

**NATIONAL
INDIAN
GAMING
COMMISSION**

APR 27 2000

The Honorable Bruce Sanchez, Governor
Santa Ana Pueblo
2 Dove Road
Bernalillo, New Mexico 87004

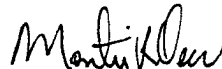
Mr. Richard W. Hughes, Esq.
Rothstein, Donatelli & Hughes
500 Montezuma, Suite 101
P.O. Box 8180
Santa Fe, New Mexico 87504-8180

Dear Mr. Hughes:

This letter responds to your request to review and approve Tribal Council Resolution No. 99-R-42, which amends Section I(I), added Sections I(Q), renumbered the subsequent paragraphs of Section I, and amended Section IV(E) by adding paragraph (3) of Ordinance 92-0-04. This letter constitutes such approval.

Thank you for submitting this amendment for review. If you have any questions or require further assistance, please contact our office at (202) 632-7003.

Sincerely yours,



Montie R. Deer,
Chairman

SANTA ANA PUEBLO
2 Dove Road
BERNALILLO, NEW MEXICO 87004

Office of the:
Governor
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RESOLUTION NO. 99-R-42

**AMENDING THE PUEBLO OF SANTA ANA GAMING ORDINANCE
TO ESTABLISH SEPARATE LICENSING REQUIREMENTS
FOR "NON-GAMING EMPLOYEES"**

WHEREAS, the Pueblo of Santa Ana is a federally recognized Indian tribe governed under a traditional form of government, and possessing all the inherent sovereign powers of self-government; and

WHEREAS, the Tribal Council of the Pueblo of Santa Ana is the duly authorized decision making body for Santa Ana Pueblo; and

WHEREAS, the Pueblo of Santa Ana Tribal Council has previously adopted Ordinance 92-0-04, as amended, by which it authorized the conduct of Class III gaming on Pueblo lands, created the Santa Ana Gaming Regulatory Commission ("SAGRC") to regulate such gaming, and imposed requirements as needed to satisfy the terms of the federal Indian Gaming Regulatory Act and the Tribal-State Class III Gaming Compact between the State and the Pueblo; and

WHEREAS, the ordinance requires licensing of all persons employed by the Pueblo's gaming enterprise, Santa Ana Non-Profit Enterprise ("SANE"), regardless of the person's actual job responsibilities; and

WHEREAS, the licensing requirements and procedures established by the ordinance and SAGRC's regulations were designed with gaming-related employees in mind, and mandate an extensive inquiry into such person's backgrounds; and

WHEREAS, as SANE's operations have grown, it has come to employ many people in areas outside of the gaming operation, who have no involvement with any gaming activity, but who must all go through the same licensing procedures as employees directly involved in class III gaming activities; and

WHEREAS, the licensing requirements have made it extremely difficult for SANE to hire persons in positions strictly dealing with its restaurant, maintenance and other low-skilled, non-gaming positions; and

WHEREAS, while it is appropriate that each employee be licensed, there is no federal requirement that persons not employed in the gaming operation be subjected to the same level of investigation as those employed in gaming-related activities, and to require that such persons go through the same licensing process is not necessary on the prospective employees, without serving any legitimate regulatory purpose; and

WHEREAS, the Tribal Council, after consultation with the Santa Ana Gaming Regulatory Commission and the Pueblo's Special Counsel, has determined that it would be reasonable and appropriate to amend the Pueblo's gaming ordinance, so as to make clear that licensing requirements for persons who are not employed in any gaming-related activity should be limited to a minimum reasonable level of inquiry;

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Pueblo of Santa Ana, as follows:

1. Section I(I) of the Santa Ana Gaming Ordinance, containing the definition of "Gaming Employee", be and the same is hereby amended so as to read as follows:

- I. "Gaming Employee" means any natural person employed by a Gaming Enterprise or Management Contractor in any position that involves such person in any gaming activity or with any goods or

materials utilized in any gaming activity, including, but not limited to, the following:

1. any person who performs any function directly related to Gaming Devices, gaming supplies or gaming activities;
2. any person whose duties require such person to be present in the area where gaming activities take place during operating hours;
3. any person who handles or accounts for cash utilized in gaming activities;
4. any person involved in security or surveillance activities involving gaming activities; and
5. any person who supervises any of the foregoing persons.

2. A new Section I(Q) is hereby added to the Santa Ana Gaming Ordinance, which shall read as follows:

Q. "Non-Gaming Employee" means any natural person employed by a Gaming Enterprise or Management Contractor whose duties are solely related to strictly non-gaming functions, and whose work is unrelated to Gaming Devices and does not require such persons to be in gaming areas during operating hours.

3. The remaining paragraphs of Section I of the Santa Ana Gaming Ordinance shall be re-lettered as necessary.

4. Section IV(E) of the Santa Ana Gaming Ordinance ("Licensing Requirements") shall be and the same is hereby amended by adding thereto a new paragraph (3), which shall read as follows:

3. Licensing of Non-Gaming Employees. Notwithstanding any other provision of this Section IV(E), each Non-Gaming Employee shall be licensed by the SAGRC, but only a limited investigation shall be required in connection with such licensing. Any initial licensing fee shall be an amount determined by the SAGRC. There shall be a minimal license renewal fee. The license application form shall require only the minimum amount of information needed, as determined by the SAGRC, to satisfactorily ascertain the applicant's identity, past employment experience (if any), references and criminal record (if any).

5. The Governor of the Pueblo and the Pueblo's special counsel are hereby authorized and directed to submit this amendment to the National Indian Gaming Commission for approval in accordance with the provisions of the Indian Gaming Regulatory Act.

CERTIFICATION

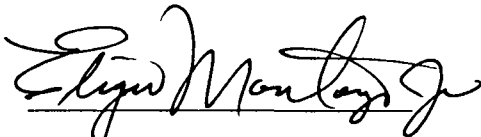
I, the undersigned, as Governor of the Pueblo of Santa Ana, hereby certify that the Santa Ana Tribal Council, at a duly called meeting that was convened with proper notice and was held on the 20 day of Dec., 1999, at Santa Ana Pueblo, New Mexico, a quorum being present, approved the foregoing Resolution with 29 members voting in favor, and 0, opposed.

GOVERNOR



Bruce Sanchez, Governor

SECRETARY



Eligio Montoya, Jr.