

RESOLUTION 2007-23

A RESOLUTION ADOPTING LSA DOCUMENT #06-335 AS A FINAL RULE

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted to it under IC 4-32.2 and pursuant to SEA 100.

The Commission has considered the following factors:

1. The Commission began promulgation of the attached LSA Rule Document #06-335 under IC 4-22. A Notice of Intent to adopt LSA Document #06-335 was posted at DIN: 20060823-IR-068060335NIA on the *Indiana Register* website on August 23, 2006. The rule was then posted at DIN 20060927-IR-068060335PRA on the *Indiana Register* website on September 27, 2006.
2. The Commission held four public hearings on this rule in compliance with IC 4-22. The first public hearing was held on October 20, 2006 at 9:00 a.m. in Seymour, Indiana; the second public hearing was held on October 21, 2006 at 9:00 a.m. in Indianapolis, Indiana; the third public hearing was held on October 23, 2006 at 9:00 a.m. in Plymouth, Indiana. The fourth hearing was held in the offices of the Indiana Gaming Commission on January 3, 2007 at 9:00 a.m. The transcripts of the hearings and all written comments that were received were fully considered and implemented where appropriate. The transcripts of the hearings and all written comments have been reviewed by Commission members.
3. If the Commission approves this Resolution adopting the attached rule document as a final rule, the rule will be forwarded to the Office of the Attorney General and the Governor for approval, and filed thereafter with the *Indiana Register*. The rule will be effective 30 days after it is filed with the *Indiana Register*.

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

SECTION 1: SCOPE

This resolution applies to all persons subject to the authority granted to the Commission by the General Assembly in Indiana Code 4-32.2 including, but not limited to, all persons and entities licensed by the Commission, all persons or entities that have applied to the Commission for licensure, all qualified organization, manufacturer, and distributor applicants, any person who conducts charity gaming, and any person who sells, distributes or manufacturers licensed supplies.

SECTION 2: DEFINITIONS

The definitions set forth in IC 4-32.2 and 68 IAC 21 apply to this resolution.

SECTION 3: ADOPTION OF FINAL RULES

The Commission adopts following rules as reflected on the attached final rule document:

68 IAC 21

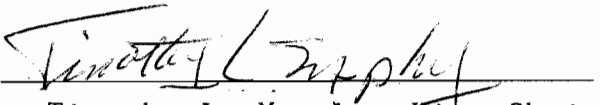
Pursuant to IC 4-22-2, the Commission adopts the attached final rule document. The rule will be forwarded to the Office of the Attorney General for approval as to legality under IC 4-22-2-32. Upon approval by the Office of the Attorney General, the rule will be submitted to the Governor's Office for approval pursuant to IC 4-22-2-33. After the rule has been approved or deemed approved by the Governor, the rule will be submitted to the *Indiana Register* for filing in accordance with IC 4-22-2-35. The Commission further adopts any stylistic, grammatical, typographical, or other non-substantive changes that the Commission staff or the Legislative Services Agency may make to this rule document before it is printed as a final rule in the *Indiana Register*.

SECTION 4: EFFECTIVE DATE

This resolution is effective immediately.

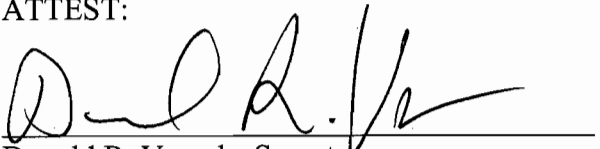
ADOPTED THIS THE 8th DAY OF MARCH, 2007.

THE INDIANA GAMING COMMISSION:



Timothy L. Murphy, Vice-Chair

ATTEST:



Donald R. Vowels, Secretary

TITLE 68 INDIANA GAMING COMMISSION

Emergency Rule

LSA Document #07-_____ (E)

DIGEST

Temporarily amends 68 IAC 1-1-57 and 68 IAC 1-1-86 concerning the definitions for the terms "key person" and "substantial owner". Effective _____.

SECTION 1. (a) This SECTION supersedes 68 IAC 1-1-57.

(b) "Key person" means any:

- (1) officer,**
- (2) director,**
- (3) executive,**
- (4) employee,**
- (5) trustee,**
- (6) substantial owner,**
- (7) independent contractor, or**
- (8) agent of a business entity**

having the power to exercise management or operating authority over a business entity or affiliates thereof.

SECTION 2. (a) This SECTION supersedes 68 IAC 1-1-86.

(b) "Substantial owner" means any:

- (1) person holding five percent (5%) or more ownership interest in a business entity,**
or
- (2) institutional investor(s) holding fifteen percent (15%) or more ownership interest in a business entity.**