

RESOLUTION 2020-01

RESOLUTION ADOPTING AN EMERGENCY RULE REGARDING THE CONDUCT OF CHARITY GAMING

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted under IC 4-32.3.

The Commission has considered the following factors:

1. Pursuant to IC 4-32.2-3-3(b) and IC 4-22-2-37.1, the Commission has the authority to adopt emergency rules.
2. IC 4-32.2-3-3(b) 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 2019 legislative session, HEA 1517 and Senate Enrolled Act 393 ("SEA 393") were enacted into law (collectively referred to as the "Charity Gaming Bills").
4. SEA 393 allows the Commission to issue an annual casino night licenses to certain bona fide civic organizations.
5. HEA 1517 repealed the current charity gaming article (IC art. 4-32.2) and replaced it with a reorganized, updated, and modernized charity gaming article (IC 4-32.3).
6. On May 30, 2019, the Commission first approved an emergency rule regarding charity gaming, in addition to a 90 day extension. In November 2019, the Commission approved an emergency rule regarding charity gaming, in addition to a 90 day extension. The current emergency rule regarding charity gaming is set to expire on or about June 17, 2020.
7. Meanwhile, the Commission anticipates that a final administrative rule regarding charity gaming will not be fully promulgated until late 2020 at the earliest. Given the Commission's quarterly business meeting schedule, the instant resolution is adopted to ensure there is not a gap in coverage of regulation between the time the current emergency rule expires in June of 2020 and the date when the final administrative rule is promulgated.
8. The instant resolution adopts emergency rules necessary to provide adequate oversight of charity gaming as contemplated by the Charity Gaming Bills and to effectively regulate charity gaming until the final administrative rule is effective.
9. 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.

10. 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 4-32.3.

SECTION 2: DEFINITIONS

The definitions set forth in IC 4-32.3 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 upon filing with the publisher.

SECTION 5: EXPIRATION DATE

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

ADOPTED, THIS 15th DAY OF MAY, 2020.

THE INDIANA GAMING COMMISSION:

Michael B. McMains

Michael McMains, Chair

ATTEST:


Joseph Svetanoff, Secretary