

RESOLUTION 2011-133

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 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 4-22-2-13 through 4-22-2-36 are inadequate to address the need; and (2) an emergency rule is likely to address the need.
3. During the 2011 legislative session, Senate Enrolled Act 340 ("SEA 340") was enacted into law. SEA 340 made significant changes to the charity gaming statute, including, but not limited to, the creation of a volunteer ticket agent, allowing bingo workers to participate in a limited fashion at a bingo event, allowing organizations to use credit cards for purchases other than a chance to play an allowable event at an allowable event, removing related activities from the calculation of gross revenue, and increasing the number of days a qualified organization may conduct a festival.
4. SEA 340 will become effective July 1, 2011. Administrative rules currently in effect are insufficient to provide adequate oversight of charity gaming as contemplated by SEA 340.
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 an emergency rule is necessary 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 organizations conducting gaming events pursuant to IC 4-32.2.

SECTION 2: DEFINITIONS

The definitions set forth in IC 4-32.2 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 this 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 the Legislative Services Agency.

SECTION 4: EFFECTIVE DATE

The emergency rule adopted in Section 3 of this resolution is to become effective on July 1, 2011.

SECTION 5: EXPIRATION DATE

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

ADOPTED, THIS THE 2nd DAY OF JUNE, 2011.

THE INDIANA GAMING COMMISSION



Tim Murphy, Chair

ATTEST:



Thomas Swihart, Secretary
Marc Fine