

RESOLUTION 2008-72

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 4-32.2.

The Commission has considered the following factors:

1. Pursuant to IC 4-32.2-3-3 and IC 4-22-2-37.1, the Commission has the authority to adopt emergency rules.
2. IC 4-32.2-3-3 authorizes the Commission to adopt emergency rules if the commission determines that: (1) the need for a rule 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 (2) an emergency rule is likely to address the need.
3. On March 19, 2008, House Enrolled Act 1153 ("HEA 1153") was signed into law. HEA 1153 made some significant changes to the charity gaming statute, including, but not limited to, the alteration of the annual raffle license, the annual PPT license, and exceptions to the application of some provisions for certain card games. HEA 1153 also requires the Commission to pass administrative rules regarding a qualified organization's oversight of euchre games.
4. HEA 1153 will become effective July 1, 2008. Administrative rules currently in effect are insufficient to provide adequate oversight of charity gaming as contemplated by HEA 1153.
5. The Commission finds that the need for an updated rule regarding the conduct of charity gaming is immediate and substantial such that rulemaking procedures under IC 4-22-2-24 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 non-emergency promulgation process, including IC 4-22-2-24 through 4-22-2-36.

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

SECTION 1: SCOPE

This resolution applies to all qualified organizations, manufacturers, and distributors licensed pursuant to IC 4-32.2.

SECTION 2: DEFINITIONS

The definitions set forth in IC 4-32.2, HEA 1153, and 68 IAC 21 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 shall file the proposed emergency 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 on July 1, 2008.

SECTION 5: EXPIRATION DATE

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

ADOPTED, THIS THE 28TH DAY OF MAY, 2008.

THE INDIANA GAMING COMMISSION:



William W. Barrett, Chair

ATTEST:



Thomas Swihart, Secretary