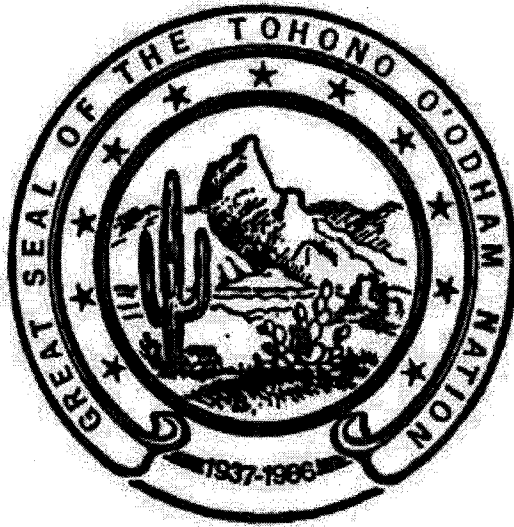


TITLE 16 – GAMING

CHAPTER 3 - O'ODHAM VOICE IN THE USE OF GAMING REVENUES

Legislative History: Initiative No. IN-01-97, "O'odham Voice on Use of Gaming Revenues," was passed by the registered voters of the Tohono O'odham Nation on June 28, 1997.

INITIATIVE PUBLICITY PAMPHLET



"O'odham Voice on Use of Gaming Revenues"

Special Election

June 28, 1997

TOHONO O'ODHAM ELECTION BOARD:

Matilda S. Juan, Chairperson
Jose N. Lopez, Board Member
Paul L. Andrew, Board Member
Albert H. Gomez, Sr., Board Member

Table of Contents

NOTICE TO VOTERS	3
TITLE OF INITIATIVE	3
TEXT OF INITIATIVE	3
BALLOT FORM OF INITIATIVE	6
ARGUMENTS FOR INITIATIVE	7
ARGUMENTS AGAINST INITIATIVE	7
ANALYSIS OF INITIATIVE BY TOHONO O'ODHAM LEGISLATIVE COUNCIL	8

NOTICE TO VOTERS

1. The polls will be open on Election Day from 6:00 a.m. to 6 p.m.
2. Anyone who is either physically or visually impaired or **WHO IS UNABLE TO READ**, or understand the contents of the ballot may be accompanied into the voting booth by a person of his choice for the purpose of assisting him in casting his ballot.
3. The sample ballot provided in this pamphlet may be brought to the polling place and may be taken into the voting booth on the day of election.
4. Any qualified voter who at 6:00 p.m. is in the line of waiting voters shall be allowed to prepare and cast his ballot.

INITIATIVE MEASURE

"O'ODHAM VOICE ON USE OF GAMING REVENUES"

We the undersigned, registered voters of the Tohono O'odham Nation, respectfully demand that this proposed initiative affecting the Tohono O'odham Nation, entitled "O'odham Voice on use of Gaming Revenues" and on file with the Election Board, shall be submitted to the registered voters of the Nation for their approval or rejection, as required by law, and each for himself says:

I have personally signed this petition with my first and last names. I have not signed any other petition for the same measure. I am a registered voter of the Tohono O'odham Nation.

INITIATIVE

1. Distribution of funds for all members.

- A. This is a one time distribution of \$2,000 per individual to all enrolled Tohono O'odham, living members as of the date of passage of the initiative.

For individuals that are under the age of 18 years of age, all funds shall be put into an interest bearing escrow account until their 18th birthday.

- B. In the event Gaming Revenues are available, this per-capita distribution of \$2,000 shall be distributed every two (2) years for all enrolled members as of the anniversary date of the distribution. (Example: first distribution made on January 1, 1998 - if funds are available, second distribution is to made on January 1, 2000 to all enrolled members as of that date.)

It shall be the responsibility of the Tribal Attorney General to research legal issues as per Federal Laws that are applicable to per-capita distributions. To insure the Nation meet all applicable laws and regulations. This shall be accomplished within six (6) months of the passage of this initiative.

