

## **RESOLUTION 2008-41**

### **A RESOLUTION ADOPTING AN EMERGENCY RULE REGARDING THE DEFINITION OF "SLOT MACHINE"**

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted to it under IC 4-33, IC 4-35, and pursuant to 68 IAC 1-2-6.

The Commission has considered the following factors:

1. Pursuant to IC 4-33-4-3, IC 4-35-4-2, and IC 4-22-2-37.1, the Commission has the authority to adopt emergency rules. The Commission is to commence formal rulemaking procedures after the adoption of the emergency rule regarding slot machines.
2. Current administrative rule defines a "slot machine" as "a type of electronic gaming device." 68 IAC 1-1-82.
3. The current definition of "slot machine" lacks the specificity necessary for consistent interpretation, regulation, and enforcement. The emergency rule attached to this Resolution is intended to address this issue.
4. The new proposed definition for "slot machine" is necessary to protect private business investment because it creates a consistent, enforceable definition that makes the Indiana marketplace more predictable.
5. This new definition attempts to fulfill the intent of the legislature by creating a rule that differentiates the broader category of "electronic gaming devices," which are allowable at riverboat casinos – but not at horse racing track slot machine facilities – from the narrower category of "slot machines," which are the only games authorized for play at the race tracks.
6. The new definition will protect the State's interest in regulating the gaming industry by enabling the Commission to apply the definition with uniformity in an environment of rapidly changing technology.
7. Pursuant to IC 4-33-4-3(a)(8), the Commission finds its need for a rule that: (1) updates the definition of "slot machine" to be more descriptive and reflective of the industry standard; and (2) differentiates between "electronic table game" and "slot machine" in order to fulfill the legislative intent of IC 4-35, to be so immediate and substantial that the rulemaking procedures under IC 4-22-2-24 through IC 4-22-2-36 are inadequate to address the need, but that the attached emergency rule is likely to address these concerns.
8. 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 the amended rule may be formally adopted before the emergency rule expires.

9. Once adopted by the Commission, Commission staff will follow appropriate procedures to publish the emergency rule. The emergency rule will become effective upon filing with the Legislative Services Agency, and will continue to be effective for ninety (90) days thereafter. If necessary, the Commission will renew the effectiveness of the emergency rule for an additional ninety (90) days pending completion of 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 all persons subject to the authority granted to the Commission by the General Assembly in Indiana Code 4-33 and 4-35.

**SECTION 2: DEFINITIONS**

The definitions set forth in IC 4-33-2, IC 4-35, 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 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 staff shall submit file the adopted rule and submit it for publication with Legislative Services Agency.

**SECTION 4: EFFECTIVE DATE**


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

**SECTION 5: EXPIRATION DATE**

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

**ADOPTED, THIS THE 31<sup>st</sup> DAY OF MARCH, 2008.**

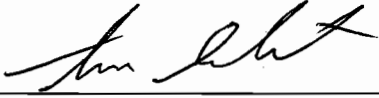
**THE INDIANA GAMING COMMISSION:**



---

William W. Barrett, Chair

ATTEST:

A handwritten signature in black ink, appearing to read "Tom Swihart", written in a cursive style.

---

Thomas Swihart, Secretary

**TITLE 68 INDIANA GAMING COMMISSION**

**Emergency Rule**  
LSA Document 08-\_\_\_\_\_(E)

**DIGEST**

Temporarily amends the definition of "slot machine" in 68 IAC 1-1-82 to broaden the definition of "slot machine". Authority: IC 4-33-4-3(a)(8). Effective April 1, 2008.

**SECTION 1. (a) This SECTION supersedes 68 IAC 1-1-82.**

**(b) "Slot machine" means a type of electronic gaming device that is controlled by a microprocessor or equivalent and which utilizes a random number generator in the determination of game outcome. A slot machine may utilize a live host whose duties are limited to one or more of the following:**

- (1) effectuating monetary transactions with patrons at the buy-in and cash-out stage;**
- (2) administering casino internal control procedures regarding patron buy-ins and cash-outs;**
- (3) monitoring the technical functionality of the device and reporting malfunctions to appropriate casino staff;**
- (4) explaining to casino patrons the rules of a game and how to operate the device.**

**DRAFT**