

LFC Requestor: Self Assigned

2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: Senate

Category: Bill

Number: 308

Type: Introduced

Date (of THIS analysis): 2.10.2025

Sponsor(s): Shannon D. Pinto

Short Title: Native American OMBUD Act

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$	\$2,000	Non-recurring	General Fund

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$00	\$0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	N/A	N/A

There will be no direct costs to DOH associated with this bill however there will likely be significant cost to the

Indian Affairs Department.

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 308 (SB308) proposes to establish the Office of the Native American Ombud to address concerns related to Native Americans. It outlines the duties of the office, including investigating and resolving issues, ensuring confidentiality of records, and taking action in cases of noncompliance. The act also mandates an annual report and allocates funding for its initial implementation in FY26.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

The Native American ombud office would establish a centralized office whereupon the Office 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 and receive timely responses from representatives of the office;
- (3) identify any patterns of concerns that emerge regarding governmental services provided to Native Americans, including civil and criminal legal advice and representation, and recommend strategies for improvement in providing such services to Native Americans;
- (4) ensure that office staff, contractors and volunteers are trained in:
 - (a) federal, state and local laws, rules and policies with respect to Native Americans;
 - (b) investigative techniques;
 - (c) dispute resolution; and
 - (d) such other matters as the office deems appropriate;

- (5) develop procedures for the certification of ombuds; provided that an employee or contractor shall not investigate a concern filed with the office unless that person is certified by the office;
- (6) analyze, comment on and monitor the development and implementation of federal and state laws, rules and other governmental policies and actions that pertain to Native Americans;
- (7) recommend changes to laws, rules, policies and actions pertaining to the rights of Native Americans as the office determines to be appropriate;
- (8) facilitate public comment on proposed laws, rules, policies and actions; and
- (9) provide information to public and private agencies, legislators and other persons regarding the problems and concerns of services available to Native Americans and make recommendations related to those problems and concerns.

Per the State-Tribal Collaboration Act, New Mexico currently has Tribal Liaisons within each cabinet-level agency and has the Indian Affairs Department. The proposed Native American Ombuds role aligns with the Indian Affairs Department's vision and mission, which focus on supporting Tribal well-being and self-sufficiency. The department advocates Tribal interests at state and federal levels, facilitates access to resources and funding, and connects tribes with government agencies to enhance self-governance.

Additionally, each State Tribal Liaison is responsible for providing an Annual Report of activities carried out by the agency and interactions with the Tribes, Pueblos, and Nations; a separate compilation report is also developed by the Indian Affairs Department and provided to the Legislature. Furthermore, IAD also hosts the Annual State-Tribal Summit in which Tribal Leaders have the opportunity to directly engage with State leadership on topics/issues of concern.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 - Yes No
- Is this proposal related to the NMDOH Strategic Plan? Yes No
 - Goal 1:** We expand equitable access to services for all New Mexicans
 - Goal 2:** We ensure safety in New Mexico healthcare environments
 - Goal 3:** We improve health status for all New Mexicans
 - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 - Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 - Yes No N/A

- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

New Mexico's 24 Tribes, Pueblos, and Nations make up 12% of the state population, however they are consistently challenged by barriers including:

1. Sovereignty & Jurisdictional Challenges

- **State vs. Tribal Authority:** Conflicts arise between state and Tribal governments over land use, taxation, and law enforcement.
- **Jurisdictional Gaps in Law Enforcement:** Tribal police have limited authority over non-Natives on Tribal lands, leading to enforcement issues, particularly with crimes like human trafficking and domestic violence.
- **Limited Self-Governance Resources:** Despite sovereignty, tribes often lack the necessary funding and administrative support to fully implement their own policies.

2. Underfunding of Tribal Programs

- **Chronic Underfunding from IHS & BIA:** The Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) consistently receive less funding per capita compared to other federal programs.
- **Education Disparities:** Federal and state funding for schools serving Tribal populations is often inadequate, impacting curriculum, technology, and infrastructure.
- **Infrastructure Neglect:** Many tribes face hurdles in securing funding for roads, water access, and broadband expansion.

3. Political & Voting Barriers

- **Gerrymandering & Underrepresentation:** Tribal voices are often diluted in state and federal electoral districting, reducing political influence.
- **Polling Access & Voter Suppression:** Many Tribal members have difficulty accessing polling places due to distance and lack of on-reservation voting locations. Strict voter ID laws disproportionately affect those with Tribal identification.
- **Limited Consultation on Policy Decisions:** State and federal governments frequently make decisions affecting Tribal communities without proper consultation, violating principles of self-determination.