2. Youth Centers

For the general welfare of the youth, \$30 million dollars shall be set aside to construct and operate 5 Youth Centers, strategically located on the reservation.

3. Provide for the general welfare of the members

Provide subsidy for Tohono O'odham Utility Authority (TOUA) to aid the elderly and low-income (using established Tribal criteria) Tribal members with their utility bills. The amount shall not exceed \$100 per month or \$1,200 per year per household. Set aside shall be \$1,000,000 from Gaming Revenues for this purpose.

As long as Gaming revenues are available, the utility aid shall continue. After each year an analysis shall be performed by TOUA and the funds increased or decreased as required.

4. Provide a charitable organization within the Nation.

Create an 11 member Board (1 member from each District) to establish an O'odham Charitable Organization (OCO) on the reservation. The OCO shall provide for the handling and distribution of funds to needy O'odham. For this purpose there shall be set aside, from Gaming Revenues, \$1,000,000. All overhead costs shall be paid from additional Gaming Revenues.

5. Economic Development.

A. Economic Development Plan.

Establish an Economic Task Force, composed of 7 members, 5 Tribal members and at least 2 members shall be professional Economic Development Planners. The Task Force shall promote Economic Development for the Tohono O'odham Nation. This shall be done by attracting and creating both large and small businesses to the reservation to employ the O'odham people. All overhead costs shall be paid from Gaming revenues.

Establish an Economic Development Department to perform the day to day work with oversight by the Economic Task Force.

B. Grants to members for their own business.

For the purpose of creating Economic Development opportunities for the Tribal members of the Tohono O'odham Nation and to provide every benefit to insure that their business ventures are successful.

Initial funding from Gaming Revenues of \$15 million shall be held in an interest bearing escrow account to be used only for these grant purposes.

The purpose of this money shall be to provide grants, ranging from \$5,000 up to \$100,000 for members to start their own business or expand existing operations.

Economic Development Department shall provide technical as-

sistance including as required by the Grant recipient. This technical assistance shall include, but not limited to, the preparation of business plans and budgets.

Specific regulation shall be written by this department and the Economic Task Force, and approved by the Legislative, Budget & Finance and Commerce Committees.

6. Implementation

All issues in this initiative shall be implemented with 90 days from enactment. All Gaming Revenue funds shall be put into interest bearing accounts.

OFFICIAL BALLOT FORMAT

Sample Ballot Form

INITIATIVE

Proposed by Petition No.: IN-01-97

OFFICIAL TITLE

"O'odham Voice on use of Gaming Revenues"

DESCRIPTIVE TITLE

Spending gaming money, within 90 days after this initiative is passed, for a \$2,000 per capita payment to each enrolled member of the Nation, \$30 million for five youth centers, \$15 million for business grants, \$1 million in utility subsidies for elderly/low income members, \$1 million to establish charitable organizations.

A "yes" shall have the effect of voting in favor of the initiative.

The Nation cannot make per capita payments unless the Nation meets the requirements of the Indian Gaming Regulatory Act:

- (1) The Nation must amend the Gaming Ordinance (enacted by Resolution No. 93-296) to allow per capita payments which the National Indian Gaming Commission Chairman must approve; and
- (2) The Nation must adopt a Revenue Allocation Plan approved by the Secretary of Interior. The Plan must notify all recipients that per capita payments are subject to Federal income taxation. Per capita payments may be subject to state and local taxation. In adopting the Plan the Nation must amend Resolution No. 94-098 which determines how gaming revenues are used.

YES

A "no" shall have the effect of voting against the initiative. If the initiative does not pass, existing law will not change.

NO

ARGUMENTS FOR INITIATIVE

None submitted.

ARGUMENTS AGAINST INITIATIVE

One by the Chairman of the Nation.

