

## **RESOLUTION 2003-6**

### **A RESOLUTION CONCERNING THE REQUEST FOR WAIVER OF 68 IAC 2-3-5(c)(9) REGARDING MERCHANT MARINER'S DOCUMENTS**

The Indiana Gaming Commission ("Commission") adopts the following RESOLUTION pursuant to 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. 68 IAC 2-3-5(c)(9) reads as follows: "[a]n applicant who will work on a riverboat that is docked on the waters of Lake Michigan must hold a valid merchant marine document from the United States Coast Guard."
2. On or about December 5, 2002 the Commission staff received from Captain R. E. Seebald, U. S. Coast Guard, a copy of a letter informing Lake Michigan casino vessel operators of a policy change regarding merchant mariner's documents ("MMDs"). The letter states that only individuals employed in the position of ordinary seamen and above are required to possess MMDs on board casino vessels as long as the vessel is limited to dockside operation and maintains an adequate security force to monitor operations.
3. The Executive Director issued a memorandum to riverboat owners licensed to operate riverboats on Lake Michigan on December 18, 2002. This memorandum informed the operators that the Commission staff would not exercise its authority to enforce 68 IAC 2-3-5(c)(9) until further notice.
4. Pursuant to 68 IAC 2-3-12, the Commission may "waive, alter or restrict any licensing requirement or procedure if the commission determines that the procedure or requirement is impractical, or burdensome, and such waiver, alteration, or restriction is in the best interest of the public and the gaming industry, and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure."
5. In view of the Captain Seebald's determination that MMDs will no longer be required of non-maritime occupational licensees, the Commission has determined that it would be in the best interest to grant a waiver of the requirements of 68 IAC 2-3-5(c)(9) to the extent that it applies to non-maritime employees.
6. The Commission staff will begin the process to complete the statutory requirements necessary to modify 68 IAC 2-3-5(c)(9) to conform to these changed circumstances.

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

**SECTION 1. SCOPE.**

This RESOLUTION applies to Indiana riverboat owners licensed to operate a riverboat docked on Lake Michigan.

**SECTION 2. DEFINITIONS.**

The definitions set forth in IC 4-33-2 and 68 IAC apply to this RESOLUTION.

**SECTION 3. ACTION ON REQUEST BY RIVERBOAT OWNERS FOR A WAIVER OF THE REQUIREMENT OUTLINED IN 68 IAC 2-3-5(c)(9).**

The request for a waiver of 68 IAC 2-3-5(c)(9) is hereby:

APPROVED  
Approved or Disapproved

**SECTION 4. EFFECTIVE DATE.**

This RESOLUTION is effective immediately.

**SECTION 5. EXPIRATION DATE.**

This RESOLUTION expires thirty (30) days from the date and time the Secretary of State accepts for filing a rule adopted by the Commission effectuating a modification of 68 IAC 2-3-5(c)(9) to conform to changed circumstances.

**ADOPTED THIS THE 10<sup>TH</sup> DAY OF JANUARY, 2003:**

**THE INDIANA GAMING COMMISSION:**

  
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Donald R. Vowels, Chair

**ATTEST:**

  
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Thomas Milcarek, Secretary