

ORDER 2012-150
ADOPTING COMMISSION POLICY UNDER SECTION 12 OF HOUSE
ENROLLED ACT 1003 (2012)

House Enrolled Act 1003, signed by Governor Mitch Daniels on March 19, 2012, which is effective January 1, 2013, contains numerous revisions to public access laws. Section 12 of HEA 1003 will add Indiana Code 5-14-1.5-3.6, which will permit a member of the governing body of a state public agency to participate in a public meeting of the body via electronic communication in lieu of being physically present at the meeting.

IC 5-14-1.5-3.6(g) will state that the governing body of a state public agency may adopt a policy governing participation in public meetings via electronic communication. This policy may set forth the agency's requirements in a number of areas regarding participation in public meetings via electronic communication.

COMMISSION ACTION

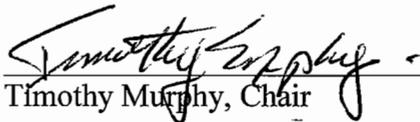
The Indiana Gaming Commission ("Commission"), having considered the relevant provisions of HEA 1003 and the Open Door Law at IC 5-14-1.5, by this Order, **ADOPTS** the following policy governing Commission member participation in Commission meetings via electronic communication:

1. "Electronic communication", for purposes of this policy, is a means of communication that complies with IC 5-14-1.5-3.6(b), including, but not limited to, the following, if properly equipped:
 - a. telephone;
 - b. computer; or
 - c. videoconferencing device.
2. "Meeting", for purposes of this policy, has the meaning assigned in IC 5-14-1.5-2(c), and includes executive sessions.
3. Commission members may participate in meetings via electronic communication only in accordance with this policy and IC 5-14-1.5-3.6.
4. A Commission member who participates in a meeting via electronic communication is as follows:
 - a. considered to be present at the meeting;
 - b. counted towards the presence of a quorum under IC 4-33-3-20; and
 - c. eligible to vote on orders and resolutions that come before the Commission at the meeting;subject to the additional conditions and restrictions in this policy and IC 5-14-1.5-3.6.
5. A Commission member must request authorization from the Executive Director to participate in a meeting via electronic communication no fewer than seven (7) days prior to the scheduled date of a meeting, unless waived by the Executive Director for good cause.

6. At least three (3) Commission members must be physically present at any particular meeting.
7. A particular Commission member may only participate via electronic communication in up to two (2) meetings per calendar year unless waived by the Executive Director for good cause.
8. Notwithstanding any provision herein, members of the public may not attend or participate in executive sessions of the Commission conducted under IC 5-14-1.5-6.1.
9. This policy is effective January 1, 2013.

IT IS SO ORDERED THIS THE 15TH DAY OF NOVEMBER, 2012.

THE INDIANA GAMING COMMISSION:



Timothy Murphy, Chair

ATTEST:



Marc Fine, Vice-Chair