



**HO-CHUNK NATION CODE (HCC)
TITLE 2 – GOVERNMENT CODE
SECTION 12 – PER CAPITA DISTRIBUTION ORDINANCE**

ENACTED BY LEGISLATURE: JULY 3, 2001

**LAST AMENDED AND RESTATED: November 18, 2014, January 6, 2015, and
October 20, 2015 and April 18, 2018**

CITE AS: 2 HCC § 12

APPROVED BY BIA: July 20, 2015

*This Ordinance supersedes the Ho-Chunk Nation Amended and Restated Per Capita
Distribution Ordinance enacted October 17, 1995 and last amended February 29, 2000.
It further includes the rules of construction enacted by Legislative Resolution 10-10-00C.*

*Last Amended and Restated by Ho-Chunk Nation Legislative Resolution 11-18-14A,
Resolution 1-06-15A, Resolution 10-20-15S and Resolution 4-18-18A*

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1. Authority.

a. Article V, Section 2(a) of the Constitution grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.

b. Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget.

c. Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals.

d. Article V, Section 2(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets.

e. Article V, Section 2(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions.

f. Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation.

g. The Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2710(b)(3), authorizes Indian tribes to make per capita payments to members to provide for their general welfare in accordance with a revenue allocation plan approved by the Secretary of the Interior.

h. The federal requirements for tribal revenue allocation plans adopted under the IGRA are set forth in the Code of Federal Regulations, 25 C.F.R. Part 290, which contains procedures for submitting, reviewing, and approving such plans for distributing net revenues from tribal gaming activities.

2. Purpose. This Code establishes both the per capita plan and the revenue allocation plan of the Nation as required under IGRA.

3. Declaration of Policy. The Ho-Chunk Nation declares that a fair and equitable per capita distribution of revenues appropriated by the Nation's Legislature from gaming activities conducted by and on behalf of the Nation is necessary in promoting the general welfare of the Nation and its members, and to protect the per capita interests of minors and declared legal incompetents. After a 3 bid process conducted pursuant to tribal law, the Ho-Chunk Nation Legislature shall have the final authority to ensure competitive fees and rates are maintained, at all times, in the administration of any funds, accounts or per capita distributions established under this Code.

4. Definitions.

a. "Accreditation" An institution will be considered duly accredited if they have been reviewed by an accrediting agency recognized by the United States Department of Education and is listed on its Database of Accredited Postsecondary Institutions and Programs.

b. "Alternative Education" Diplomas awarded through alternative high school programs (i.e. online, blended, correspondence, distance, etc.) may be eligible if they comply with Section 8b, and if the student is determined eligible by a school district's IEP team or Superintendent, in accordance with the state requirements for graduation under these types of programs in the state in which the student resides at the time the diploma was awarded.

c. "Children's Trust Fund" or "CTFs" shall mean the trust funds established under Section 8 for all minor members and legally incompetent adult members eligible to receive per capita payments.

d. "Community Support" means distributions to provide for advocacy, oversight, monitoring or private case management, legal services, respite, day care, crisis intervention, guardianship; room and board incidental to long term care or medical care (for example nursing home or residential care), personal care attendants, support and service coordination, social services, including supervision and reporting.

e. "Education and Training" means items such as conferences and seminars, publication subscriptions, class tuition, books and supplies, and music classes.

f. "High School Diploma" means an original document provided by an accredited educational institution awarding a diploma, upon a student's graduation, as described in Section 8b of this ordinance as determined by school district's IEP Team or Superintendent in accordance with the state requirements for graduation under these types of programs in the state in which the student resides at the time the diploma is awarded.

g. "Individual Education Plan" or "IEP" means a written Education Plan for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with 34 CFR 300.320.

h. "Insurance" means items such as term life, health or supplemental health.

i. "Legislature" means the Ho-Chunk Nation Legislature.

