

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 296

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

INTRODUCED BY

Manny M. Aragon

AN ACT

RELATING TO COUNTY BOUNDARIES; ENACTING THE COUNTY BOUNDARY  
CHANGE IN INDIAN COUNTRY ACT; PROVIDING FOR PROCEDURES FOR  
INDIAN TRIBES TO NEGOTIATE BOUNDARY CHANGES; ENACTING SECTIONS  
OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] SHORT TITLE.--Sections 1  
through 8 of this act may be cited as the "County Boundary  
Change in Indian Country Act."

Section 2. [NEW MATERIAL] DEFINITIONS.-- As used in the  
County Boundary Change in Indian Country Act:

A. "affected county" means a county out of which  
tribal lands are to be removed or a county into which tribal  
lands are to be annexed;

B. "petition" means a request in petition form from

underscored material = new  
[bracketed material] = delete

1 a tribe requesting the affected counties in which it is located  
2 to approve a county boundary change that removes part of the  
3 tribe's tribal land from one or more of the affected counties  
4 and annexes that land into another affected county;

5 C. "tribal land" means all land located within the  
6 exterior boundaries of a reservation or pueblo grant of a tribe  
7 and all land held by the United States in trust for a tribe or  
8 a member of a tribe that is contiguous to the exterior  
9 boundaries of that tribe; and

10 D. "tribe" means an Indian nation, tribe or pueblo  
11 with tribal land located in New Mexico.

12 Section 3. [NEW MATERIAL] PETITION--AUTHORIZATION--  
13 PROCESS--CONTENTS.--

14 A. A tribe with tribal lands located in two or more  
15 counties in New Mexico may forward a petition to the county  
16 clerk of each of the affected counties requesting that the  
17 counties approve removal of its tribal land from one or more  
18 affected counties or approve the annexation of that land to  
19 another affected county pursuant to the provisions of the  
20 County Boundary Change in Indian Country Act.

21 B. The petition shall be authorized by the  
22 governing body of the tribe in the form of a resolution. A  
23 copy of the resolution shall be attached to the petition.

24 C. The petition shall be signed by a duly  
25 authorized tribal official. The petition shall set forth the

.150021.1

underscored material = new  
[bracketed material] = delete

1 reasons for the requested change in county boundaries and shall  
2 accurately describe the tribal land to be removed and annexed  
3 and the proposed change to the county boundaries resulting from  
4 the removal or annexation of the tribal land in sufficient  
5 detail to allow amendment of the description of the boundaries  
6 of each affected county.

7 Section 4. [NEW MATERIAL] BOARD OF COUNTY COMMISSIONERS--  
8 DUTIES--PROCEDURE.--

9 A. The board of county commissioners in each  
10 affected county shall review the tribe's petition and provide a  
11 response in the form of a county resolution to the tribe within  
12 ninety calendar days from the date on which the petition was  
13 filed with the county clerk.

14 B. The county resolution shall set forth the  
15 county's consent or denial regarding the change in boundary  
16 location. If the request is approved, the county resolution  
17 shall include a description of the tribal land to be  
18 transferred. If the request is denied the county resolution  
19 shall state the basis of the county's denial. If an affected  
20 county fails to respond to the petition within the ninety-day  
21 period, the petition shall be deemed approved.

22 Section 5. [NEW MATERIAL] CONSENT--EFFECTIVE DATE--  
23 REMOVAL OR ANNEXATION COUNTIES.--

24 A. Upon receipt by the tribe of county resolutions  
25 approving the boundary change from all of the affected

.150021.1

underscored material = new  
[bracketed material] = delete

1 counties, including no receipt of a county resolution after the  
2 ninety-day period has elapsed from some or all of the affected  
3 counties, the petition shall be considered approved, and the  
4 removal and annexation of the tribal land among the affected  
5 counties shall occur.

6 B. Upon receipt of county resolutions from all  
7 affected counties or upon the termination of the ninety-day  
8 period in which a county is required to review the petition,  
9 the tribe shall notify the county clerk of approval of the  
10 petition. The county clerk shall transmit a copy of a tribe's  
11 approved petition to the secretary of state upon approval of  
12 the petition and prior to the date on which the removal and  
13 annexation occur.

14 C. When a petition is deemed approved by all  
15 affected counties, the area described in the petition shall be  
16 removed from the county or counties in which it is located and  
17 be deemed annexed to the county into which it is being moved on  
18 January 1 of the next odd-numbered year following the year in  
19 which the ninety-day period for review of the petition by the  
20 county terminates.

21 Section 6. [NEW MATERIAL] PRECINCT CHANGES REQUIRED.--  
22 Each affected county of an approved tribal petition for a  
23 county boundary change shall amend its voting precincts so that  
24 the new precinct designations become effective on January 1 of  
25 the year in which the annexation and removal of the tribal

.150021.1

underscored material = new  
[bracketed material] = delete

1 lands from the affected counties is effective.

2 Section 7. [NEW MATERIAL] OPTION TO REFILE.--A tribe may  
3 refile its petition at any time following a denial of a prior  
4 petition by an affected county.

5 Section 8. [NEW MATERIAL] TRIBAL SOVEREIGNTY--STATE  
6 AUTHORITY.--Nothing in the County Boundary Change in Indian  
7 Country Act expands or diminishes the governmental authority  
8 of:

- 9 A. the tribe filing a petition pursuant to that
- 10 act;
- 11 B. any other tribe; or
- 12 C. the state.

13 Section 9. A new section of Chapter 4, Article 33 NMSA  
14 1978 is enacted to read:

15 "[NEW MATERIAL] APPLICATION TO INDIAN NATIONS, TRIBES AND  
16 PUEBLOS.--Sections 4-33-1 through 4-33-7 NMSA 1978 shall not  
17 apply to Indian nations, tribes or pueblos that have  
18 reservation land, pueblo grants or land contiguous to a  
19 reservation or pueblo grant that is held in trust by the United  
20 States for the tribe or a member of the tribe located in more  
21 than one county. The County Boundary Change in Indian Country  
22 Act shall apply to an Indian nation, tribe or pueblo that seeks  
23 to remove part of its reservation or pueblo grant from one or  
24 more counties and have that land annexed to another county in  
25 which the Indian nation, tribe or pueblo is located. Other

.150021.1

underscoring material = new  
[bracketed material] = delete

1 sections of Chapter 4, Article 33 NMSA 1978 may apply to an  
2 Indian nation, tribe or pueblo in appropriate circumstances."

3 Section 10. EFFECTIVE DATE.--The effective date of the  
4 provisions of this act is July 1, 2004.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25