct of the lottery except as may be provided by [IC 4-30](#) or [IC 34-4](#); [IC 34-13](#), such liabilities being solely those of the commission.

(State Lottery Commission; [65 IAC 1-1-16](#); emergency rule filed Aug 3, 1989, 9:30 a.m.: 12 IR 2298; readopted filed Nov 30, 2001, 11:02 a.m.: 25 IR 1268; readopted filed Nov 14, 2007, 3:02 p.m.: [20071212-IR-065070656RFA](#); emergency rule filed Sep 16, 2009, 2:24 p.m.: [20090923-IR-065090771ERA](#))

SECTION 6. [65 IAC 1-1-6.5](#) IS REPEALED.

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