

RESOLUTION 2006-26

A RESOLUTION ADOPTING AN EMERGENCY RULE REGARDING WEAPONS ON A RIVERBOAT

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted to it under IC 4-33 and pursuant to 68 IAC 1-2-6.

The Commission has considered the following factors:

1. Pursuant to IC 4-33-4-3 and IC 4-22-2-37.1, the Commission has the authority to adopt emergency rules.
2. The majority of Indiana riverboat licensees currently contract with or otherwise hire private companies to transport currency to automatic teller machines located on board the riverboats. Commission staff has learned that due to the large amount of cash being entrusted to the employees of such ATM service companies, the insurance carriers of most, if not all, of the companies currently servicing Indiana casinos, require that the employees be licensed, trained, and authorized to carry a firearm at all times while on duty.
3. In its current form, 68 IAC 1-7-1 technically forbids the employees of ATM service companies from carrying their employer-issued weapons on board the riverboat. The Commission finds that such general prohibition has created a significant burden on the ATM service companies, riverboat security personnel, and Commission enforcement agents without providing additional security for assets or individuals aboard the riverboats.
4. The attached emergency amendments to 68 IAC 1-7-1 merely provide the Commission and/or the Executive Director a formal mechanism for waiving the general weapons prohibition currently in the rule when and if the Commission or Executive Director deem it is appropriate to do so. The amendments do not provide a blanket approval for individuals to carry weapons on board riverboats and are intended to provide the flexibility necessary for the Commission not only to effectively ensure security of the currency being transported onto a casino, but to also provide for the safety of all individuals who board Indiana riverboats.
5. Pursuant to IC 4-33-4-3(a)(8), the Commission finds that the need for an amendment to the rule regarding weapons on a riverboat is immediate and substantial such that the rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need, and that the attached emergency rule is likely to address that need.
6. While the proposed emergency rule is in effect, the Commission will proceed with the formal rulemaking procedures set forth in IC 4-22-2 so that the new rule may be formally adopted before the emergency rule expires.
7. Once adopted by the Commission, the Commission staff will file the emergency rule with the Secretary of State and submit it for publication with the Legislative Services Agency. The emergency rule will become effective upon filing with the Secretary of State, and will continue to be effective for ninety (90) days thereafter. If necessary, the Commission will renew the

effectiveness of the emergency rule for an additional ninety (90) days pending completion of the formal promulgation process.

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

SECTION 1: SCOPE

This resolution applies to Commission members, employees and agents, each riverboat licensee, each occupational licensee, each riverboat patron, and any other individual who may be present on a licensed riverboat at any time.

SECTION 2: DEFINITIONS

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

SECTION 3: ADOPTION OF THE EMERGENCY RULE

Pursuant to IC 4-22-2-37.1, the Commission adopts the attached rule regarding weapons on a riverboat as an emergency rule for the initial ninety (90) day period as well as for the optional ninety (90) 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 submit the rule to the Publisher of the Indiana Register and the Indiana Administrative Code for the assignment of a document control number and then shall submit the emergency rule to the Secretary of State for filing.

SECTION 4: EFFECTIVE DATE

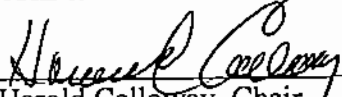
The emergency rule adopted in section 3 of this resolution is to become effective upon filing with the Secretary of State.

SECTION 5: EXPIRATION DATE

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

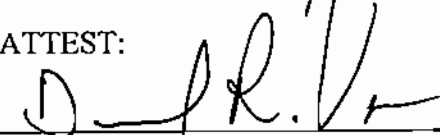
ADOPTED, THIS THE 7TH DAY OF JUNE, 2006.

THE INDIANA GAMING COMMISSION:



Harold Calloway, Chair

ATTEST:



Donald R. Vowels, Secretary