j. "Enrolled Members" who are living individuals on the dates set forth of the tribal per capita declaration resolution as recorded in the vital statistics of the Office of Tribal Enrollment.

k. "Maintenance" means items such as clothing, home improvement and repairs, household equipment (for example lawn mower, garden tractor), furniture and appliances,

lawn care and snow removal, storage, income taxes, and grooming (for example manicure or haircut).

l. "Medical Care" means items such as therapy, prescriptions drugs and equipment, medical supplies & equipment, assistive technology or devices (not covered by Medicaid), dental treatment, devices, eyeglasses not otherwise covered, medical treatments not medically necessary, co-pays, deductibles, and housing modifications for accessibility, ambulance or other medical transportation.

m. "Minor" means an individual who is eligible to participate in a per capita payment and who has not reached the age of 18 years.

n. "Net Gaming Revenues" means gross revenues of tribal gaming activities less amounts paid out as, or paid for, prizes and total operating expenses including debt service.

o. "Recreation and Leisure" means participation in sports, hobbies, recreational events, cultural events, vacations, club and church membership, movies, shopping, television, cable, computer and internet, telephone, visiting friends, companionship, musical instruments, dining out, life coach, and special occasions.

p. "Revenue Allocation Plan" means the allocation plan included in Section 6a and document submitted by an Indian tribe that provides for distribution of per capita payments to tribal members from net gaming revenues in accordance with IGRA 25 U.S.C. § 2710 (b) and (d).

q. "Supplementary Food and Shelter" means items such as rent, groceries, cost difference between shared and private rooms, property taxes; basic utilities (for example heat, gas, electric, water, sewer and garbage removal).

r. "Special Needs Trust" or "Supplementary Needs Trust." A legal arrangement and fiduciary relationship that allows a physically or mentally disabled or chronically ill person to receive income without reducing their eligibility for the public assistance disability benefits provided by Social Security, Supplemental Security Income, Medicare or Medicaid. It covers the percentage of a person's financial needs that are not covered by public assistance payments. The assets held in the trust do not count for the purposes of qualifying for public assistance, as long as they are not used for certain food or shelter expenditures.

s. "Transportation" means items purchase of a car, car repair and maintenance, and insurance; accessibility-related equipment and modifications, and bus, rail and cab fare.

t. "Ward" means an enrolled member of the Nation who has been declared to be under a legal disability, or legally incompetent other than being a Minor, by a court of competent jurisdiction, including a tribal judicial system established by the Nation and the Nation notifies the Trustee of such declaration.

5. Appropriations and Application of Tribal Gaming Revenues. Pursuant to the Indian Gaming Regulatory Act (“IGRA”), 25 U.S.C. §2710(b)(2)(B), the Nation may use net gaming revenues for specific purposes. In order to provide for the general welfare of the Nation and its members, the Legislature shall review the income, expenses, and management of Tribal gaming operations not less than 15, nor more than 30, days prior to the per capita distribution date described in Section 9. After due consideration of the need to fund Tribal government operations and programs, the overall needs of the Nation and its members, and the need to promote tribal economic development, the Legislature shall decide whether to make any changes to the Revenue Allocation Plan providing for appropriate percentage allocation of Tribal Gaming Revenues within the annual budget of the Nation. At that time, the Legislature shall also determine what amount, if any, of the revenues allocated to general welfare purposes shall be appropriated for distribution as per capita payments on the dates specified in Section 9. An affirmative vote of two-thirds (2/3) of Legislators present at a duly called meeting of the Legislature shall be required to approve any changes to the Revenue Allocation Plan or to authorize percentage changes to per capita appropriations.

6. Allocation of Tribal Gaming Revenues.

a. The allocation of Tribal Gaming Revenues shall be as follows:

(1) 13.68% (thirteen and 68/100ths percent) for Tribal Government Operations and Programs.

(2) 78.26% (seventy-eight and 26/100ths percent) to provide for the General Welfare of the Nation or its members.

