

RESOLUTION 1995- 10

**A RESOLUTION ESTABLISHING THE PRO RATA
COST OF THE NOVEMBER 8, 1994 REFERENDUM TO
BE PAID BY APPLICANTS FOR A RIVERBOAT
OWNER'S LICENSE IN PERRY COUNTY**

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 November 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 November 8, 1994, a referendum was held in the county of Perry on the Ohio River;

WHEREAS, the results of the November 8, 1994, referendum has been certified to the Commission stating that the referendum passed in Perry County on the Ohio River; and

WHEREAS, the Commission has set deadlines for applicants to apply for a Riverboat Owner's License to be located in Perry County, this deadline has passed, and, therefore, the total number of applicants is known.

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 Perry County 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 Perry County election board.

The Perry County election board, at a duly convened meeting, determined the cost of the special election held in November of 1994. The Commission has been advised of this information as set forth specifically below through the State Election Board. The Perry County Auditor, 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 Perry 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 PERRY COUNTY.

The Commission finds as follows with respect to Perry County:

Perry County Riverboat, L.P. applied for a Riverboat Owner's License to be located in Perry County, Indiana.

Estimated election costs: One Thousand Seven Hundred Fifty Dollars (\$1,750). Perry County Riverboat, L.P. paid the cost of the special election which was held on November 8, 1994, in Perry County.

Actual cost to Perry County of the special election held in Perry County was Six Hundred Sixty-nine Dollars and Thirty-seven Cents (\$669.37).

The estimated cost exceeded the actual cost of the November 8, 1994 election by One Thousand Eighty Dollars and Sixty-three Cents (\$1,080.63).

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

The Perry County Auditor is authorized to refund the amount of One Thousand Eighty Dollars and Sixty-three Cents (\$1,080.63), as an excess payment of estimated election costs to Perry County Riverboat, L.P. at the following address: 311 S. Wacker Driver, Chicago, Illinois 60606, attention Donna More.

SECTION 5. EFFECTIVE DATE.

This RESOLUTION is effective immediately.

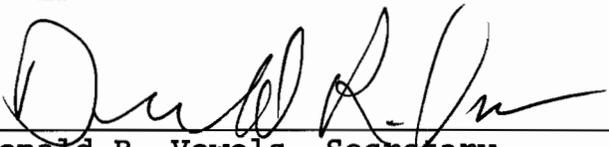
ADOPTED, THIS THE 27TH DAY OF APRIL, 1995:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



Donald R. Vowels, Secretary