4. Economic Development Barriers

- **Complicated Regulatory Frameworks:** Tribes face bureaucratic challenges in accessing economic development grants and navigating state and federal regulations.
- **State Taxation Disputes:** Conflicts over taxation, such as whether the state can tax businesses operating on Tribal land, create financial burdens.
- **Limited Access to Capital:** Many Native entrepreneurs struggle to secure loans and investment for businesses, limiting economic growth.

5. Health Policy Disparities

- **Medicaid & IHS Coordination Issues:** Bureaucratic delays and gaps in Medicaid coverage for Native populations create barriers to healthcare access.
- **Behavioral & Mental Health Underfunding:** Suicide and substance abuse rates are disproportionately high, yet mental health programs remain underfunded and understaffed.
- **COVID-19 Recovery Gaps:** Tribes were disproportionately impacted by the pandemic but faced delays in receiving federal relief funds.

9. HEALTH IMPACT(S)

Creating a **Native American Ombuds Office** within the Indian Affairs Department could have several positive health impacts by improving advocacy, accountability, and access to culturally competent care.

1. Improved Healthcare Access & Quality

- **Addressing Complaints & Barriers:** An ombuds office could help Native patients navigate the healthcare system, resolve disputes with providers, and address concerns about treatment quality.
- **Advocating for Policy Changes:** It could push for better healthcare policies at the state and federal levels, ensuring that Native health needs are prioritized.
- **Coordinating Between IHS, Medicaid & State Programs:** Many Native patients experience bureaucratic hurdles in accessing services—an ombuds office could facilitate smoother communication.

2. Enhanced Cultural Competency in Healthcare

- **Training & Accountability for Providers:** The office could advocate for more culturally competent care, ensuring that healthcare workers are trained in Native traditions, language, and historical trauma.
- **Increased Trust in Medical Institutions:** Many Native patients distrust healthcare institutions due to historical mistreatment—having an independent ombuds office could rebuild confidence by ensuring oversight.

3. Addressing Health Disparities

- **Targeting Chronic Disease & Mental Health:** The office could focus on systemic issues like diabetes, heart disease, addiction, and mental health, ensuring these areas receive proper funding and attention.
- **Supporting Traditional Healing Practices:** An ombuds office could advocate for integrating traditional healing with Western medicine, creating a more holistic approach to Native health.
- **Ensuring Equitable COVID-19 & Emergency Response:** In future health crises, an ombuds office could help ensure that Native communities receive timely resources and support.

4. Strengthening Behavioral & Mental Health Services

- **Advocating for More Mental Health Resources:** Suicide and substance abuse rates are disproportionately high in Native communities. An ombuds office could push for increased funding for mental health programs.

- **Expanding Trauma-Informed Care:** By acknowledging the historical trauma faced by Native populations, the office could help shape policies that address generational health impacts.
- 5. Oversight & Accountability**
- **Monitoring Federal & State Funding:** Ensuring that allocated funds for Native healthcare are properly used and not mismanaged.
 - **Investigating Disparities in Care:** If Native patients receive substandard treatment, the ombuds office could investigate and recommend reforms.
- 6. Strengthening Community Health Initiatives**
- **Promoting Preventative Care:** An ombuds office could help expand education on nutrition, exercise, and preventative health measures tailored for Native communities.
 - **Improving Maternal & Child Health:** Advocacy for better prenatal and postnatal care could reduce Native maternal mortality rates and improve child health outcomes.
- 7. Increased Tribal & Government Collaboration**
- **Bridging Gaps Between Tribes & Policymakers:** The office could act as a liaison to ensure that Tribal leaders have a direct voice in shaping healthcare policies.
 - **Strengthening Tribal Self-Governance:** Supporting initiatives that give tribes greater control over their own healthcare systems.

10. ALTERNATIVES

None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If Senate Bill 308 is not enacted an office of the Native American Ombuds Office will not be established within the Indian Affairs Department. The State Tribal Liaisons will continue to respond to critical issues raised by Tribal leaders and constituents. IAD will also continue to engage with the American Indian populations via a variety of communication channels without this additional resource.

12. AMENDMENTS

None