

RESOLUTION 2011-138
ADOPTING AN EMERGENCY RULE REGARDING DEVELOPMENT
AGREEMENTS

The Indiana Gaming Commission (“Commission”) adopts the following resolution pursuant to the authority granted under IC 4-33.

The Commission has considered the following factors:

1. Pursuant to IC 4-33-4 and IC 4-22-2-37.1, the Commission has the authority to adopt emergency rules.
2. IC 4-33-4-3(a)(8) authorizes the Commission to adopt emergency rules if the Commission determines that: (1) the need for a rule is so immediate and substantial that rulemaking procedures under 4-22-2-13 through 4-22-2-36 are inadequate to address the need; and (2) an emergency rule is likely to address the need.
3. Senate Enrolled Act 325 (“SEA 325”) essentially codifies LSA # 11-157, an emergency rule regarding development agreements that the Commission adopted with Resolution 2011-81. The statutory language leaves certain issues open for Commission regulation, including, but not limited to: report format, report deadlines, and additional detail on what the reports should contain. SEA 325 was effective upon passage.
4. The Commission intends to address outstanding issues that this statute leaves open for regulation. This will allow the Commission to fulfill the intent of the Act and elaborate on what the Commission and regulated entities must do to meet the requirements contained in the Act.
5. Administrative rules currently in effect are insufficient to fulfill the Commission’s intent.
6. Because SEA 325 is already in effect, and a normal rulemaking under IC 4-22-2-24 through IC 4-22-2-36 is not yet complete, the Commission finds that the need for a rule addressing development agreements 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 an 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 riverboat licensees, operating agents, and trustees.

SECTION 2: DEFINITIONS

The definitions set forth in IC 4-33 and 68 IAC 1-1 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 the Legislative Services Agency.

SECTION 4: EFFECTIVE DATE

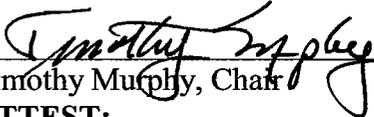
The emergency rule adopted in Section 3 of this resolution is to become effective in accordance with Ind. Code 4-22-2-37.1.

SECTION 5: EXPIRATION DATE

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

ADOPTED, THIS THE 2nd DAY OF JUNE, 2011.

THE INDIANA GAMING COMMISSION



Timothy Murphy, Chair
ATTEST:



Marc Fine, Secretary