

RESOLUTION 1995- 12

**A RESOLUTION TO GIVE EFFECT TO SECTION 3 OF
SENATE ENROLLED ACT No. 572 AND SECTION
15 OF HOUSE ENROLLED ACT No. 1722**

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 and appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, on or about April 26, 1995, the General Assembly passed House Enrolled Act No. 1722 which became law, without the signature of the Governor, on May 9, 1995;

WHEREAS, on or about April 25, 1995, the General Assembly passed Senate Enrolled Act No. 572 which became law, without the signature of the Governor, on May 13, 1995;

WHEREAS, the language contained in Section 15 of House Enrolled Act No. 1722 and Section 3 of Senate Enrolled Act No. 572 concerning the conduct of gambling while the riverboat is docked is not identical, but not inconsistent; and

WHEREAS, legal research of Indiana case law concerning rules of statutory construction indicates that effect should be given to the language contained in each act whenever possible.

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 apply to this resolution.

SECTION 2. EFFECT OF SECTION 15 OF HOUSE ENROLLED ACT No. 1722 AND SECTION 3 OF SENATE ENROLLED ACT No. 572.

Research conducted by the Commission indicates that effect is to be given to the language of both Acts. The Commission finds that the language of both Acts can be harmonized, and, therefore, determines that gaming may be conducted while the riverboat is dockside if necessitated by any of the following conditions as determined by the Master of the vessel:

- (1) specific weather conditions, or water conditions present a danger to the riverboat and the riverboat's passengers and crew;

(2) either the vessel or the docking facility is undergoing mechanical or structural repair;

(3) water traffic conditions present a danger to:

(A) the riverboat, riverboat passengers, and crew; or

(B) other vessels on the water; or

(4) the master has been notified that a condition exists that would cause a violation of federal law if the riverboat were to cruise.

the riverboat may remain docked and gaming may take place until the master determines that the conditions have sufficiently diminished or been corrected for the riverboat to safely proceed or the duration of the authorized excursion has expired.

SECTION 3. EFFECTIVE DATE.

This resolution is effective immediately.

ADOPTED, THIS THE 15TH DAY OF MAY, 1995:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



Donald R. Vowels, Secretary