

REFERENCE TITLE: ombudsman-citizen aide; military veterans

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HB 2382

Introduced by
Representatives McCune Davis, Gallego, Pancrazi, Patterson: Hale, Tovar

AN ACT

AMENDING SECTION 41-1376, ARIZONA REVISED STATUTES; RELATING TO THE
OMBUDSMAN-CITIZENS AIDE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-1376, Arizona Revised Statutes, is amended to
3 read:
4 41-1376. Powers and duties
5 A. The ombudsman-citizens aide shall:
6 1. Investigate the administrative acts of agencies pursuant to section
7 41-1377, subsections A and B except as provided in section 41-1377,
8 subsections C, D and E. The ombudsman-citizens aide shall investigate the
9 administrative acts of an agency without regard to the finality of the
10 administrative act.
11 2. Annually before January 1 prepare a written report to the governor,
12 the legislature and the public that contains a summary of the
13 ombudsman-citizens aide's activities during the previous fiscal year. The
14 ombudsman-citizens aide shall semiannually present this report before the
15 legislative council. This report shall include:
16 (a) The ombudsman-citizens aide's mission statement.
17 (b) The number of matters that were within each of the categories
18 specified in section 41-1379, subsection B.
19 (c) Legislative issues affecting the ombudsman-citizens aide.
20 (d) Selected case studies that illustrate the ombudsman-citizens
21 aide's work and reasons for complaints.
22 (e) Ombudsman-citizens aide's contact statistics.
23 (f) Ombudsman-citizens aide's staff.
24 (g) THE NUMBER OF MILITARY VETERANS ASSISTED PURSUANT TO PARAGRAPH 8.
25 3. Before conducting the first investigation, adopt rules that ensure
26 that confidential information that is gathered will not be disclosed.
27 4. Appoint a deputy ombudsman and prescribe the duties of employees
28 or, subject to appropriation, contract for the services of independent
29 contractors necessary to administer the duties of the office of
30 ombudsman-citizens aide. All staff serves at the pleasure of the
31 ombudsman-citizens aide, and they are exempt from chapter 4, articles 5 and 6
32 of this title. All staff shall be subject to the conflict of interest
33 provisions of title 38, chapter 3, article 8.
34 5. Before conducting the first investigation, adopt rules that
35 establish procedures for receiving and processing complaints, including
36 guidelines to ensure each complainant has exhausted all reasonable
37 alternatives within the agency, conducting investigations, incorporating
38 agency responses into recommendations and reporting findings.
39 6. Notify the chief executive or administrative officer of the agency
40 in writing of the intention to investigate unless notification would unduly
41 hinder the investigation or make the investigation ineffectual.
42 7. Appoint an assistant to help the ombudsman-citizens aide
43 investigate complaints relating to child protective services in the
44 department of economic security. The assistant shall have expertise in child
45 protective services procedures and laws. Notwithstanding any law to the

1 contrary, the ombudsman-citizens aide and the assistant have access to child
2 protective services records and to any automated case management system used
3 by child protective services in the department of economic security.

4 8. ASSIST MILITARY VETERANS WHO RESIDE IN THIS STATE IN OBTAINING
5 STATE AGENCY SERVICES THAT ARE MADE AVAILABLE TO AID OR SUPPORT MILITARY
6 VETERANS.

7 B. After the conclusion of an investigation and notice to the head of
8 the agency pursuant to section 41-1379, the ombudsman-citizens aide may
9 present the ombudsman-citizens aide's opinion and recommendations to the
10 governor, the legislature, the office of the appropriate prosecutor or the
11 public, or any combination of these persons. The ombudsman-citizens aide
12 shall include in the opinion the reply of the agency, including those issues
13 that were resolved as a result of the ombudsman-citizens aide's preliminary
14 opinion or recommendation.