(3) 7.48% (seven and 48/100ths percent) to promote Tribal Economic Development.

(4) 0.30% (zero and 30/100ths percent) for General Welfare and Charitable Contributions.

(5) 0.28% (zero and 28/100ths percent) to fund the Operation of Local Government Services.

b. The portion allocated to Tribal Government Operations and Programs may fund: the Legislature, Executive Branch Departments, Judiciary Branch, General Council Branch, Constitutional Projects, and other similar governmental executive and administrative services to which the Legislature may appropriate funds from time to time.

c. The portion allocated to the General Welfare of the Nation and its members may fund: Education Administration, Tribal Scholarships, Community Education Support, Head Start support and buildings, employee assistance, training, TERO Commission, Public Works Department, new homes, repairs and maintenance, Health Department, Tribal Aging Unit, other similar governmental operating services to which the Legislature may appropriate funds from time to time, and per capita payments.

d. The portion allocated to Economic Development may fund: Land Improvements, the Planning Division/Department, Planning and Development, land acquisitions, purchase of businesses, Enterprise Management, Casino Department Service, casino expansion, and other similar business and proprietary services to which the Legislature may appropriate funds from time to time.

e. The charitable donations will be decided by the Ho-Chunk Nation Legislature or designee based on requests.

f. Funding for the operation of local government services will be coordinated by the Legislature or its designee.

7. Applications, Written Determination of Eligibility.

a. All living members of the Ho-Chunk Nation that are on the Tribal rolls shall be eligible to receive per capita distributions. Such distributions shall be made in an equal amount to each Tribal member eligible to receive a per capita distribution pursuant to this Code.

b. Membership in the Ho-Chunk Nation shall be determined in accordance with the Tribal Enrollment and Membership Act. The rights of a person to appeal an adverse determination on his or her membership application shall be determined under the Tribal Enrollment and Membership Act. Validly removed Tribal members shall not be eligible to receive Children's Trust Funds under any circumstance and such funds will be transferred into the Nation's General Fund after they have exhausted their Ho-Chunk Nation Appellate Court rights.

c. Address Verification. Each member shall be required to submit an annual address verification form to the Enrollment Office in accordance with procedures and instructions promulgated by the Enrollment Office. Members shall be responsible for providing address changes by the 15th of the month prior to any Per Capita distribution to the Enrollment Office as they occur. The Nation is not responsible for sending a per capita check to the wrong address if the Tribal member has failed to provide a current and correct address.

d. Distributions for Deceased Beneficiaries. Any Beneficiary who dies before receiving a distribution pursuant to Section 8 hereof shall have his or her funds locked by the Trustee upon receiving notice from the Office of Tribal Enrollment. In the event that a Beneficiary deceases, the trust account of the Beneficiary shall revert to the Ho-Chunk Nation. The Beneficiary's share may be paid pursuant to a valid will or trust of the Beneficiary, or to persons who may inherit from the Beneficiary under applicable state or tribal intestacy laws.

e. Distribution for Deceased Tribal Members. Upon receiving notice from Tribal Enrollment, any Tribal member eligible to receive a Per Capita Distribution who dies before receiving a distribution pursuant to Article V, hereof shall have his or her funds held by the Nation's Treasury Department until a certified court order is provided directing distribution. Any debts to the Ho-Chunk Nation must be satisfied prior to distribution upon

verification with the Ho-Chunk Nation Treasury Department, the Ho-Chunk Nation Department of Justice, the Ho-Chunk Nation Trial Court, and the Child Support Agency, as follows:

1. It is confirmed that the beneficiary was an enrolled Tribal member and was not a party to an official removal proceeding before the Ho-Chunk Nation Enrollment Committee; and
2. It is confirmed that the beneficiary did not voluntarily relinquish membership from the Ho-Chunk Nation; and
3. It is confirmed that the Tribal member's existing debts with the Ho-Chunk Nation will be deducted prior to the release of the Trust through verification from the Ho-Chunk Nation Treasury, the Ho-Chunk Nation Trial Court and the requisite child support agencies for such arrearages to be satisfied.

f. Upon the passage of the Nation's Probate Code, the Probate Code shall supersede the relevant provisions of the Per Cap Distribution Ordinance.

