

STATE OF INDIANA
INDIANA GAMING COMMISSION
ORDER UNDER 2012-151

IN RE: ORDER UNDER 2012-151)	
CONCERNING)	ORDER NO.
)	2023-161
READOPTION OF RULES)	

ORDER UNDER RESOLUTION 2012-151

The Indiana Gaming Commission (“Commission”) hereby issues an order pursuant to Ind. Code ch. 4-21.5-4 and resolution 2012-151, regarding the readoption of administrative rules. This is an order brought under Ind. Code ch. 4-21.5-4. This action is being initiated to readopt administrative rules that are set to expire January 1, 2024.

Parties

1. The Commission is the Indiana administrative agency with its principal offices in Marion County, Indiana, with powers and duties to administer, regulate, and enforce the system of riverboat gambling in the State. Ind. Code § 4-33-4-1.

Law

2. The Commission is a state agency that was created under Ind. Code § 4-33-4-1.
3. An agency may conduct proceedings under Ind. Code ch 4-21.5-4 when statute authorizes the agency to issue a temporary order or otherwise take immediate agency action. Ind. Code § 4-21.5-4-1.
4. An order issued under Ind. Code ch 4-21.5-4 may be issued without notice or evidentiary hearing by an authorized individual or panel of individuals. Ind. Code § 4-21.5-4-2.
5. An order issued under Ind. Code ch 4-21.5-4 order is effective when issued. Ind. Code § 4-21.5-4-3.
6. The Commission has rulemaking authority and may readopt a rule in anticipation of a rule’s expiration without changes in conformity with certain procedures. Ind. Code § 4-33-4-21; Ind. Code ch 4-22-2.6.
7. A readopted rule takes effect at least thirty (30) days after the date and time that the rule was accepted for filing. Ind. Code § 4-22-2.6-8.
8. The Executive Director, upon obtaining consent from one Commissioner, may exercise the powers and duties of the Commission under Ind. Code § 4-33-4-1 when the Executive Director

finds that a situation is a matter of urgent circumstances and that the failure to act immediately would be impractical, burdensome, or not in the best interests of the public or the gaming industry. See Ind. Code § 4-33-3-18(b) and 4-35-4-1(c) and Ind. Gaming Comm'n Res. 2012-151.

Facts

9. Rules found in 68 Ind. Admin. Code § 11 and Ind. Admin. Code § 14 have been effective since April 19, 1996. Rules found in Ind. Admin. Code § 15 have been effective since 2004. All these rules have been readopted when required. Most recently the rules were readopted in 2018 and are set to expire January 1, 2024. As a result, the re-adoption of those rules must be before December 1, 2023. The next scheduled Commission meeting is not until December 11, 2023.

10. The rules to be readopted are as follows:

68 IAC 11	Internal Control Procedures
68 IAC 14	Gaming Equipment
68 IAC 15	Accounting Records and Procedures

11. The commission filed a notice of the proposed re-adoption including a thirty (30) day public comment period pursuant to Ind. Code § 4-22-2.6-5 on August 9, 2023. Following a request for additional information from Legislative Services Agency, the request was resubmitted on August 15, 2023, but not posted until August 23, 2023. No comments were received regarding the proposed re-adoption.

12. An order under Commission Resolution 212-151 is necessary to comply with the requirements of Ind. Code ch 4-22-2.6 and to prevent the expiration of any rules set to expire January 1, 2024.

Findings and Order

13. The Commission hereby readopts the rules listed above in accordance with Ind. Code § 4-22-2.6.

14. A situation exists that requires the Commission to take immediate action, pursuant to Ind. Code ch 4-21.5-4 and 68 Ind. Admin. Code § 13-1-22, due to the date of expiration and the nature of the rules.

15. It is in the best interests of the public and gaming industry to immediately readopt administrative rules. The Executive Director has obtained the necessary concurrence from a Commissioner as required by Resolution 2012-151 to take this action.

16. Pursuant to Resolution 2012-151, this action shall be reported at the Commission meeting.

Effectiveness

This order is effective immediately per Ind. Code § 4-21.5-4-3.

It is so ORDERED this 21st day of November,
2023.

A handwritten signature in black ink that reads "Greg Small". The signature is written in a cursive style with a large "G" and "S".

Greg Small, Executive Director
Indiana Gaming Commission