

**RESOLUTION 1995- 9**

**A RESOLUTION ESTABLISHING THE PRO RATA  
COST OF THE MAY 3, 1994 REFERENDUM TO  
BE PAID BY APPLICANTS FOR A RIVERBOAT  
OWNER'S LICENSE IN HARRISON AND CRAWFORD COUNTIES**

**WHEREAS**, under Indiana Code 4-33-4-1, the Indiana Gaming Commission ("the Commission") has the power and duty to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

**WHEREAS**, the Commission has the power and duty to take any reasonable and appropriate action to enforce the Riverboat Gambling Law;

**WHEREAS**, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

**WHEREAS**, pursuant to IC 4-33-6-19, IC 4-33-6-20, Public Law 1993-277 (ss), SECTIONS 133 and 134, the Commission may issue a license only to those counties and cities upon the approval of the voters in the respective counties and cities;

**WHEREAS**, pursuant to Public Law 277-1993, (ss), SECTIONS 133 and 134, a special election was held in May of 1994 since "an applicant for a riverboat license under 4-33-6 [paid] in advance of the election the cost of the expenses to hold the special election, as determined by the election board";

**WHEREAS**, on May 3, 1994, referenda were held in the counties of Crawford, Harrison, and Jefferson on the Ohio River;

**WHEREAS**, the results of the May 3, 1994, referenda have been certified to the Commission stating that the referenda passed in the counties of Crawford and Harrison on the Ohio River, and the referendum failed to pass in the county of Jefferson on the Ohio River;

**WHEREAS**, the Commission has set deadlines for applicants to apply for a Riverboat Owner's License to be located in Crawford and Harrison Counties, these deadlines have passed, and, therefore, the total number of applicants is known; and

**WHEREAS**, pursuant to RESOLUTION 1993-3, the Commission established the procedure to be utilized for the payment of the election costs within the same jurisdiction when multiple applications were filed.

**NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED.**

**SECTION 1. DEFINITIONS.**

The definitions set forth in IC 4-33-2 and 68 IAC 1-1 4 apply to this resolution.

**SECTION 2. SCOPE.**

This resolution applies to the applicants for a Riverboat Owner's License in the counties of Crawford and Harrison on the Ohio River.

**SECTION 3. PROCEDURE UTILIZED FOR PAYMENT OF ESTIMATED ELECTION COSTS.**

Pursuant to RESOLUTION 1993-3, the first applicant that presented the county auditor with a copy of the application filed with the Commission, and the appropriate statement indicating that the application had been filed with the Commission, the location of the home dock site, and that the application fee had been paid, was to pay the amount of the cost of the special election as previously determined by the Crawford and Harrison County election boards.

The respective county election board, at a duly convened meeting, determined the cost of the special election held in May of 1994. The Commission has been advised of this information as set forth specifically below through the State Election Board. The Crawford and Harrison County Auditors, through the State Election Board has advised the Commission of the actual cost of holding the election as well as which applicant tendered this amount pursuant to RESOLUTION 1993-3. The respective County Auditor, in accordance with the procedure prescribed by the Indiana State Board of Accounts, under the State Examiner's Memorandum of August 31, 1993, is authorized to refund excess estimated special election costs.

**SECTION 4. PROCEDURE AND ORDER FOR PAYMENT OF PRO RATA SHARE OF ELECTION COSTS, AND REFUND OF EXCESS PAYMENT OF ELECTION COSTS IN CRAWFORD COUNTY.**

The Commission finds as follows with respect to Crawford County:

Crawford County Casino Corporation applied for a Riverboat Owner's License to be located in Crawford County, Indiana.

Estimated election costs: Five Thousand Dollars (\$5,000). Crawford County Casino Corporation paid the cost of the special election which was held on May 3, 1994, in Crawford County.

Actual cost to Crawford County of the special election held in Crawford County was Four Thousand Nine Hundred Fifty-four Dollars and Forty-three Cents (\$4,954.43).

The estimated cost exceeded the actual cost of the May 3, 1994 election by Forty-five Dollars and Fifty-seven Cents (\$45.57).

Based on these findings, the Commission hereby ORDERS with respect to Crawford County:

The Crawford County Auditor is authorized to refund the amount of Forty-five Dollars and Fifty-seven Cents (\$45.57), as an excess payment of estimated election costs to Crawford County Casino Corporation at the following address: 711 Casino Magic Drive, Bay St. Louis, MS 39250, attention Len Krick.

**SECTION 5. PROCEDURE AND ORDER FOR PAYMENT OF PRO RATA SHARE OF ELECTION COSTS, AND REFUND OF EXCESS PAYMENT OF ELECTION COSTS IN HARRISON COUNTY.**

The Commission finds as follows with respect to Harrison County:

Riverboat Development, Inc., Madison Landing Associates, Inc., Harrison County Gaming Co., LLC, Horseshoe Casinos (Indiana) LLC, and New Albany Landing Company LLC applied for a Riverboat Owner's License to be located in Harrison County, Indiana.

Estimated election costs: Eight Thousand Two Hundred Ninety Dollars (\$8,290). Riverboat Development, Inc. paid the cost of the special election which was held on May 3, 1994, in Harrison County.

Actual cost to Harrison County of the special election held in Jefferson County was Seven Thousand Two Hundred Eighty Dollars and Seventeen Cents (\$7,280.17).

The estimated cost exceeded the actual cost of the May 3, 1994 election by One Thousand Nine Dollars and Eighty-three Cents (\$1,009.83).

There are a total of five (5) applicants for a Riverboat Owner's License to be located in Harrison County, Indiana. As a result, the pro-rata share of the actual election costs for each applicant is One Thousand Four Hundred Fifty-six Dollars and Three Cents (\$1,456.03).

Based on these findings, the Commission hereby ORDERS with respect to Harrison County:

Pursuant to RESOLUTION 1993-3, Madison Landing Associates, Inc., Harrison County Gaming Co., LLC, Horseshoe Casinos (Indiana) LLC, and New Albany Landing Company LLC are each to issue a cashier's or a certified check in the amount of One Thousand Four Hundred Fifty-six Dollars and Three Cents (\$1,456.03) made payable to Riverboat Development, Inc. at the following address: 525 Brown & Williamson Tower, Louisville, KY 40202, attention Larry Townshend. This check must be received no later than noon (Indianapolis time) on Friday, May 19, 1995.

The Harrison County Auditor is authorized to refund the amount of One Thousand Nine Dollars and Eighty-three Cents (\$1,009.83), as an excess payment of estimated election costs to Riverboat Development, Inc. at the following address: 525 Brown & Williamson Tower, Louisville, KY 40202, attention Larry Townshend.

**SECTION 6. NOTIFICATION OF THE COMMISSION.**

Riverboat Development, Inc. is to notify the Commission by noon (Indianapolis time) on Friday, June 2, 1995, that it has or has not received the appropriate funds from Madison Landing Associates, Inc., Harrison County Gaming Co., LLC, Horseshoe Casinos (Indiana) LLC, and New Albany Landing Company LLC.

**SECTION 7. EFFECTIVE DATE.**

This RESOLUTION is effective immediately.

**ADOPTED, THIS THE 27TH DAY OF APRIL, 1995:**

**THE INDIANA GAMING COMMISSION:**

  
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Alan I. Klineman, Chair

**ATTEST:**

  
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Donald R. Vowels, Secretary