8. Minors and Other Legal Wards.

a. The interests of minors and Wards, otherwise entitled to receive per capita payments, shall, in lieu of payments to such minor or Ward Member, be disbursed to a Trust Fund. The Legislature shall establish a formal irrevocable legal structure for the Trust Funds. Any amounts currently held by the Nation for passage for the benefit of minor or legally Ward Members, and all additions thereto pending approval and establishment of such formal irrevocable structure, shall be held in an account for the benefit of each such Member-beneficiary under the supervision of the Trust and Investment Committee and Trial Court of the Nation. Trust assets of such Trust Funds shall be invested in a reasonable and prudent manner, which protects the principal and seeks a reasonable return.

b. Education Criterion

(1) The trust assets of each such account maintained for a minor shall be disbursed to the Member-beneficiary thereof upon the meeting of the following criteria:

(a) Reaching the age of eighteen (18); and

(b) Submitting to the Division of Enrollment evidence of personal acquisition of a high school diploma with transcripts from all course work that applies to that degree program.

(c) Effective for, and applicable to, members graduating in the Class of 2017, the Tribal member must complete a financial literacy orientation course (or series of courses) as administered by the Department of Education which could include topics that teach basic skills necessary to be an effective consumer in our society, discussing consumer skills, responsibilities and goals, manage personal resources, making

informed choices in the marketplace. Topics include buying vs. leasing, product comparison and marketing, budgeting, investment options, and economic concepts relating to being producers, consumers, and citizens.

(d) Evidence of completion will include the Minor's Address Verification form and the following original documents: legible copy of the Minor's Social Security Card, original raised seal high school diploma, or in the case of students with disabilities, an original raised seal Certificate of Completion, Official Transcripts (originals).

(e) The burden of proof of fitness of institution and education of the student is the responsibility of the student.

(f) All educational institutions shall be subject to review by the Department of Education to determine their institutional fitness to provide this education based on relevant federal and state education regulations. It is the student's (student's parent or legal custodian's) responsibility to contact the Department of Education to ensure the degree-granting institution qualifies for meeting the high school diploma definition and education criteria in accordance with this code.

(g) Alternative Education Program. Diplomas awarded through alternative high school programs (i.e. online, blended, correspondence, distance, etc.) may be eligible if they comply with Section 8b, and if the student is determined eligible by a school district's IEP team or Superintendent, in accordance with the state requirements for graduation under these types of programs in the state in which the student resides at the time the diploma was awarded.

(h) The Executive Director of the Department of Education and the Enrollment Officer or their designee(s) will have the final authority to determine if educational requirements have been met, and will release funds to such members immediately upon verification eligibility pursuant to the requirements of this Code.

(2) Member does not achieve a High School Diploma.

(a) In the event a Tribal member reaches the age of eighteen (18) and does not produce proof of meeting the Educational requirements set forth in this Code, the CTF account shall be held on the same terms and conditions applied while the member beneficiary was still a minor, or until the earliest occurs:

1. the member meets the requirements;
2. the member reaches the age of twenty-five (25); or
3. the member is deceased

(b) Even if the requirements above have not been met, the Nation's regular, quarterly per capita disbursements will be made directly to the Tribal member, and no longer to the Trust Fund, upon reaching age 18.

