

## **IC 4-33-3**

### **Chapter 3. Indiana Gaming Commission**

#### **IC 4-33-3-0.3**

##### **Certain transfer fee rules void**

Sec. 0.3. The following rules are void:

(1) An emergency rule adopted by the commission on April 21, 2005, pursuant to Indiana gaming commission resolution 2005-17 concerning the imposition of a transfer fee for riverboat license transfers.

(2) Any other rule adopted after April 1, 2005, that establishes a transfer fee for riverboat licenses, including operating permits.

*As added by P.L.220-2011, SEC.53.*

#### **IC 4-33-3-1**

##### **Establishment of commission**

Sec. 1. The Indiana gaming commission is established.

*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-3-2**

##### **Members; qualifications; appointment**

Sec. 2. (a) The commission consists of seven (7) members appointed by the governor.

(b) Each member of the commission must:

(1) be a resident of Indiana; and

(2) have a reasonable knowledge of the practice, procedures, and principles of gambling operations.

(c) At least one (1) member of the commission must be experienced in law enforcement and criminal investigation.

(d) At least one (1) member of the commission must be a certified public accountant experienced in accounting and auditing.

(e) At least one (1) member of the commission must be an attorney admitted to the practice of law in Indiana.

(f) One (1) member of the commission must be a resident of a county described in IC 4-33-1-1(1).

(g) One (1) member of the commission must be a resident of a county described in IC 4-33-1-1(2).

(h) Not more than four (4) members may be affiliated with the same political party.

*As added by P.L.277-1993(ss), SEC.124. Amended by P.L.170-2005, SEC.2.*

#### **IC 4-33-3-3**

##### **Chair**

Sec. 3. The governor shall designate one (1) member of the commission to serve as chair.

*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-3-4**

##### **Terms**

Sec. 4. (a) Except as provided in subsection (b), the term of office of a commission member is three (3) years.

(b) When making the initial appointments to the commission under this chapter, the governor shall do the following:

- (1) Appoint two (2) members to serve for terms of three (3) years.
- (2) Appoint two (2) members to serve for terms of two (2) years.
- (3) Appoint three (3) members to serve for terms of one (1) year.

*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-3-5**

##### **Vacancies**

Sec. 5. A vacancy on the commission shall be filled for the unexpired term in the same manner as the original appointment.

*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-3-6**

##### **Reappointment**

Sec. 6. Each member of the commission is eligible for reappointment at the discretion of the governor.

*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-3-7**

##### **Compensation**

Sec. 7. Each member of the commission is entitled to receive the following:

- (1) Salary per diem, as provided in IC 4-10-11-2.1(b), for each day the member does any of the following:
  - (A) Attends a meeting of the commission.
  - (B) Conducts a hearing under this article.
- (2) 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.277-1993(ss), SEC.124.*

#### **IC 4-33-3-8**

##### **Conflict of interest**

Sec. 8. A person may not be appointed to the commission or continue to be a commission member if the person or the person's spouse, child, or parent is:

- (1) a member of the board of directors of; or
- (2) financially interested in;

a gambling operation subject to the jurisdiction of the commission.  
*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-3-9**

##### **Other public office**

Sec. 9. A commission member may not hold any other public office for which the member receives compensation other than necessary travel expenses or other incidental expenses.

*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-3-10**

##### **Moral character; felony conviction or indictment**

Sec. 10. A person may not be appointed to the commission if:

- (1) the person is not of good moral character; or
- (2) the person:
  - (A) has been convicted of; or
  - (B) is under indictment for;a felony under Indiana law, the laws of any other state, or laws of the United States.

*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-3-11**

##### **Removal**

Sec. 11. A member of the commission may be removed by the governor for any of the following reasons:

- (1) Neglect of duty.
- (2) Misfeasance.
- (3) Malfeasance.
- (4) Nonfeasance.

*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-3-12**

##### **Oath; bond**

Sec. 12. Each member of the commission must, before beginning the discharge of the duties of the member's office, do the following:

- (1) Take an oath that the member will faithfully execute the duties of the member's office according to Indiana law and rules adopted under Indiana law.
- (2) Provide a bond to the state that:
  - (A) is approved by the governor;
  - (B) is for twenty-five thousand dollars (\$25,000); and
  - (C) is, after being executed and approved, recorded in the office of the secretary of state.

*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-3-13**

##### **Bond renewal**

Sec. 13. If the governor determines that the bond of a commission

member has become or is likely to become invalid or insufficient, the governor shall immediately require the member to renew the member's bond. The governor must approve a bond renewed under this section.

