

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 40
STATE-TRIBAL RELATIONS ACT

67-4001. DEFINITIONS. For the purpose of this chapter, "Indian tribe" shall mean the Coeur d'Alene Tribe, the Kootenai Tribe of Idaho, the Nez Perce Tribe, the Shoshone Bannock Tribes of the Fort Hall Reservation, or the Shoshone-Paiute Tribes of the Duck Valley Reservation.

[66-4001, added 1984, ch. 72, sec. 1, p. 133.]

67-4002. AUTHORITY TO ENTER INTO AGREEMENTS WITH TRIBES. (1) Any public agency as defined in section [67-2327](#), Idaho Code, or the state of Idaho or any of its political subdivisions may enter into agreements with the Indian tribes enumerated in section [67-4001](#), Idaho Code, for transfer of real and personal property and for joint concurrent exercise of powers provided such agreement is in substantial compliance with the provisions of sections [67-2327](#) through [67-2333](#), Idaho Code.

(2) The governor and his designated state agencies may enter into agreements with Indian tribes enumerated in section [67-4001](#), Idaho Code, regarding the assessment, nonassessment, collection, refund and sharing of any fuel tax imposed by the state and revenues from fuel taxes. The agreement must be in substantial compliance with the provisions of sections [67-2327](#) through [67-2333](#), Idaho Code. The agreement shall be effective when ratified by both houses of the legislature by adoption of a concurrent resolution.

(3) No power, privilege or other authority shall be exercised under the authority of this chapter where otherwise prohibited by the constitution of the state of Idaho or the constitution or laws of the United States government. Additionally, the provisions of this chapter shall not be deemed to amend, modify, or repeal the provisions of [chapter 51, title 67](#), Idaho Code (public law 280).

[67-4002, added 1984, ch. 72, sec. 1, p. 133; am. 2000, ch. 414, sec. 1, p. 1320.]

67-4003. POWERS OF AGENCIES NOT DIMINISHED. Nothing in this chapter shall be interpreted to grant to any state or public agency thereof or Indian tribe or public agency thereof the power to increase or diminish the political or governmental power of the United States, the state of Idaho, a sister state, an Indian tribe, nor any public agency of any of them.

[67-4003, added 1984, ch. 72, sec. 1, p. 134.]

67-4004. COUNCIL ON INDIAN AFFAIRS CREATED -- APPOINTMENT OF MEMBERS. There is hereby created the Idaho council on Indian affairs which shall consist of ten (10) members, one (1) to be appointed by the governor, two (2) to be appointed by the president pro tempore of the senate from the members of the senate; two (2) to be appointed by the speaker of the house of representatives from the members of the house; and five (5) tribal members to be appointed by each Indian tribe with one (1) member to represent each of the various Indian tribes of the state. The five (5) Indian members shall each be members of their respective tribal councils and appointed by the tribal

chairmen subject to the consent of the tribal council. A tribal member shall serve at the will of his or her tribal government until a successor is similarly selected.

[67-4004, added 1999, ch. 127, sec. 1, p. 368.]

67-4005. ORGANIZATION OF COUNCIL. The council shall meet twice a year and may be called for special meetings from time to time by a majority of the council members. The council shall elect a chairperson and a vice chairperson and other officers from its members. Six (6) members constitute a quorum. The members of the council appointed by the governor shall be compensated as provided in section [59-509](#)(h), Idaho Code. Legislative members of the council shall be compensated as provided by the citizens' committee for legislative compensation for interim legislative meetings which shall be paid from the legislative account.

[67-4005, added 1999, ch. 127, sec. 1, p. 369.]

67-4006. GOVERNMENTS TO COOPERATE. The tribal governments and the state government together with its political subdivisions shall cooperate to provide relevant information and assistance on any matters requested by the council and shall share the burden of operational expenses and staffing. Staffing and other costs incurred by the council shall be paid one-half (1/2) by the state government and one-half (1/2) by the tribal governments.

[67-4006, added 1999, ch. 127, sec. 1, p. 369.]

67-4007. POWERS AND DUTIES OF THE COUNCIL. The council shall have the following powers and duties:

(1) To monitor and review legislation and state policies which impact state/tribal relations in the areas of jurisdiction, governmental sovereignty, taxation, natural resources, economic development, and other issues where state government and tribal government interface;

(2) To advise the governor, legislature, and state departments and agencies of the nature, magnitude, and priorities of issues regarding state/tribal relations;

(3) To advise the governor, legislature, and state departments and agencies on, and assist in the development and implementation of, cooperative policies, programs, and procedures focusing on the unique relationship between tribal and state government;

(4) To establish advisory committees on special subjects or projects;

(5) To cooperate and/or facilitate contracting between tribes and individuals or state, local, and other agencies, including agencies of the federal government and of other states;

(6) To make bylaws for its own governance and procedure consistent with the laws of the state and the respective tribes.

[67-4007, added 1999, ch. 127, sec. 1, p. 369.]