

1 SENATE BILL 219

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Shannon D. Pinto

10 AN ACT

11 RELATING TO NATIVE AMERICANS; ENACTING THE NATIVE AMERICAN
12 OMBUD ACT; ESTABLISHING THE OFFICE OF THE NATIVE AMERICAN
13 OMBUD; PROVIDING DUTIES; REQUIRING INVESTIGATION AND RESOLUTION
14 OF CONCERNS; PROVIDING FOR THE CONFIDENTIALITY OF RECORDS;
15 PROVIDING POTENTIAL ACTIONS FOR NONCOMPLIANCE; REQUIRING AN
16 ANNUAL REPORT; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

19 **SECTION 1.** [NEW MATERIAL] SHORT TITLE.--This act may be
20 cited as the "Native American Ombud Act".

21 **SECTION 2.** [NEW MATERIAL] DEFINITIONS.--As used in the
22 Native American Ombud Act:

23 A. "department" means the department of justice;

24 B. "Native American" means:

25 (1) an individual who is a member of any

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federally recognized Indian nation, tribe or pueblo or who is an Alaska native; or

(2) an individual who has been deemed eligible for services and programs provided to Native Americans by the United States public health service or the United States department of the interior bureau of Indian affairs;

C. "Native American ombud" means the individual appointed by the attorney general pursuant to the Native American Ombud Act; and

D. "office" means the office of the Native American ombud.

SECTION 3. [NEW MATERIAL] CREATION OF THE OFFICE OF THE
NATIVE AMERICAN OMBUD--GENERAL DUTIES OF THE OFFICE.--

A. The "office of the Native American ombud" is created within the department.

B. The attorney general shall appoint the "Native American ombud", who shall head the office and supervise the ombuds and other staff of the office. The Native American ombud may contract for services to assist the office in conducting its duties and may use the services of volunteers.

C. The Native American ombud shall:

(1) identify, investigate and resolve concerns pertaining to Native Americans that are filed with the office;

(2) ensure that Native Americans have regular and timely access to the services provided through the office

1 and receive timely responses from representatives of the
2 office;

3 (3) identify any patterns of concerns that
4 emerge regarding governmental services provided to Native
5 Americans, including civil and criminal legal advice and
6 representation, and recommend strategies for improvement in
7 providing such services to Native Americans;

8 (4) ensure that office staff, contractors and
9 volunteers are trained in:

10 (a) federal, state and local laws, rules
11 and policies with respect to Native Americans;

12 (b) investigative techniques;

13 (c) dispute resolution; and

14 (d) such other matters as the office
15 deems appropriate;

16 (5) develop procedures for the certification
17 of ombuds; provided that an employee or contractor shall not
18 investigate a concern filed with the office unless that person
19 is certified by the office;

20 (6) analyze, comment on and monitor the
21 development and implementation of federal and state laws, rules
22 and other governmental policies and actions that pertain to
23 Native Americans;

24 (7) recommend changes to laws, rules, policies
25 and actions pertaining to the rights of Native Americans as the

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1 office determines to be appropriate;

2 (8) facilitate public comment on proposed
3 laws, rules, policies and actions; and

4 (9) provide information to public and private
5 agencies, legislators and other persons regarding the problems
6 and concerns of services available to Native Americans and make
7 recommendations related to those problems and concerns.

8 SECTION 4. [NEW MATERIAL] ANNUAL REPORT--CONTENTS.--No
9 later than December 1 of each year, the office shall prepare a
10 report that includes:

11 A. actions taken by the office in the year for
12 which the report is prepared;

13 B. concerns identified by or on behalf of Native
14 Americans, resolution of the concerns and the effectiveness of
15 the resolution processes;

16 C. recommendations for improving the quality of
17 services provided to Native Americans and protecting the rights
18 of Native Americans; and

19 D. policy, regulatory and legislative
20 recommendations to solve identified concerns related to Native
21 Americans, to improve processes of resolutions of concerns, to
22 improve the quality of services provided to Native Americans,
23 to protect the rights of Native Americans and to remove
24 barriers to services intended for Native Americans.

