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PUEBLO of ISLETA

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FIRST AMENDMENT TO PUEBLO OF ISLETA ORDINANCE 94-02: PERMITTED GAMING

At a duly called meeting of the Tribal Council of the Pueblo of Isleta, the following amendment was passed:

BE IT ORDAINED AND ENACTED as follows:

PURPOSE: The Tribal Council of the Pueblo of Isleta (the "Tribe"), empowered to enact ordinances, hereby enacts this amendment to Ordinance 94-02: Permitted Gaming (the "Ordinance"), in order to amend the terms for class III gaming operations and other operations on tribal lands such that the Ordinance shall comply with the terms of that certain Compact Between the Pueblo of Isleta and the State of New Mexico Providing for the Conduct of Class III Gaming (the "Compact"), entered into between the Tribe and the State on February 13, 1995.

SECTION 1: PERMITTED ACTIVITIES: SCOPE OF GAMING. Section 1 of the Ordinance is hereby amended by striking everything after Subpart A, and replacing it with the following provisions:

"B. All class III gaming, as described and defined in 25 CFR § 502.4 (25 CFR Ch. III (4-1-94 edition)), as that section may be amended from time to time, and any gaming permitted by the State of New Mexico for any purpose, by any person, organization or entity (and such gaming activity not otherwise being prohibited on Indian lands by a Federal statute dealing with a specific gaming activity, including without limitation, the Indian Gaming Regulatory Act, 25 U.S.C. § 2701, *et seq.*)

C. Notwithstanding the generality of the foregoing, class III gaming shall be subject to, delimited by, and conducted in compliance with the terms and conditions of the Compact, as it may, from time to time, be amended by the parties thereto."

SECTION 2: OWNERSHIP OF GAMING. Section 2 of the Ordinance is hereby amended by adding the following sentence at the end of the current provision:

“Such responsibility shall be executed in a manner consistent with the terms and conditions of the Compact, as it may, from time to time, be amended by the parties.”

SECTION 3: AUDIT. Section 4 of the Ordinance is hereby amended by adding the following language immediately following “A.” and before the current text of the provision begins:

“Consistent with the Audit and Financial Statements provisions of the Compact, as the same may, from time to time, be amended by the parties,”

SECTION 4: PROTECTION OF THE ENVIRONMENT AND PUBLIC HEALTH AND SAFETY. Section 5 of the Ordinance is hereby amended by adding the following language after the words “manner that” and before the words “adequately protects”:

“is consistent with the Public Health and Safety provisions of the Compact, as they may, from time to time, be amended, and which”

SECTION 5: LICENSES FOR EMPLOYEES. Section 6. of the Ordinance is hereby amended as follows:

A. The heading of Section 6. shall be revised to read:

“SECTION 6. LICENSES FOR EMPLOYEES.”

B. Section 6. Subpart B. of the Ordinance is hereby amended as follows:

1. The following provision shall be inserted immediately following the heading:

“1. Any person, corporation, or other entity providing gaming services within or without a Gaming Facility, shall apply for and receive a license from the Tribe before participating in any way in the operation or conduct of any class III gaming conducted by the Tribe.”

2. Each Subpart of Section 6. Subpart B., commencing with Subpart 1, of the Ordinance shall be renumbered to accommodate the addition of the new Subpart 1, so that the current Subpart 1 becomes Subpart 2, the current Subpart 2 becomes Subpart 3, and so forth until all Subparts are renumbered in proper sequence.

C. Subpart C. of Section 6. is hereby amended as follows:

1. In the first line of Section 6. Subpart C. 1., immediately following the words "from each" and preceding the words "primary management," the phrase "applicant and his, her or its principals, if applicable" shall be inserted.

2. In the first line of Section 6. Subpart C.1.b. the number "5" shall be deleted and replaced with the number "10."

3. Following the last word of Section 6. Subpart C.1.b., the following language shall be added:

"; provided, however, that any applicant who is a principal, primary management official, key employee, management contractor, manufacturer or supplier of gaming devices, and/or a person providing gaming services, must provide such information currently and from the age of eighteen (18)."

4. The second subsection denominated "d" of Section 6. Subpart C. 1. is hereby amended to correct the denomination to "e," and the following language shall be added after the last word of that Section 6. Subpart C.1.e.:

"and a description of any potential or actual conflict of interests between such businesses and Indian tribes;"

5. Section 6. Subpart C. 1. i. is hereby amended by (a) adding the words "for which there is a" after the word "misdemeanor" and before the word "conviction"; (b) deleting the word "of" following the word "conviction" and replacing it with the words "or an"; and (c) deleting the words "within 10 years of the date of the application."

6. Section 6. Subpart C. 1. j, is hereby amended by deleting the words "within 10 years of the date of the application and is" and by correcting the word "crimina" at the end of the fifth line to read "criminal."

7. Section 6. Subpart C. 1. k. is hereby amended by adding the words "as an applicant, principal, primary manager, official or key employee" after the words "license or permit" and before the words "whether or not."

8. Section 6. Subpart C.1. n. is hereby amended by adding the following language as a second sentence to the provision.

"Pursuant to a Memorandum of Understanding between the Tribe and the National Indian Gaming Commission, tribal police officers shall forward fingerprint cards directly to the Commission."

9. In the first line of Section 6. Subpart C. 2. is hereby amended by adding the phrase: ", consistent with the Background Investigation provisions of the Compact, as they may, from time to time, be amended," after the word "investigation" and before the word "sufficient."

10. Section 6. Subpart C.1. is hereby amended by adding the following subsection "o.:"

"o. The relevant financial records of the applicant for the three (3) years preceding the application."

D. Section 6. Subpart E. 2. is hereby amended by adding the following language after the "2." and before the beginning of the current provision: "Pursuant to the Procedure for Forwarding Applications and Reports provision of the Compact."

E. Section 6. Subpart E. 3. is hereby deleted in its entirety and replaced with the following language:

"The gaming operation shall not employ any person who does not have a license after ninety (90) days."

SECTION 6: SAVING.

The Ordinance is hereby ratified and confirmed in all other respects, and the full force and effect of all of its provisions, to the extent they are not amended or otherwise modified by this Amendment, are hereby reaffirmed.

SECTION 7: SEVERABILITY.

In the event that any section or provision of this Amendment is not approved or is made invalid, it is the intent of the Pueblo of Isleta that the remaining sections and provisions of this Amendment shall continue in full force and effect.

CERTIFICATION

I, the undersigned, as Governor of the Pueblo of Isleta, do hereby certify that the foregoing FIRST AMENDMENT TO ORDINANCE 94-02: PERMITTED GAMING was enacted at a duly called meeting of the Tribal Council of the Pueblo of Isleta, held on the 5th day of March, 1995, at which a quorum was present, with 11 voting for, 0 opposing, and 0 abstaining on said Amendment.

Alvino Lucero
Alvino Lucero, Governor

Seferino Lente
Seferino Lente, President

Attest:

Maria Thelma
Secretary

Property Pueblo of Isleta
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