

## **IC 4-31-3**

### **Chapter 3. Indiana Horse Racing Commission**

#### **IC 4-31-3-0.3**

##### **Indiana standardbred board of regulation; transfer of records, property, liabilities to commission; rules**

Sec. 0.3. (a) On July 1, 1999, all records, property, and liabilities of the Indiana standardbred board of regulation are transferred to the Indiana horse racing commission.

(b) The rules adopted by the Indiana standardbred board of regulations before July 1, 1999, are considered, after June 30, 1999, rules of the Indiana horse racing commission.

*As added by P.L.220-2011, SEC.52.*

#### **IC 4-31-3-1**

##### **Establishment**

Sec. 1. (a) The Indiana horse racing commission is established. The commission consists of five (5) members appointed by the governor. The members of the commission:

- (1) must be registered voters;
- (2) must have resided in Indiana for at least five (5) years preceding their appointment;
- (3) may not be state employees; and
- (4) may not have a direct or indirect interest in a firm, association, or corporation that:
  - (A) is licensed by the commission; or
  - (B) participates in pari-mutuel meetings in any manner.

(b) No more than three (3) members of the commission may be affiliated with the same political party.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.8-1993, SEC.38.*

#### **IC 4-31-3-2**

##### **Terms of office of members**

Sec. 2. (a) Except as provided in subsection (d), the term of office of a member of the commission is four (4) years.

(b) If a vacancy occurs on the commission, the governor shall appoint a new member to serve for the remainder of the unexpired term.

(c) A member of the commission may not serve more than two (2) consecutive terms. However, this limitation does not apply to part of an unexpired term served under subsection (b) or to terms of three (3) years or less required under subsection (d).

(d) In order to stagger the terms of office of the members of the commission, the terms of office that begin in 1997 must be as follows:

- (1) One (1) member shall be appointed for a term of one (1) year.
- (2) One (1) member shall be appointed for a term of two (2) years.

(3) One (1) member shall be appointed for a term of three (3) years.

(4) Two (2) members shall each be appointed for a term of four (4) years.

Thereafter, all members shall be appointed for terms of four (4) years.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.50-1995, SEC.1.*

#### **IC 4-31-3-3**

##### **Chairman**

Sec. 3. The governor shall designate a member of the commission to serve as chairman.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-3-4**

##### **Quorum**

Sec. 4. (a) Three (3) commission members constitute a quorum. Three (3) affirmative votes are required for the commission to take an action.

(b) A vacancy on the commission does not affect the ability of the remaining members to exercise all the powers of the commission.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-3-5**

##### **Salary; reimbursement of expenses**

Sec. 5. Each member of the commission is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-3-6**

##### **Surety bond**

Sec. 6. Each member of the commission shall execute a surety bond in the penal sum of ten thousand dollars (\$10,000). To the extent a member of the commission is already covered by a bond required by state law, the member need not obtain another bond as long as the bond required by state law is at least equal to the penal sum specified in this section and covers the member's activities for the commission. Instead of a bond, the chairman of the commission may execute a blanket surety bond covering each member and the employees or other officers of the commission. Each surety bond must be conditioned upon the faithful performance of the duties of the office of the member and shall be issued by a surety company authorized to transact business in Indiana. At all times after the issuance of a surety bond, each member shall maintain the surety

bond in full force and effect. All costs of the surety bonds shall be paid by the commission.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-3-7**

##### **Removal of member; notice; hearing**

Sec. 7. The governor may remove a member of the commission for malfeasance, misfeasance, willful neglect of duty, or other cause. Before removing a member, the governor must give the member notice and a public hearing, unless the member expressly waives the notice and hearing in writing.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-3-8**

##### **Duties**

Sec. 8. The commission shall:

- (1) prescribe the rules and conditions under which horse racing at a recognized meeting may be conducted;
- (2) initiate safeguards as necessary to account for the amount of money wagered at each track or satellite facility in each wagering pool;
- (3) require all permit holders to provide a photographic or videotape recording, approved by the commission, of the entire running of all races conducted by the permit holder;
- (4) make annual reports concerning:
  - (A) the competitive status of the Indiana horse racing industry as compared to the horse racing industries of other states and measured by purse, handle, and any other factors determined by the commission;
  - (B) the commission's operations; and
  - (C) the commission's recommendations;to the governor and, in an electronic format under IC 5-14-6, to the general assembly;
- (5) carry out the provisions of IC 15-19-2, after considering recommendations received from the Indiana standardbred advisory board under IC 15-19-2;
- (6) develop internal procedures for accepting, recording, investigating, and resolving complaints from licensees and the general public; and
- (7) annually post the following information on the commission's Internet web site:
  - (A) A summary of the disciplinary actions taken by the commission in the preceding calendar year.
  - (B) A summary of the complaints received and resolved in the preceding calendar year.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.5; P.L.15-1999, SEC.1; P.L.28-2004, SEC.52; P.L.2-2008, SEC.18; P.L.210-2013, SEC.1.*

#### **IC 4-31-3-9**

## **Powers**

Sec. 9. (a) Subject to section 14 of this chapter, the commission may:

- (1) adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this article, including rules that prescribe:
  - (A) the forms of wagering that are permitted;
  - (B) the number of races;
  - (C) the procedures for wagering;
  - (D) the wagering information to be provided to the public;
  - (E) fees for the issuance and renewal of:
    - (i) permits under IC 4-31-5;
    - (ii) satellite facility licenses under IC 4-31-5.5; and
    - (iii) licenses for racetrack personnel and racing participants under IC 4-31-6;
  - (F) investigative fees;
  - (G) fines and penalties; and
  - (H) any other regulation that the commission determines is in the public interest in the conduct of recognized meetings and wagering on horse racing in Indiana;
- (2) appoint employees and fix their compensation, subject to the approval of the budget agency under IC 4-12-1-13;
- (3) enter into contracts necessary to implement this article; and
- (4) receive and consider recommendations from a development advisory committee established under IC 4-31-11.