25 SECTION 5. [NEW MATERIAL] INVESTIGATION AND RESOLUTION OF
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1 NATIVE AMERICAN CONCERNS.--The office shall identify,
2 investigate and seek to resolve concerns communicated by or on
3 behalf of Native Americans. If the office does not address a
4 concern, the office shall notify the concerned person of the
5 decision not to address the concern and the reasons for the
6 decision.

7 SECTION 6. [NEW MATERIAL] CONFIDENTIALITY OF
8 INFORMATION.--

9 A. All files and records maintained by the office
10 that pertain to Native Americans are confidential and not
11 subject to the provisions of the Inspection of Public Records
12 Act. The Native American ombud shall not disclose the identity
13 of a concerned person about whom the office maintains files or
14 records unless:

15 (1) the concerned person consents in writing
16 to the disclosure;

17 (2) the concerned person gives oral consent
18 that is documented immediately in writing by a representative
19 of the office; or

20 (3) disclosure is ordered by a court.

21 B. The annual report required pursuant to Section 4
22 of the Native American Ombud Act may be based on confidential
23 information and may be published or furnished to the public,
24 but the report shall not identify individual Native Americans
25 directly or indirectly nor violate the privileged or

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1 confidential nature of the relationship and communications
2 between the Native American and the office.

3 **SECTION 7. [NEW MATERIAL] POSTING AND DISTRIBUTION OF**
4 OMBUD INFORMATION.--Every person providing services to Native
5 Americans shall post in a conspicuous location a notice
6 regarding the office that contains a brief description of the
7 services provided by the office and the name, address and phone
8 number of the office and shall post it online on the person's
9 website, if applicable. The form of the notice shall be
10 approved by the office.

11 **SECTION 8. [NEW MATERIAL] AVAILABILITY OF LEGAL COUNSEL**
12 TO THE OFFICE.--The department shall ensure that adequate legal
13 counsel is available and is able, without conflict of interest,
14 to:

15 A. provide advice and consultation to the office
16 needed to protect the rights of Native Americans; and
17 B. assist the office and contractors in the
18 performance of the official duties of the Native American ombud
19 and representatives.

20 **SECTION 9. [NEW MATERIAL] INTERFERENCE WITH THE OFFICE**
21 AND RETALIATION PROHIBITED--POTENTIAL ACTIONS FOR
22 NONCOMPLIANCE.--

23 A. A person shall not willfully interfere with the
24 lawful actions of the office.
25 B. A person shall not institute discriminatory,

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1 disciplinary or retaliatory action against any Native American
2 for filing a concern with, providing information to or
3 otherwise cooperating with the office.

4 C. If a person fails to comply with the provisions
5 of the Native American Ombud Act:

6 (1) the office shall report the noncompliance
7 to the department;

8 (2) the office shall collaborate with the
9 department to access processes and resources to address Native
10 American services concerns; and

11 (3) the office shall collaborate with the
12 department to identify further appropriate actions to be taken
13 in response to the report, which may include a corrective
14 action plan or any other administrative action that the
15 department is authorized to take to ensure that Native
16 Americans receive the appropriate services required by state
17 law. The office shall provide a letter to the concerned person
18 explaining the actions the department will take.

19 SECTION 10. APPROPRIATION.--Two million dollars
20 (\$2,000,000) is appropriated from the general fund to the
21 department of justice for expenditure in fiscal years 2026 and
22 2027 for expenses to be incurred in establishing the office of
23 the Native American ombud. Any unexpended balance remaining at
24 the end of fiscal year 2027 shall revert to the general fund.

25 SECTION 11. EMERGENCY.--It is necessary for the public

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1 peace, health and safety that this act take effect immediately.
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