

RESOLUTION 2011-80

A RESOLUTION ADOPTING AN EMERGENCY RULE REGARDING SERVER-SUPPORTED AND SERVER-HOSTED GAMING UNDER IC 4-33 AND IC 4-35

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted 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 -35-4-2, and IC 4-22-2-37.1, the Commission has the authority to adopt emergency rules.
2. IC 4-33-4-3(a)(8) and IC 4-35-4-2(a)(6) authorize 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. The Commission is aware that many technological advances have been made in the areas of server-based and server-supporting gaming, and that Indiana casinos would like to begin utilizing those technologies within a short period of time in order to sustain and grow gaming revenue.
4. The Commission recognizes that new regulations are required to properly regulate and supervise server-based and server-supported gaming in order to ensure the integrity of gaming in Indiana.
5. The Commission finds that the need for a new rule regarding server-based and server-supported 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 needs and that the attached emergency rule is likely to address the need.
6. 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.
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 casino licensees, operating agents, gambling game licensees, suppliers 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 filing with the publisher.

SECTION 5: EXPIRATION DATE

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

ADOPTED, THIS THE 17th DAY OF MARCH, 2011.

THE INDIANA GAMING COMMISSION



Tim Murphy, Chair

ATTEST:



Marc Fine, Secretary