(3) Exception Rule. This exception rule only provides for the early release of CTF accounts to a Tribal member who has completed all requirements for graduation from high school, but will not receive a diploma until a later date. The following conditions must be met:

(a) the member has attained the age of 18;

(b) the member has completed all high school requirements for a graduation diploma;

(c) the superintendent of the high school the member attended certifies in writing that the member has met all conditions and requirements for the award of the diploma and confirms the date when the diploma will be presented/delivered to the member; and

(d) the member makes a written request for the disbursement of his or her CTF account and provides the above required supporting documentation and official transcripts.

(e) the member shall submit an Official Transcript, minor Address Verification Form and legible copy of his/her Social Security Card to the Enrollment Office.

c. Funds in the CTF of a minor member may be available for the benefit of a beneficiary's health, education, and welfare when the needs of such person are not being met from other Tribal funds or other state or federal public entitlement programs, and upon a finding of special need by the Ho-Chunk Tribal Court. In order to request such funds, the following provisions apply:

(1) A written request must be submitted to the Tribal Court by the beneficiary's parent or legal guardian detailing the purpose and needs for such funds.

(2) The parent or legal guardian shall maintain records and account to the Tribal Court in sufficient detail to demonstrate that the funds disbursed were expended as required by this Code and any other applicable federal law.

(3) Any other standards, procedures, and conditions that may be subsequently adopted by the Legislature consistent with any applicable federal law shall be met.

d. Funds in the CTF of a legally incompetent member. Funds in the CTF of a legally incompetent member may be available for benefit of a beneficiary's health, education, welfare, and to provide dignity, purpose and enjoyment for the beneficiary through a petition of a guardian to provide for the needs of the legally incompetent member, and upon a finding of need by the Ho-Chunk Tribal Court. In order to request such funds, the following provisions apply:

(1) A written request must be submitted to the Trial Court by the beneficiary's parent or legal guardian detailing the purpose and needs for such funds. Acceptable purposes are as follows:

- (a) Community Support
- (b) Recreation and Leisure
- (c) Supplemental Food and Shelter
- (d) Maintenance
- (e) Transportation
- (f) Medical Care
- (g) Insurance
- (h) Education and Training
- (i) Other expenses to provide dignity, purpose and enjoyment for the legally incompetent member.
- (j) This is a partial, not exhaustive list of possible uses of trust fund assets.

(2) Any hearing involving an incompetent member shall be held within 14 working days after service of the request, all hearing fees may be waived upon request, and the trial courts may provide for reasonable attorney fees if requested by the parent or legal guardian of the legally incompetent member.

(3) The parent or legal guardian shall maintain records and account to the Trial Court in sufficient detail to demonstrate that the funds disbursed were expended as required by this Code and any other applicable federal law.

(4) The parent or legal guardian may request legal fees to request a disbursement for a legally incompetent member. Legal fees may be presumed necessary so long as the legal fees are reasonable and supported by itemized billing.

(5) Any other standards, procedures, and conditions that may be subsequently adopted by the Legislature consistent with any applicable federal law shall be met.

(6) Funds in a Ward's Members Trust Fund. The trust assets of each such account maintained for a Ward Member shall be disbursed to the Member-beneficiary thereof upon the meeting of the following criteria:

(a) A written request must be submitted to the Trial Court Party by the Ward's parent or legal guardian requesting a full or partial distribution on the incompetent member's 21st birthday to Special Needs Trust.

(b) Any funds disbursed must be disbursed to a Special or Supplemental Needs Trust to provide for the needs of the legally incompetent member.

(c) The Special Needs Trust must require an annual accounting of trust assets.

(d) The Special Needs Trust cannot make distribution in cash.

(e) The parent or legal guardian may request reasonable attorney fees to establish a Special Needs Trust

(f) The Special Needs Trust must be designed to protect the legally incompetent member's interest while allowing for a higher quality of life.

(g) The Special Needs Trust may make distribution for the following:

1. Community Support
2. Recreation and Leisure
3. Supplementary food and shelter
4. Maintenance
5. Transportation
6. Medical Care
7. Insurance
8. Education and Training
9. Other expenses to provide dignity, purpose and enjoyment for the legally incompetent member.
10. This is a partial, not exhaustive list of possible uses of trust fund assets.

