

**Opinion No. 56-6414**

April 6, 1956

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Senator Tom O. Montoya, P. O. Box 15, Pena Blanca, New Mexico

We have your letter of March 9th in which you ask whether Chapter 5, Laws of 1955, Special Session, applies to Indians residing on Indian Reservations within the State of New Mexico. As we understand your request, you wish to know whether or not a lien can attach to the lands belonging to the Indian Tribes for public assistance to a member of that Tribe under the provisions of Chapter 5, Laws of 1955, Special Session.

We are of the opinion that a lien does not attach to lands belonging to an Indian Tribe for welfare payments to an Indian living on an Indian Reservation. A lien would attach against lands actually owned by a recipient of such payments, and since the Indian living on a Reservation has no ownership on the Indian land belonging to such reservation it would follow that such land could not attach. Generally the lands of an Indian Reservation are held by the United States in trust for those Indians living on such reservation. However, each individual Indian does not own any particular tract of land to which a lien might attach.

For the reasons herein expressed, we are of the opinion that no lien can be secured for payment made to an Indian living on an Indian Reservation.

Trusting we have answered your inquiry, I remain