

## RESOLUTION 2006-27

### A RESOLUTION ADOPTING AN EMERGENCY RULE REGARDING GAMING AGENTS AND POLICE EMPLOYEES

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. The Commission is to commence rulemaking procedures after the adoption of the emergency rule regarding Gaming Agents.
2. To date, fully trained Commission enforcement agents have already replaced all state police personnel formerly assigned to serve as agents of the Commission on the Majestic Star I and II riverboats. A second gaming agent academy with personnel sufficient to fully staff the Aztar, Caesars and French Lick Resort and Casino riverboats is currently underway at the Indiana Law Enforcement Academy. It is expected that all three of these additional riverboats will be fully staffed with Commission enforcement agents before the Commission holds its next regularly scheduled public meeting in September 2006.
3. IC 4-33-4-3.5 authorizes the Commission to adopt rules prescribing that manner in which the licensed owners and operating agents will reimburse the Commission for the salaries and other expenses of the gaming agents and their support staff.
4. Pursuant to IC 4-33-4-3(a)(8), the Commission finds that the need for a rule which defines the terms "enforcement agent" and "gaming agent;" removes and replaces references to the obsolete term "commission agent" throughout Title 68; and addresses issues relating to the reimbursable expenses for gaming agents and police employees, 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, but that the attached emergency rule is likely to address that need.
5. While the 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.
6. The Commission staff will file the adopted 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, agents, and all 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 regarding gaming agents and police employees 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**

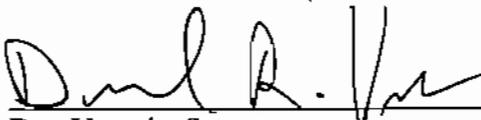
This resolution expires upon the final expiration of the emergency rule adopted herein.

**ADOPTED, THIS THE 7<sup>TH</sup> DAY OF JUNE, 2006.**

THE INDIANA GAMING COMMISSION:

  
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Harold Calloway, Chair

ATTEST:

  
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Don Vowels, Secretary