State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HOUSE BILL 2186

AN ACT

AMENDING SECTIONS 18-305 AND 41-1376, ARIZONA REVISED STATUTES; RELATING TO THE OMBUDSMAN-CITIZENS AIDE.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 18-305, Arizona Revised Statutes, is amended to read:

18-305. Reports; electronic submission; posting
A. Notwithstanding any other law, state government may submit all statutorily required reports and budget estimates electronically.
B. Each state government shall post all statutorily required reports and budget estimates on the state government's website.
C. Each state government shall consult with the secretary of state to ensure that the Arizona state library, archives and public records receives an adequate number of copies of the statutorily required reports and budget estimates in a format that is agreed on for the purposes of the state archives pursuant to section 41-151.08.
D. Each state government that maintains a generally accessible internet website, or for which a generally accessible website is maintained, shall include a link on that website to the website of the ombudsman-citizens aide and a statement that reads as follows: "The ombudsman-citizens aide helps citizens to resolve ongoing issues with state agencies."

Sec. 2. Section 41-1376, Arizona Revised Statutes, is amended to read:

41-1376. Powers and duties
A. The ombudsman-citizens aide shall:
1. Investigate the administrative acts of agencies pursuant to section 41-1377, subsections A and B except as provided in section 41-1377, subsections C, D and E. The ombudsman-citizens aide shall investigate the administrative acts of an agency without regard to the finality of the administrative act.
2. Annually before January 1 prepare a written report to the governor, the legislature and the public that contains a summary of the ombudsman-citizens aide's activities during the previous fiscal year. The ombudsman-citizens aide shall semiannually present this report before the legislative council and distribute copies of the report to the director of the governor's office of strategic planning and budgeting, the chairperson of the joint legislative budget committee and the cochairpersons of the administrative rules oversight committee. This report shall include:
   (a) The ombudsman-citizens aide's mission statement.
   (b) The number of matters that were within each of the categories specified in section 41-1379, subsection B.
   (c) Legislative issues affecting the ombudsman-citizens aide.
   (d) Selected case studies that illustrate the ombudsman-citizens aide's work and reasons for complaints.
   (e) Ombudsman-citizens aide's contact statistics.
   (f) A description of the public awareness and outreach activities conducted by the ombudsman-citizens aide.
(g) Ombudsman-citizens aide's staff.

3. Before conducting the first investigation, adopt rules that ensure that confidential information that is gathered will not be disclosed.

4. Appoint a deputy ombudsman and prescribe the duties of employees or, subject to appropriation, contract for the services of independent contractors necessary to administer the duties of the office of ombudsman-citizens aide. All staff serves at the pleasure of the ombudsman-citizens aide, and they are exempt from chapter 4, articles 5 and 6 of this title. All staff shall be subject to the conflict of interest provisions of title 38, chapter 3, article 8.

5. Before conducting the first investigation, adopt rules that establish procedures for receiving and processing complaints, including guidelines to ensure each complainant has exhausted all reasonable alternatives within the agency, conducting investigations, incorporating agency responses into recommendations and reporting findings.

6. Notify the chief executive or administrative officer of the agency in writing of the intention to investigate unless notification would unduly hinder the investigation or make the investigation ineffectual.

7. Appoint an assistant to help the ombudsman-citizens aide investigate complaints relating to the department of child safety. The assistant shall have expertise in the department of child safety procedures and laws. Notwithstanding any law to the contrary, the ombudsman-citizens aide and the assistant have access to the department of child safety records and to any automated case management system used by the department of child safety.

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

Sec. 3. Effective date

Section 18-305, Arizona Revised Statutes, as amended by this act, is effective from and after July 31, 2018.