9. Payments.

a. Any per capita payments authorized by the Legislature pursuant to Section 7, shall be made quarterly on the first day of the months of November, February, May, and August and mailed on the months of October, January, April, and July, to all members eligible for the distribution in accordance with Section 7, and in proportionate shares to the CTFs on behalf of the beneficiaries thereof.

b. Payments shall be mailed to the member's current address as annually verified or changed by the member per policy stated in Section 7c.

10. Taxation. All per capita payments made to individual members are subject to Federal taxation and may be subject and/or to state local taxation. Members receiving payments shall be informed that they are responsible for payment of applicable taxes. The Nation shall deduct and withhold tax from per capita payments to the extent and in the amounts required by 26 U.S.C. § 3402(r) or any successor statute. In addition, the Nation may, in its discretion, withhold such greater amount of tax from per capita payments to a member as such member may voluntarily request. All voluntary tax deductions are applicable to each quarterly Per Capita Distributions.

11. Enforcement and Dispute Resolution. The Trial Court and Supreme Court of the Ho-Chunk Nation shall have jurisdiction and authority to review the expenditure of net gaming revenues in accordance with this Code, to enforce this Code and appropriately remedy any instance of non-conformance and to resolve any disputes arising from the allocation of net gaming revenue and the distribution of per capita payments.

12. Penalty Clause. If access to the Trust was to be proven to have been obtained through fraud, deceit or malfeasance by the beneficiary or other individuals; all parties found responsible will be subject to repayment of the entire Trust Fund to the Nation including interest and penalties and emotional damages shall be considered by the Trial Court and subject to criminal penalties.

13. Amendments. This Code may only be amended by Resolution of the Legislature, in a meeting at which quorum is present, but only upon the affirmative vote of two-thirds (2/3) of the members present. Prior to consideration of any proposed amendments to the Legislature, the Attorney General shall be afforded the opportunity to review said amendment(s) and render an opinion. When required by federal law, amendments to this Code shall be subject to final approval of the Secretary of the Interior before they become effective.

14. Severability. The provisions of this Ordinance are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains, which shall remain in full force and effect.

Legislative History:

10/17/95 Ordinance adopted by Legislature.
01/19/96 Election, Constitutional Law and Judiciary Committee adopts amendment affecting § 5 (now para 7)
01/20/96 Amendment affecting § 5 (now para 7) adopted. Approved by BIA on 7/26/96.
09/26/96 Administrative Rules/Election Committee referred amendment to Legislature.
10/04/96 Amendment adopted. Approved by BIA 10/25/96.
03/11/97 Amendment affecting § 4.01(a) (now para 6a) adopted. Approved by BIA 3/28/97.
07/17/97 Amendment affecting § 4.01(a) (now para 6a) adopted. Approved by BIA 7/18/97.
05/12/98 Amendment affecting § 6.01(a) (now paras 8a-b) adopted. Approved by BIA 5/29/98.
10/20/98 Amendment affective § 4.01(a) and 6.01(a) (now paras 6a and 8a-b) adopted.
09/28/99 Amendment affecting § 4.01(a) and 6.01(a) (now paras 6a and 8a-b) adopted.
02/29/00 Amendment affecting § 6.01(a) (now paras 8a-b) adopted. Approved by BIA 6/26/00.
10/10/00 Legislature adopts interpretive transition rule by Legislative Resolution 10-10-00C.
07/03/01 Restated and amended as by 2 HCC § 12 (Per Capita Distribution Ordinance) enacted by Legislative Resolution 7/3/01D.
01/11/02 BIA approval of 2 HCC § 12 (Per Capita Distribution Ordinance) enacted by Legislative Resolution 7/3/01D.
09/09/03 Amended and restated by Legislative Resolution 9/9/03A clarifying paragraphs 4c and 7e as to per capita distribution to deceased Tribal members and amending paragraph 6 for the allocation of tribal gaming revenues.
09/10/03 Amended and restated ordinance submitted to BIA for approval of the Allocation of Tribal Gaming Revenues.
02/06/04 BIA approval of amended and restated Ordinance.
02/22/06 Legislative Resolution 2-22-06A adds para 8b(3) as an exception rule for a minor to receive his or her CTF upon high school graduation went receipt of the diploma is delayed.
07/07/14 Special Legislative Meeting to consider amendments to Per Capita Distribution Ordinance. Motion adopted to present survey at General Council meeting in September 2014.
08/19/14 Proposed Amendments discussed in Legislative Session, no action taken. This included Option to adopt General Amendments and Option to adopt Financial Literacy Amendments.
10/21/14 Proposed Amendments (General Amendments and Financial Literacy Amendments) considered by Resolution by defeated (Resolution 10/21/14Z), then tabled to be brought back to Session later.

