

RESOLUTION 2007-129

A RESOLUTION ADOPTING AN EMERGENCY RULE REGARDING MINORITY AND WOMEN BUSINESS ENTERPRISES

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. IC 4-33-14-10 authorizes the Commission to adopt rules necessary to interpret and implement the provisions of IC 4-33-14 regarding minority and women's business participation.
3. On September 13, 2007, the Commission adopted annual minority and women owned business enterprise (MWBE) expenditure goals for 2008, which were derived from a statistical analysis of MWBE utilization and capacity for Indiana casinos pursuant to IC 4-33-14-5(b).
4. The Commission has identified an immediate need to amend its existing M/WBE regulations for the primary purposes of: (1) updating antiquated provisions; and (2) ensuring consistency with the methodology and results of the recent disparity study and adoption of new annual goals for 2008.
5. Because reporting and compliance is conducted on a calendar year basis, amended regulations should be effective on or prior to January 1, 2008, which is the first day of the annual reporting period and the first date that the new expenditure goals and the capacity expectations will be effective. As such, use of non-emergency promulgation procedures is inadequate at this time.
6. The Commission finds that the need for an updated rule regarding the use of Minority and Women business enterprises is immediate and substantial such that rulemaking procedures under IC 4-22-2-24 through IC 4-22-2-36 are inadequate to address the need and that the attached emergency rule is likely to address the need.
7. While the emergency rule is in effect, the Commission will proceed with the non-emergency promulgation process, including IC 4-22-2-24 through 4-22-2-36.

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

SECTION 1: SCOPE

This resolution applies to all Indiana Riverboat Licensees, riverboat license applicants, operating agents and horse track gambling game licensees.

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 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 file the proposed emergency rule and submit it for publication with Legislative Services Agency.

SECTION 4: EFFECTIVE DATE

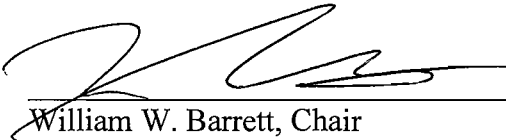
The emergency rule adopted in section 3 of this resolution is to become effective on January 1, 2008.

SECTION 5: EXPIRATION DATE

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

ADOPTED, THIS THE 6TH DAY OF DECEMBER, 2007.

THE INDIANA GAMING COMMISSION:



William W. Barrett, Chair

ATTEST:



Tom Swihart, Secretary