

RESOLUTION 1994-1

**A RESOLUTION ESTABLISHING A ONE
TIME DOCKSITE AMENDMENT FEE FOR
APPLICANTS IN A COUNTY THAT DID NOT
PASS THE NOVEMBER 2, 1993 REFERENDUM**

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, the Commission has the power under IC 4-33-4-1(8) and IC 4-33-4-3(3) to establish fees for licenses issued under the Riverboat Gambling Law;

WHEREAS, pursuant to IC 4-33-6-2, the application fee determined by the Commission is nonrefundable;

WHEREAS, pursuant to RESOLUTION 1993-4, the Commission determined that under IC 4-33-6-2 that the nonrefundable application fee for an owner's license is Fifty Thousand Dollars (\$50,000);

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, the results of the November 2, 1993, referenda have been certified to the Commission stating that the referenda failed to pass in the counties of Clark, Floyd, and Warrick on the Ohio River, and Porter County on Lake Michigan;

WHEREAS, the Commission has been duly advised that applicants who applied for owner's licenses in the counties of Clark, Floyd, and Warrick on the Ohio River, and Porter County on Lake Michigan would like to amend the application for the purpose of changing the docksite location;

WHEREAS, pursuant to RESOLUTION 1993-15, the Commission established 12:00 noon (Indianapolis time) on February 2, 1994, as the deadline for filing Part I of the Indiana Riverboat Owner License Application form for applicants pursuing an Indiana riverboat owner's license to be utilized for sites passing the November 2, 1993, referendum, more specifically: the counties of Dearborn, Ohio, Switzerland and Vanderburgh on the Ohio River and the county of LaPorte and the cities of East Chicago and Hammond on Lake Michigan; and

WHEREAS, the Commission has been duly advised in the matter and finds that the Commission should act promptly to determine and assess the fees provided by the Riverboat Gambling Law so that an applicant for an owner's license who applied in the counties of Clark, Floyd, and Warrick on the Ohio River, and Porter County on Lake Michigan may amend the owner's license application form as expeditiously as possible;

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

SECTION 1. SCOPE.

These guidelines apply to each applicant for an owner's license who specified a home docksite in the counties of Clark, Floyd, and Warrick on the Ohio River, and Porter County on Lake Michigan for purposes of the November 2, 1993, referendum, so long as the applicant can demonstrate to the Commission that it has paid its portion of the cost of holding the referendum pursuant to Public Law 277-1993 (ss), SECTIONS 133(b) and 134(c).

SECTION 2. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to these interim written guidelines.

SECTION 3. FEE FOR A DOCKSITE AMENDMENT TO THE APPLICATION.

The Commission determines under IC 4-33 that an applicant for a license who specified a home docksite in the counties of Clark, Floyd, and Warrick on the Ohio River, and Porter County on Lake Michigan for purposes of the November 2, 1993, referenda may advise the Commission that:

(a) Such applicant does not wish to amend its application nor does the applicant desire to further pursue its application, at which time the nonrefundable Fifty Thousand Dollar (\$50,000) application fee imposed pursuant to RESOLUTION 1993-4 and IC 4-33-6-2 is forfeited by the applicant; or

(b) Such applicant will wait, pursuant to IC 4-33-6-19(f) or IC 4-33-6-20(f), for a period of two years, at which time the public question concerning riverboat gambling may again be placed on the ballot; during this two year period, the Fifty Thousand Dollar (\$50,000) application fee imposed pursuant to RESOLUTION 1993-4 and IC 4-33-6-2 will be held by the State of Indiana until such time as the fee is utilized to investigate the applicant or the applicant can no longer be a participant in the licensing process at which

time the Fifty Thousand Dollar (\$50,000) application fee will be forfeited; or

(c) Such applicant may amend its application on only one occasion to specify a home docksite in a city or county which has either passed the referendum or will hold a referendum in the future at which time a nonrefundable docksite amendment fee of ten thousand Dollars (\$10,000.00) will be charged to the applicants who choose to amend the application for purposes of changing the home docksite location.

SECTION 4. MULTIPLE AMENDMENTS.

An applicant who submits more than one docksite amendment must submit a separate fee in the full amount of Fifty Thousand Dollars (\$50,000) for each such amendment beyond the first, as prescribed by RESOLUTION 1993-4.

SECTION 5. EFFECTIVE DATE.

This RESOLUTION is effective immediately.


ADOPTED, THIS THE 14TH DAY OF JANUARY, 1994:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



Gilmer Gene Hensley, Secretary