BALLOT STATEMENT ON THE INITIATIVE

ARGUMENT AGAINST

The initiative will provide all O'odham \$2,000; however this will also require the Nation's budget to increase by a total of \$121.75 million. This will absorb all the Nation's gaming revenues and deplete the Nation's savings. After the first two years, the Nation will have to cut current programs and lay-off employees just to meet this cost, as well as reduce District appropriations and staff. As a result, the initiative will effectively prevent the Chairman's Administrative Plan from going forward, eliminating plans for a Tohono O'odham College, a radio station, a construction company, and other economic development projects currently underway.

At the same time, the initiative will result in duplication of the Nation's current efforts, as plans for economic development, housing, and utility subsidies already exist. Further, receipt of economic development grants, rather than loans, may expose the grant recipient to significant tax liability. In addition, the initiative provides no accountability for disbursement of grants.

Needy O'odham, those receiving federal aid and who can least protect themselves, will find their food stamps and all other state and federal benefits cut. Others that have a job will have to pay a tax of up to 33% on the new income; instead of \$2,000 some recipients would get only \$1,340 after taxes. In essence the \$2,000 distribution will subsidize the state and federal government, reimbursing their budgets for benefits received by our members.

The initiative could place the gaming compact in jeopardy, if the initiative passes and there is no existing distribution plan approved by the Secretary of the Interior. If not, the initiative will violate federal law on per capita distributions, and this will place at risk all or a substantial portion of existing and future gaming revenues.

Analysis of Initiative by Tohono O'odham Legislative Council

The Nation's Alternative For Distribution of Casino Revenues And Savings Plan

The Nation proposes to divide casino revenues and savings into five categories: Housing, Education, Economic Development, Public Services and Savings. About half of the funds in each of these areas will be immediately disbursed to address priority needs in the districts. Funds remaining in each of these categories will then be invested and the interest used to address future needs. This use of our savings is necessary because future provisions of services and assistance from the Federal and State governments does not look good for Tribes. Also, given efforts to stop Indian gaming by interests in Las Vegas, the State and Federal government, our casino and its revenues may not be in existence for very long. We need to invest what money we have for the survival of our future generations.

To these ends, we will develop a Housing Assistance Program that will provide long-term housing assistance repair needs and create jobs. The per-capita payment of \$2,000 will only temporarily fix minor repair needs and this will not go very far.

We also will enhance Human Development Training Programs to prepare individuals for Economic Development. The best thing we can give to our people and children is a trade, a career or a profession so they can market their skills anywhere and always have an income and be independent; instead of creating dependence on \$2,000 every two years.

A task force has been established to identify needs and priorities in districts so that services can be provided. We will use our gaming revenues to provide for our overall health, education, social and transportation needs, as well as build facilities for a College, a radio station, dialysis center, eleven youth centers and expansion of the nursing home. Passage of the cash distribution initiative will prevent these plans from becoming possible.

**TALLY OF ELECTION RESULTS
FOR INITIATIVE ELECTION
FOR
THE TOHONO O'ODHAM NATION**

We, the undersigned members of the Election Board hereby certify that we have, in accordance with Article VII, Section 6 (K) of the Uniform Election Ordinance, added all abstracts of votes, absentee ballots and/or ballots cast in the Initiative Election held on June 28, 1997, and hereby certify the following:

DISTRICT	YES	NO	ABSENTEE	REJECTED	TOTAL
BABOQUIVARI	191	105	19	0	315
CHUKUT KUK	164	86	6	3	259
GU ACHI	156	150	3	2	311
GU VO	70	96	0	1	167
HICKIWAN	105	157	5	1	268
PISINEMO	113	136	0	1	250
SAN LUCY	100	60	6	1	167
SAN XAVIER	101	91	7	0	199
SCHUK TOAK	119	86	7	1	213
SELLS	248	142	4	1	395
SIF OIDAK	171	122	3	1	297
TOTAL	1575	1254	60	12	2841


DATED THIS 28TH DAY OF JUNE, 1997.

TOHONO O'ODHAM ELECTION BOARD


Matilda S. Juan, Chairperson


Jose N. Lopez, Member


Paul L. Andrew, Member


Albert H. Gomez, Sr., Member

VACANT