

RESOLUTION 2011-137

A RESOLUTION ADOPTING AN EMERGENCY RULE REGARDING COLLECTION OF DELINQUENT CHILD SUPPORT

The Indiana Gaming Commission (“Commission”) adopts the following resolution pursuant to the authority granted under IC 4-33, IC 4-35, and Senate Enrolled Act 163.

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. Indiana Code 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. On March 17, 2010, Governor Mitch Daniels signed Senate Enrolled Act 163 (“SEA 163”) into law. Senate Enrolled Act 163, among other things, contains a requirement that casinos withhold delinquent child support from the cash winnings of child support obligors. Among the provisions of this requirement is authority for the Commission to “adopt rules under IC 4-22-2 to establish penalties and sanctions for any licensed owner, operating agent, or trustee who fails to withhold” an obligor’s delinquent child support.
4. Senate Enrolled Act 163 is effective as of July 1, 2010. In response, the Commission adopted Resolution 2010-125, authorizing an emergency rule. Emergency Rule 10-626 (“LSA 10-626”), and Resolution 2010-215, authorizing an emergency rule. Emergency Rule 11-195(E) (“LSA 11-195(E)”) is currently in effect.
5. A permanent rulemaking process is underway, but a permanent rule will not be in effect before 11-195(E) expires.
6. The Commission finds that the need for a rule addressing SEA 163 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 needs and that the attached emergency rule is likely to address the need.
7. While the emergency rule is in effect, the Commission will continue 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 riverboat licensees, operating agents, gambling game licensees, and trustees.

SECTION 2: DEFINITIONS

The definitions set forth in IC 4-33, IC 4-35, and 68 IAC 1-1 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 the Legislative Services Agency.

SECTION 4: EFFECTIVE DATE

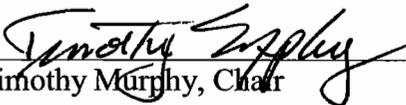
The emergency rule adopted in Section 3 of this resolution is to become effective on July 5, 2011.

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**



Timothy Murphy, Chair

ATTEST:



Marc Fine, Secretary