(b) An emergency rule adopted by the commission under subsection (a) expires on the earlier of the following dates:

- (1) The expiration date stated in the emergency rule.
- (2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-24 through IC 4-22-2-36 or under IC 4-22-2-37.1.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.6; P.L.182-2009(ss), SEC.57; P.L.6-2012, SEC.19; P.L.140-2013, SEC.3.*

## **IC 4-31-3-10**

### **Director and assistant director**

Sec. 10. (a) The commission shall appoint a director and an assistant director who serve at the pleasure of the commission. The director and the assistant director must have a background in the horse industry, a high level of management skills, and previous experience with pari-mutuel horse betting administration.

- (b) The director and the assistant director shall:
- (1) attend all meetings of the commission;
  - (2) keep a complete record of the commission's proceedings;
  - (3) preserve at the commission's office all documents entrusted to the commission's care; and
  - (4) perform other duties the commission prescribes.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.50-1995, SEC.2.*

### **IC 4-31-3-11**

#### **Racing inspectors**

Sec. 11. (a) The commission shall employ or contract for racing inspectors to attend each recognized meeting held under a permit issued under this article. Each racing inspector shall file with the secretary of state a bond:

- (1) in the sum of five thousand dollars (\$5,000);
- (2) with sufficient sureties; and
- (3) approved by and made payable to the treasurer of state.

(b) A permit holder shall give each racing inspector full and free access to the books, records, and papers pertaining to the pari-mutuel system of wagering and to the enclosure or space where the pari-mutuel system is conducted, for the purpose of ascertaining whether the permit holder is retaining the proper amount of commission. The racing inspector shall investigate and ascertain whether this article or rules adopted by the commission are being violated at the racetrack or enclosure. The racing inspector shall immediately report a violation in writing and under oath to the commission.

*As added by P.L.341-1989(ss), SEC.2.*

### **IC 4-31-3-11.5**

#### **Judges and stewards**

Sec. 11.5. The commission shall employ or contract for judges and stewards to attend each recognized meeting held under a permit issued under this article. The permit holder shall, in the manner prescribed by the rules of the commission, reimburse the commission for the salaries and other expenses of the judges and stewards who serve at the permit holder's racetrack.

*As added by P.L.24-1992, SEC.7.*

### **IC 4-31-3-12**

#### **Public employees' retirement fund**

Sec. 12. Employees of the commission are members of the public employees' retirement fund. Persons who provide services for the commission under contractual agreements are not members of the public employees' retirement fund.

*As added by P.L.341-1989(ss), SEC.2.*

### **IC 4-31-3-13 Version a**

#### **Director of security**

*Note: This version of section effective until 1-1-2014. See also following version of this section, effective 1-1-2014.*

Sec. 13. (a) The commission shall employ a director of security who is qualified by training and experience in law enforcement or security to supervise, direct, coordinate, and administer the security activities of the commission.

(b) The director of security may do the following:

- (1) Investigate licensees of the commission, including applicants for licenses, necessary to ensure the security and

integrity of pari-mutuel racing.

(2) Investigate an alleged violation of this article or a rule adopted by the commission.

(3) Enter a permit holder's premises for the performance of the director's lawful duties.

(4) Conduct searches authorized by IC 4-31-13-4.

(5) Perform other duties the commission prescribes.

*As added by P.L.50-1995, SEC.3.*

#### **IC 4-31-3-13 Version b**

#### **Enforcement powers of the director of security; summons issued by executive director or director of security**

*Note: This version of section effective 1-1-2014. See also preceding version of this section, effective until 1-1-2014.*

Sec. 13. (a) The commission shall employ a director of security who is qualified by training and experience in law enforcement or security to supervise, direct, coordinate, and administer the security activities of the commission.

(b) The director of security may do the following:

(1) Investigate licensees of the commission, including applicants for licenses, necessary to ensure the security and integrity of pari-mutuel racing.

(2) Investigate an alleged violation of this article or a rule adopted by the commission.

(3) Enter a permit holder's premises for the performance of the director's lawful duties.

(4) Conduct searches authorized by IC 4-31-13-4.

(5) Perform other duties the commission prescribes.

(c) The executive director or the director of security may issue a summons to any licensee who is alleged to have violated this article, the rules of the commission, or an order of the commission. The summons must set forth substantially the nature of the alleged violation and command the licensee to appear before the commission at a stated time and place. However, the stated time for a hearing held under this subsection must be at least thirty (30) days after the issuance of the summons.

*As added by P.L.50-1995, SEC.3. Amended by P.L.210-2013, SEC.2.*

#### **IC 4-31-3-14**

#### **Prohibition of fee for proposed transfer of ownership**

Sec. 14. The commission may not do the following:

(1) Impose, charge, or collect by rule a fee that is not authorized by this article on any party to a proposed transfer of an ownership interest in a permit issued under IC 4-31-5.

(2) Make the commission's approval of a proposed transfer of an ownership interest in a permit issued under IC 4-31-5 contingent upon the payment of any amount that is not authorized by this article.

*As added by P.L.182-2009(ss), SEC.58.*