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- 11/04/14 Legislature acknowledges HCN General Council Resolution 9/27/2014-3 and adopts Resolution 11-04-14Y, creating a Legislative Workgroup to address potential amendments to the Nation's Per Capita Distribution Ordinance improving access to accounts by Tribal Members deemed legally incompetent.
- 11/18/14 Proposed Amendments (General Amendments and Financial Literacy Amendments) adopted by the Legislature, with additional edits, via Resolution 11-18-14A.
- 12/19/14 Meeting of Legislative Workgroup to address access to trust accounts for Legally Incompetent Tribal Members and discussion of potential amendments.
- 01/06/15 Consideration of amendments to Per Capita Distribution Ordinance for Members deemed to be "Wards" (meaning Members who have been declared to be under legal disability, or legally incompetent, by a court of competent jurisdiction), to improve access to such Member's trust accounts; adoption by Quick Passage under the HCN Legislative Organization Act of said amendments by Resolution 1-06-15A.
- 01/13/15 Final amendments approved by Legislature (through Resolution 11-18-14A and Resolution 1-06-15A) submitted to Bureau of Indian Affairs for review and approval, as required by federal regulation (25 CFR Part 290).
- 07/20/15 By letter dated July 20, 2015, from the U.S. Department of the Interior, Assistant Secretary Kevin Washburn approves the proposed amendments. Thus, pursuant to federal law, no further action required and the amendments are final.
- 10/20/15 Quick Passage Amendment to Section 8b(2)(c) and addition of Section 14, through adoption of Resolution 10-20-15S. Such amendments considered, and acted upon, by the Legislature in light of concerns expressed by the HCN Department of Justice, Enrollment Department, and Treasury Department that the current language would compel the November 1, 2015 quarterly per capita distribution directly to Wards over the age of 18 and, thus, adversely impact their eligibility for State and Federal public benefits. Amendments not subject to BIA approval, since not required by federal law or under updated amendments to this Ordinance.
- 02/07/17 Legislature adopts Resolution 2-07-17B, placing the Per Capita Distribution Ordinance out for public review and comment, with proposed amendments included (proposing to amend Section 8.d(6)(a) regarding the date on which a request can be submitted).
- 4/18/18 Legislature adopts Quick Passage amendment to Per Capita Distribution Ordinance, by adoption of Resolution 4-18-18A, amending Section 7.d and Section 8.b(2)(b) of the Ordinance. Such amendments considered, and approved, consistent with the critical need to revise the law and Trust Agreement to be treated as an IGRA or Grantor Trust, in order to alleviate adverse actions by the U.S. Social Security Administration toward tribal member families, and to advance positive tax advantages. Said amendments are not made to the Tribal Revenue Allocation Plan ("TRAP") of the Ordinance.
- 4/27/18 Legislature adopts Resolution 4-27-18A to clarify that the effective date of Resolution 4-18-18A is May 4, 2018.