

RESOLUTION 2007-22

A RESOLUTION ADOPTING AN EMERGENCY RULE CHANGING THE DEFINITIONS FOR “KEY PERSON” AND “SUBSTANTIAL OWNER”

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 Commission staff has recently revised the Personal Disclosure Form 1 (PD1), which is the application for a Level 1 occupational license and is also used in the evaluation of suitability of key persons and substantial owners of a riverboat or supplier licensee.
3. The PD1 uses terms that are included in the definitions of the Commission's regulations, but has changed the terms "key person" and "substantial owner" in the PD1 to better suit the characteristics of individuals that need to submit PD1 applications.
4. These two terms need to be redefined in 68 IAC 1-1 so that the Commission's regulations are consistent with the terms in the PD1.
5. An immediate need exists to rectify the conflict in the definitions between the revised PD1 and the current regulations in order to present a consistent regulatory philosophy, especially in light of current license transfers.
6. Pursuant to IC 4-33-4-3(a)(8), the Commission finds that the need for an amendment to the rule 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.
7. 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.
8. Once adopted by the Commission, the Commission staff will follow appropriate procedures to publish the emergency rule. The emergency rule will become effective upon filing with the Legislative Services Agency, 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 all persons subject to the authority granted to the Commission by the General Assembly in Indiana Code 4-33.

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 changes to the definitions of the terms "key person" and "substantial owner" 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 Legislative Services Agency for filing.

SECTION 4: EFFECTIVE DATE

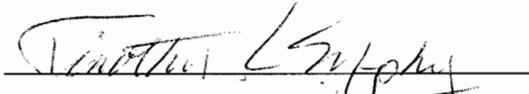
The emergency rule adopted in section 3 of this resolution is to become effective upon acceptance for filing by the Legislative Services Agency.

SECTION 5: EXPIRATION DATE

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

ADOPTED, THIS THE 8TH DAY OF MARCH, 2007.

THE INDIANA GAMING COMMISSION:



Timothy L. Murphy, Vice-Chair

ATTEST:



Donald R. Vowels, Secretary