

Emergency Rule
LSA Document #11-330(E)

DIGEST

Temporarily adds rules concerning local development agreements. Repeals LSA Document #11-157(E), posted at [20110323-IR-068110157ERA](#). Statutory authority: [IC 4-33-4](#). Effective June 3, 2011.

SECTION 1. The definitions in [IC 4-33](#) and [68 IAC 1-1](#) apply to this document.

SECTION 2. (a) A development provider or specified recipient that submits a report to the commission under [IC 4-33-23-10](#) shall submit the report:

- (1) on a calendar year basis;
- (2) no later than March 1 of the year following the calendar year for which the development provider or specified recipient makes the report;
- (3) on the form provided by the commission;
- (4) in electronic form and in original;
- (5) to the executive director.

(b) Development providers and specified recipients shall produce additional reports at any time upon commission request.

(c) An unspecified recipient is not required to submit a report under [IC 4-33-23](#) unless otherwise required by the commission.

(d) Upon request of the commission, a party not otherwise required to submit a report shall submit a report concerning economic development payments in a manner prescribed by the commission.

SECTION 3. The first report under [IC 4-33-23-10](#) shall:

- (1) be due no later than March 1, 2012;
- (2) cover all reportable activity starting on July 1, 2011.

SECTION 4. (a) On or before September 1, 2011, all parties who are not development providers, and all specified recipients, shall submit to the commission a report containing:

- (1) the name and address of the bank that holds the separate and segregated bank account required by [IC 4-33-23-14](#);
- (2) the account number of the separate and segregated bank account required by [IC 4-33-23-14](#); and
- (3) a list of persons with signature authority on the separate and segregated bank account.

(b) All parties who are not development providers, and all specified recipients, are under a continuing duty to notify the commission if the separate and segregated account is moved to a different bank than the bank specified in the report required by section 4(a) [subsection (a)].

SECTION 5. All economic development payments from a development provider to a party or a specified recipient may be made via direct deposit or other electronic funds transfer method, directly from the development provider's account into the separate and segregated bank account required by [IC 4-33-23-14](#).

SECTION 6. (a) On or before September 1, 2011, each nonprofit shall provide to the commission a copy of its:

- (1) conflict of interest statement; and
- (2) bylaws.

(b) A nonprofit has a continuing duty to notify the commission of any changes in its conflict of interest statement or its bylaws within thirty (30) days of the change.

SECTION 7. A development provider shall submit a modification request that adds the statement found in [IC 4-33-23-8](#) to the development agreement for consideration at the September 2011 commission business meeting.

SECTION 8. (a) The executive director or the commission may approve deviations from the provisions of this document if the executive director or the commission determines that the:

- (1) procedure or requirement is impractical or burdensome; and
- (2) alternative means of satisfying the requirement or procedure:
 - (A) fulfill the purpose of the document;
 - (B) are in the best interest of the public and the gaming industry in Indiana; and
 - (C) do not violate [IC 4-33](#).

(b) If a development provider wishes to request a deviation from the provisions of this document, the development provider shall do so in writing.

SECTION 9. This emergency rule repeals LSA Document #11-157(E).

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