

CHAPTER 32
SUPPLEMENTAL ASSISTANCE ACT

27-1 TITLE, PURPOSE AND DEFINITIONS

Section 1(e) of the Constitution, the Council hereby establishes rules for participation in Supplemental Assistance Programs.

32-1 PURPOSE

32-1.01 The Council of the Kootenai Tribe of Idaho recognizes that individual members may have certain conditions that put them at a disadvantage from enjoying the same quality of living that other members possess. The Council also recognizes that historical events have created disadvantages for the Tribe and its members and that the Tribal government has a responsibility to ensure the future of the Tribe. The Council promotes the social and general welfare of all its members such that they may enjoy an equal opportunity for the blessings of spiritual, educational, cultural, and economic growth for now and generations to come.

(1) Members who fail to participate in social, cultural, and/or political activities of the Tribe are not eligible for participation in Supplemental Assistance Programs.

(2) For purposes of assisting the Council in determining whether a member has participated fully in one or more of such activities, the following apply:

32-2 ELIGIBILITY FOR SUPPLEMENTAL ASSISTANCE PROGRAMS

32-2.01 Duly enrolled members of the Kootenai Tribe of Idaho who are also members of another Tribe and/or band of Indians who have during the previous two years received monies from those Tribes in the form of Tribal disbursements or supplemental assistance programs shall be excluded from eligibility for membership in Kootenai Supplemental Assistance Programs. In order to be eligible for Kootenai Supplemental Assistance Programs such members who are also members of another Tribe and/or band of Indians shall execute a waiver of other disbursements or benefits. This shall not be deemed to affect the membership status of any member of the Kootenai Tribe of Idaho.

(a) A member who is not, at the time of application to a Supplemental Assistance Program, a full-time resident of Boundary County, Idaho shall be deemed not to participate fully in such activities unless such person is not subject to the provisions of subsection (b), was a full-time resident of Boundary County for not less than five continuous years prior to residing elsewhere, participated fully in one or more of such activities prior to departing and is temporarily residing outside Boundary County for purposes of schooling, military service, medical care or employment and unless such person continues to maintain close social and cultural ties with the Tribe.

32-2.02 Eligibility for Supplemental Assistance Programs is based on the elevated needs of certain Tribal members and the needs of the Tribe.

(b) A member of the Tribe who is a full-time resident of Boundary County at the time of application to a Supplemental Assistance Program, shall be deemed not to have participated fully in one or more of such activities unless such person participates fully in one or more of such activities and has been a resident of Boundary County for his or her entire life or, immediately preceding application to a Supplemental Assistance Program, for not less than five continuous years plus one year for each year such person is over the age of eighteen or one year for each year such person has not been a full-time resident of Boundary County, whichever is less.

32-2.03 The burden of proof to establish elevated needs warranting participation in a Supplemental Assistance Program rests on the applicant.

32-3 RESTRICTIONS ON PARTICIPATION IN SUPPLEMENTAL ASSISTANCE PROGRAMS

32-3.01 Pursuant to its authority under Article IV,

(c) The eligibility for Supplemental

Assistance Programs of the Tribe for members who are younger than the age of eighteen shall be determined by the eligibility of their parent(s) or legal guardian.

32-4 ESTABLISHING SUPPLEMENTAL ASSISTANCE PROGRAMS ON THE BASIS OF NEED

32-4.01 Supplemental Assistance Programs. The Council of the Kootenai Tribe of Idaho is authorized to create programs to provide supplemental assistance to individual Tribal members based on need. Such programs include but are not limited to:

(1) The Elder Supplemental Assistance Program. This program is established for the aid of elders who have generally not been able to equally share in employment and other opportunities due to the history of poverty, additional costs required for elders to take care of themselves and their families, and other special needs due to health and other concerns. This program is not income based but rather needs based. Due to the life expectancy of a Kootenai Elder, the entry age for the Elder Supplemental Assistance Program is age fifty-five (55). Assistance increases once the participant reaches the age of sixty-five (65).

(2) The Supplemental Assistance for School-Age Children Program. This program is established for the aid of school-age children to assist with the extra expenses associated with school attendance. This program is needs based – both the needs of the Tribe for educated members and the needs of school-age children and their families. An applicant to this program has the burden of proof to establish elevated needs. Tribal members may participate in this program until they reach the age of eighteen (18).

(3) The Supplemental Assistance for Higher Education. This program is established for the aid of any member pursuing higher education including, but not limited to, community college, university degrees, graduate studies, international studies, vocational programs, professional certification and licensing and training in the visual and performing arts. This program is based on the needs of individual members, as well as the needs of the Tribe for members with higher education.

(4) Utility Program. This program is established to ensure that Tribal member homes have basic electric, gas and/or other utility service. This program is based on the needs of the Tribe, the needs of individual members and the unique history of the Tribe.

32-5 ALLOCATION OF FUNDS FOR SUPPLEMENTAL ASSISTANCE PROGRAMS

32-5.01 The Tribal Council shall annually establish the amount available through each of the individual Supplemental Assistance Programs.

32-5.02 In determining the amount available in each program, Tribal Council shall take into consideration the totality of the economic circumstances surrounding the Tribe and the individuals qualifying for assistance.

32-6 BUDGETING

32-6.01 The Tribal Council shall annually designate funding sources that are available for the Supplemental Assistance Programs. Notwithstanding anything to the contrary, the assistance payments authorized hereunder shall be “unfunded” for tax purposes and no beneficiary shall have an interest in or right to any funds budgeted for or set aside for assistance payments until paid. Supplemental assistance payments shall remain assets of the Tribe until distributed, and the approved programs shall be administered at all times to avoid doctrines of constructive receipt or economic benefit.

32-7 PROCEDURES FOR REQUESTING FUNDS

32-7.01 Requests from Tribal members for participation in a Supplemental Assistance Program, except for the Elder Supplemental Assistance Program, shall be submitted in writing to the Finance Department. Requests should be accompanied by all documentation justifying the request.

32-8 CONTINUING ELIGIBILITY

32-8.01 Because qualification for a Supplemental Assistance Program is not income based but instead need based, participation in a Program is only authorized when a member’s need

is demonstrable. Therefore the Tribal Council will oversee current participants to ensure that the purposes of this Act are fulfilled.

32-9 APPEALS

32-9.01 Any applicant or participant who is negatively and materially affected by a decision pertaining to a Supplemental Assistance Program may appeal the decision in writing. The Tribal Council will conduct a hearing if necessary. The Tribal Council's decision is final.

32-10 VIOLATION OF THIS ACT

32-10.01 Any person who:

(1) Intentionally violates or willfully fails to comply with any provision of this Act, or

(2) Participates or attempts to participate in any Supplemental Assistance Program by knowingly presenting false or fraudulent information to the Tribe shall be guilty of a crime and shall be subject to a maximum fine of \$5,000 or 1 year imprisonment or both. In the event that a court determines the Tribe does not possess criminal jurisdiction over an individual, the violation shall be considered regulatory in nature and such individual shall be subject to a maximum fine of \$5,000 or exclusion from Kootenai Lands or both.