

CHAPTER 21  
BENEFITS

21-1 QUALIFICATIONS FOR BENEFITS

21-1.01 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 tribal disbursements from the other tribe and/or band of Indians shall not receive tribal disbursements from the Kootenai Tribe of Idaho, including but not limited to, bonuses and allowances. This shall not be deemed to effect the membership status of any member of the Kootenai Tribe of Idaho.

21-1.02 A member who is dually enrolled must execute a waiver of other disbursements as a condition of receiving disbursements from the Kootenai Tribe of Idaho.

21-2 RESTRICTIONS ON DISBURSEMENTS OF BENEFITS

21-2.01 Pursuant to its authority under Article IV, Section 1(e) of the Constitution, the Council hereby establishes rules for restrictions on the disbursement of benefits paid to members who fail or refuse to participate in the social, cultural and/or political activities of the Tribe. These provisions are to prevent the diminution of benefits paid to members of the Tribe who have participated and/or continue to participate willingly and continuously in the Tribe's daily social, cultural and/or political activities.

21-2.02 No member of the Tribe who has *not* participated fully in one or more of the daily social, cultural or political activities of the Tribe, as determined by the Council, shall be eligible for disbursement of full benefits of tribal membership. For purposes of assisting the Council in determining whether a member has participated fully in one or more of such activities, the following shall apply:

(1) A member who is *not*, at the time of a disbursement of a benefit, 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 Country 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.

(2) A member of the Tribe who is a full-time resident of Boundary County at the time of a disbursement of a benefit 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 the disbursement, 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.

(3) The eligibility for the disbursement of benefits of members of the Tribe who are younger than the age of eighteen shall be determined by the eligibility of their parent or legal guardian.

21-3 WAIVER OF RESTRICTIONS BY COUNCIL

21-3.01 Any member of the Tribe, including members under the age of eighteen, shall have the right to appeal to the Council for a temporary or permanent waiver of the restrictions on disbursement of benefits. In considering such requests, the Council shall grant the right to be heard and may consider, but is not limited to, the following factors:

(1) Circumstances leading to restrictions on disbursements of benefits that are shown to be outside the control of the member;

(2) Conduct of the member that demonstrates to the Council a sincere desire to be a part of the social, cultural, political and/or economic activities of the Tribe that is not motivated in whole or in part by the availability of disbursements to members; or

(3) Hardship to the members of the Tribe who are eligible for full disbursements of benefits.

21-4 NO LIMITATIONS ON BENEFITS FROM OTHER GOVERNMENT SOURCES

21-4.01 Nothing herein shall be deemed a basis to deny any tribal member a benefit or benefits to which he or she is entitled pursuant to federal, state or other applicable law. The restrictions set forth in this ordinance apply only to disbursements of benefits from resources generated from tribal assets.

21-5 BENEFITS AWARDED ON THE BASIS OF NEED

21-5.01 Findings. 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 promotes 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.

21-5.02 Needs Based Benefits. The Council of the Kootenai Tribe of Idaho is authorized to make benefit payments to individual tribal members based on need or to establish needs based benefit programs. Such programs are defined in Chapter 32 and policies adopted by Tribal Council.

- (1) Restated in Chapter 32.
- (2) Restated in Chapter 32.
- (3) Restated in Chapter 32.