

RESOLUTION 2015-67
A RESOLUTION ADOPTING AN EMERGENCY RULE
REGARDING LIMITED MOBILE GAMING
UNDER IND. CODE §§ 4-33 AND 4-35

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted under Ind. Code §§ 4-33 and 4-35.

The Commission has considered the following factors:

1. Pursuant to Ind. Code §§ 4-33-4-3 and 4-35-4-2 and Ind. Code § 4-22-2-37.1, the Commission has the authority to adopt emergency rules.
2. Ind. Code §§ 4-33-4-3 and 4-35-4-2 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 Ind. Code §§ 4-22-2-13 through -36 are inadequate to address the need; and (2) an emergency rule is likely to address the need.
3. Senate Enrolled Act 528, signed by Governor Pence on May 10, 2013, authorized limited mobile gaming systems and devices at Indiana casinos.
4. On February 5, 2015, the Commission received approval from the Office of Management and Budget to promulgate rules concerning limited mobile gaming pursuant to an exception to the Regulatory Moratorium.
5. The instant resolution adopts emergency rules necessary to implement the legislative mandates created by SEA 528 and to effectively regulate limited mobile gaming until the final rule is effective.
6. The Commission finds that the need for an emergency rule regarding limited mobile gaming is immediate and substantial such that rulemaking procedures under Ind. Code §§ 4-22-2-13 through -36 are inadequate to address the need and that an emergency rule is necessary to address the need.
7. While the emergency rule is in effect, the Commission will complete the administrative final rulemaking process, including Ind. Code §§ 4-22-2-24 through -36. The Commission anticipates that a final rule regarding limited mobile gaming will be in effect by January 2016.

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, supplier licensees, and trustees.

SECTION 2: DEFINITIONS

The definitions set forth in Ind. Code § 4-33, Ind. Code § 4-35 and Title 68 of the Indiana Administrative Code apply to this resolution.

SECTION 3: ADOPTION OF THE EMERGENCY RULE

Pursuant to Ind. Code § 4-22-2-37.1, the Commission adopts this rule as an emergency rule for the initial ninety day period as well as for the optional ninety 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

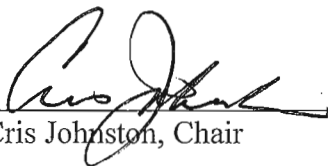
The emergency rule adopted in Section 3 of this resolution is to become effective upon acceptance of filing by the publisher.

SECTION 5: EXPIRATION DATE

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

ADOPTED, THIS 19th DAY OF MARCH, 2015.

THE INDIANA GAMING COMMISSION:



Cris Johnston, Chair

ATTEST:



Joseph Svetanoff, Secretary