

RESOLUTION 2003-22

A RESOLUTION ESTABLISHING GUIDELINES GOVERNING AN OPERATING AGENT'S PAYMENT OF THE COSTS OF A SPECIAL ELECTION IF CONDUCTED IN NOVEMBER 2003 IN ORANGE COUNTY, INDIANA

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 following factors have been considered by the Commission:

1. Pursuant to Public Law 92-2003, Section 64, a county containing a qualified historic hotel may hold a special election in November 2003, if the legislative body of the county adopts an ordinance under IC 4-33-6-18, or at least five percent (5%) of the registered voters of the county sign a petition submitted to the circuit court clerk requesting a local public question be placed on the ballot.
2. The appropriate legislative body of Orange County does intend to vote in the near future to determine whether the question concerning riverboat gambling should be placed on the ballot this November 2003.
3. If the question is placed on the ballot, Public Law 92-2003, Section 64, subsection (d) directs that "an applicant for an operating agent contract pays in advance of the election the amount that is the difference between the cost to hold a special election and the sum of the costs to hold municipal elections in the county."
4. The Commission finds that prescribing a procedure for the payment of special election costs where more than one person may apply as an operating agent will prevent confusion among applicants and county officials and will maintain the public's confidence and trust in the Riverboat Gambling Law.

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

SECTION 1. SCOPE.

This resolution applies to any person that applies to the Commission to be the operating agent as defined in IC 4-33-2-14.5 that wishes to act under Public Law 92-2003, Section 64 to pay the cost of a special election to be conducted in November 2003.

SECTION 2. DEFINITIONS.

The definitions set forth in IC 4-33-2 and 68 IAC apply to this resolution, and a person is considered an "applicant" for the purposes of paying for the costs of a special election under Public Law 92-2003 if the person:

- (1) has filed "PART I: Preliminary Information" of the Indiana Operating Agent Application; and
- (2) complies with the Riverboat Gambling Law (IC 4-33) and all interim written guidelines, resolutions, or orders adopted by the Commission.

SECTION 3. DEADLINE FOR PRESENTING PAYMENT OF ELECTION COSTS.

An applicant must present the Orange County Auditor with a cashier's check or certified check to pay in full the cost of the special election to be conducted in November 2003 as directed by the appropriate body of Orange County.

SECTION 4. ADOPTION OF A PROCEDURE GOVERNING AN OPERATING AGENT'S PAYMENT OF THE COSTS OF A SPECIAL ELECTION IF CONDUCTED ON NOVEMBER 2, 2003 IN ORANGE COUNTY, INDIANA.

An applicant must present proof of the filing of the application with the Commission and payment of the application fee to the Orange County auditor.

An applicant must provide a cashier's check or certified check, in the amount of the cost of the special election (as previously determined by the county election board of the county), and made payable to "The Orange County Treasurer".

An applicant will be considered to have paid for the cost of the special election when the applicant has complied with this section and the Orange County Auditor provides the applicant with a copy of the quietus or receipt issued by the Orange County Auditor and Orange County Treasurer, with a date and hour of issuance stated on the quietus or receipt.

SECTION 5. PAYMENT OF ELECTION COSTS BY MULTIPLE APPLICANTS.

(a) This SECTION applies to the payment of the costs of a special election within a jurisdiction when more than one (1) person has filed an application with the Commission to be the operating agent.

(b) This subsection applies to an applicant who acts under SECTION 3 to pay for the cost of a special election. Before presenting items under SECTION 3, the applicant shall ask the Orange County Auditor whether any other applicant has previously presented items under

SECTION 3 to pay the costs of the special election. If another applicant has previously paid the costs of the special election in accordance with these guidelines, the applicant may not present the items under SECTION 3.

(c) After the special election is conducted and before issuing the contract for operating agent, the Commission shall determine whether a person (other than the applicant who paid the cost of the special election) has applied for the contract as operating agent. If another person has applied, the Commission shall issue an order requiring the person to forward a cashier's check or certified check to the applicant who paid the cost of the special election.

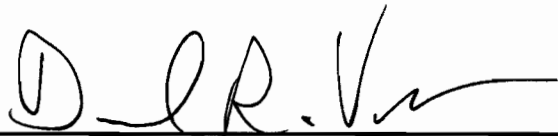
(d) The amount of the payment described under subsection (c) equals the cost of the special election (as previously determined by the county election board) divided by the number of persons who have applied for the contract as operating agent. The Commission's order may prescribe a date by which the person shall make the payment to the applicant.

SECTION 6. EFFECTIVE DATE.

This RESOLUTION is effective immediately.

ADOPTED THIS THE 11th DAY OF JULY, 2003:

THE INDIANA GAMING COMMISSION:



Donald R. Vowels, Chair



Thomas Milcarek, Secretary