

## RESOLUTION 2006-24

### 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 to it under IC 4-33 and pursuant to 68 IAC 1-2-6.

The Commission has considered the following factors:

1. Senate Enrolled Act 100 (SEA 100) transfers the powers and duties of administering charity gaming from the Department of State Revenue to the Indiana Gaming Commission.
2. Under SEA 100, rules adopted by the Department concerning charity gaming are considered rules of the Commission after June 30, 2006.
3. Many of the Department's rules concerning charity gaming, located in 45 IAC 18, were promulgated in LSA Document #02-40(F). The Department was enjoined by the Marion County Superior Court No. 10 from enforcing any part of the rules adopted in LSA Document #02-40(F) by an Order in Cause 49D10-0306-PL-01148. The Department has been operating under the rules promulgated in 1992 and published in 16 IR 1369.
4. Section 18 of SEA 100 states "the Indiana gaming commission may adopt emergency rules under IC 4-22-2-37.1 before July 1, 2006, to facilitate the transfer of the duty to administer charity gaming from the department of state revenue to the Indiana gaming commission." The Commission is to commence rulemaking procedures after the adoption of the emergency rule regarding charity gaming, which will come under the control of the Commission on July 1, 2006 pursuant to SEA 100.
5. In addition to this statutory grant of authority, pursuant to IC 4-32.2-3-3(b), the Commission finds that the need for a rule regarding the conduct of charitable gaming is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need and that the attached emergency rule is likely to address the need.
6. While the emergency rule is in effect, the Commission will proceed with the formal rulemaking procedures set forth in IC 4-22-2 so that a new rule may be formally adopted before the emergency rule expires.
7. The Commission staff will file the adopted emergency rule with the Secretary of State and submit it for publication with the Legislative Services Agency. The emergency rule will become effective upon filing with the Secretary of State, and will continue to be effective for ninety (90) days thereafter. The Commission will renew the effectiveness of the emergency rule for an additional ninety (90) days pending the formal promulgation process.

**NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:**

**SECTION 1: SCOPE**

This resolution applies to Commission members, employees and agents, qualified organizations, applicants for a charity gaming license, each charity gaming licensee, and workers and operators at allowable events.

**SECTION 2: DEFINITIONS**

The definitions set forth in IC 4-32.2 and 68 IAC apply to this resolution.

**SECTION 3: ADOPTION OF THE EMERGENCY RULE**

Pursuant to IC 4-22-2-37.1, the Commission adopts the attached rule as an emergency rule regarding the conduct of charitable gaming 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 submit the rule to the Publisher of the Indiana Register and the Indiana Administrative Code for the assignment of a document control number and then shall submit the emergency rule to the Secretary of State for filing.

**SECTION 4: EFFECTIVE DATE**

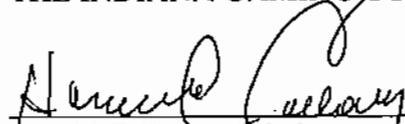
The emergency rule adopted in section 3 of this resolution is to become effective upon filing with the Secretary of State.

**SECTION 5: EXPIRATION DATE**

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

**ADOPTED, THIS THE 7<sup>TH</sup> DAY OF JUNE, 2006.**

THE INDIANA GAMING COMMISSION:

  
\_\_\_\_\_  
Harold Calloway, Chair

ATTEST:

  
\_\_\_\_\_  
Donald R. Vowels, Secretary