*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-3-14**

##### **Removal for failing to take oath or provide bond**

Sec. 14. The governor may remove a commission member who:

(1) does not:

(A) take the required oath; and

(B) provide the required bond;

not more than thirty (30) days after the member is appointed to the commission; or

(2) does not renew the member's bond not more than thirty (30) days after the governor requires the renewal under this chapter.

*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-3-15**

##### **Bond cost; payment by commission**

Sec. 15. The commission may pay the cost of a bond given by a member of the commission under this chapter.

*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-3-16**

##### **Staff support; personnel**

Sec. 16. The commission shall hire staff to carry out the duties of the commission. Upon the request of the commission, the department shall employ personnel necessary to carry out the duties of the commission.

*As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.4.*

#### **IC 4-33-3-17**

##### **Employee conflict of interest**

Sec. 17. (a) A person may not be employed to serve the commission if:

(1) the person or the person's spouse, parent, or child is:

(A) an official of an operator or operating agent engaged in gambling operations in Indiana; or

(B) a person with:

(i) a financial interest in; or

(ii) a financial relation with;

an operator or operating agent engaged in gambling operations in Indiana; or

(2) the person is a spouse, parent, or child of a commission member.

(b) The employment of a person employed in violation of

subsection (a) shall be terminated.

*As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.9.*

#### **IC 4-33-3-18**

##### **Executive director; appointment; compensation**

Sec. 18. (a) The governor shall appoint the executive director of the commission to serve at the pleasure of the governor. The executive director's compensation shall be approved annually by the governor under IC 4-12-2.

(b) The commission may by resolution assign to the executive director any duty imposed upon the commission by this article.

(c) The executive director shall perform the duties assigned to the executive director by the commission. The executive director may exercise any power conferred upon the commission by this article that is consistent with the duties assigned to the executive director under subsection (b).

(d) In addition to any salary paid under this section, the executive director is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the executive director'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.277-1993(ss), SEC.124. Amended by P.L.142-2009, SEC.3.*

#### **IC 4-33-3-19**

##### **Executive director; duties**

Sec. 19. (a) The executive director shall devote the executive director's full time to the duties of the office.

(b) The executive director shall do the following:

(1) Keep records of all proceedings of the commission.

(2) Preserve all papers, books, documents, and other records belonging to or held by the commission.

*As added by P.L.277-1993(ss), SEC.124. Amended by P.L.227-2007, SEC.46.*

#### **IC 4-33-3-20**

##### **Meetings**

Sec. 20. (a) The commission shall hold at least one (1) meeting each quarter of the fiscal year.

(b) The chair or any two (2) commission members may call a special meeting. A special meeting may be held not earlier than seventy-two (72) hours after written notice has been sent to each member.

(c) Except as provided in this article, commission meetings are subject to IC 5-14-1.5.

(d) Four (4) members of the commission constitute a quorum of

the commission.

(e) Four (4) affirmative votes are required for the commission to take official action.

*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-3-21**

##### **Records**

Sec. 21. (a) The commission shall keep a complete and accurate record of the commission's meetings.

(b) The commission shall maintain records that are separate from the records of any other state board or commission. The commission's records shall be available for public inspection and must accurately reflect all commission proceedings.

*As added by P.L.277-1993(ss), SEC.124.*

#### **IC 4-33-3-22**

##### **Annual report**

Sec. 22. (a) The commission shall file a written annual report with the governor before September 1 of each year. The commission shall file any additional reports that the governor requests.

(b) The annual report filed under this section must include a statement describing the following:

- (1) The receipts and disbursements of the commission.
- (2) Actions taken by the commission.
- (3) Any additional information and recommendations that:
  - (A) the commission considers useful; or
  - (B) the governor requests.

*As added by P.L.277-1993(ss), SEC.124. Amended by P.L.188-2003, SEC.12.*

#### **IC 4-33-3-23**

##### **Hearings**

Sec. 23. (a) A commission member or an administrative law judge appointed by the commission may do the following:

- (1) Conduct a hearing authorized under this article.
- (2) Recommend findings of fact and decisions to the commission.

(b) The commission member or administrative law judge conducting a hearing has all the powers and rights granted to the commission. A hearing under this article shall be conducted under IC 4-21.5.

(c) When conducting a public hearing, the commission shall not limit the number of speakers who may testify. However, the commission may set reasonable time limits on the length of an individual's testimony or the total amount of time allotted to proponents and opponents of an issue before the commission.

*As added by P.L.277-1993(ss), SEC.124. Amended by P.L.52-1995, SEC.1.*