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SENATE BILL 339

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

John Pinto

AN ACT

RELATING TO HIGHWAYS; PROVIDING FOR COOPERATIVE AGREEMENTS
WITH INDIAN NATIONS, TRIBES OR PUEBLOS; PROVIDING STANDARDS
FOR CERTAIN RIGHT-OF-WAY NEGOTIATIONS; DECLARING AN
EMERGENCY.

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

Section 1. Section 67-3-28 NMSA 1978 (being Laws 1929,
Chapter 100, Section 1, as amended) is amended to read:

"67-3-28. COOPERATION WITH THE STATE, MUNICIPALITIES,
COUNTIES, SCHOOL DISTRICTS, ADJOINING STATES, TRIBES AND
FEDERAL AGENCIES.--

A. The department may enter into cooperative
agreements with any branch, agency, department, board,
instrumentality or institution of the state or United States
government; with the respective municipalities, school
districts and counties in this state; with tribes; or with

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1 any adjoining state for the construction or improvement of
2 public highways and streets within the control of a branch,
3 agency, department, board, instrumentality or institution of
4 the state or United States government, within the control of
5 a tribe or within a municipality, county, school district or
6 adjoining state for the division between the department and
7 the branch, agency, department, board, instrumentality or
8 institution of the state or United States government, county,
9 school district, municipality or adjoining state of the
10 expense of the project development, construction,
11 reconstruction, improvement, maintenance or repair of public
12 highways, streets and public school parking lots, or for the
13 acquisition of rights-of-way therefor or for materials for
14 the construction or improvement thereof. The department
15 shall bear all costs of the acquisition of rights of way for
16 federal-aid interstate roads, both rural and urban.

17 B. The department may enter into cooperative
18 agreements with tribes for use of rights of way for periods
19 not to exceed twenty years for public highways or streets
20 crossing land restricted against alienation or held in trust
21 by the United States for the benefit of a tribe or its
22 members.

23 C. For purposes of this section, "tribe" means an
24 Indian nation, tribe or pueblo recognized by the federal
25 government."

Section 2. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect

.130708.2

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immediately.