

House Engrossed

**FILED**

**MICHELE REAGAN  
SECRETARY OF STATE**

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

**CHAPTER 30**

**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)

1 Be it enacted by the Legislature of the State of Arizona:

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

4 18-305. Reports; electronic submission; posting

5 A. Notwithstanding any other law, state government may submit all  
6 statutorily required reports and budget estimates electronically.

7 B. Each state government shall post all statutorily required  
8 reports and budget estimates on the state government's website.

9 C. Each state government shall consult with the secretary of state  
10 to ensure that the Arizona state library, archives and public records  
11 receives an adequate number of copies of the statutorily required reports  
12 and budget estimates in a format that is agreed on for the purposes of the  
13 state archives pursuant to section 41-151.08.

14 D. EACH STATE GOVERNMENT THAT MAINTAINS A GENERALLY ACCESSIBLE  
15 INTERNET WEBSITE, OR FOR WHICH A GENERALLY ACCESSIBLE WEBSITE IS  
16 MAINTAINED, SHALL INCLUDE A LINK ON THAT WEBSITE TO THE WEBSITE OF THE  
17 OMBUDSMAN-CITIZENS AIDE AND A STATEMENT THAT READS AS FOLLOWS: "THE  
18 OMBUDSMAN-CITIZENS AIDE HELPS CITIZENS TO RESOLVE ONGOING ISSUES WITH  
19 STATE AGENCIES."

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

22 41-1376. Powers and duties

23 A. The ombudsman-citizens aide shall:

24 1. Investigate the administrative acts of agencies pursuant to  
25 section 41-1377, subsections A and B except as provided in section  
26 41-1377, subsections C, D and E. The ombudsman-citizens aide shall  
27 investigate the administrative acts of an agency without regard to the  
28 finality of the administrative act.

29 2. Annually before January 1 prepare a written report to the  
30 governor, the legislature and the public that contains a summary of the  
31 ombudsman-citizens aide's activities during the previous fiscal year. The  
32 ombudsman-citizens aide shall semiannually present this report before the  
33 legislative council and distribute copies of the report to the director of  
34 the governor's office of strategic planning and budgeting, the chairperson  
35 of the joint legislative budget committee and the cochairpersons of the  
36 administrative rules oversight committee. This report shall include:

37 (a) The ombudsman-citizens aide's mission statement.

38 (b) The number of matters that were within each of the categories  
39 specified in section 41-1379, subsection B.

40 (c) Legislative issues affecting the ombudsman-citizens aide.

41 (d) Selected case studies that illustrate the ombudsman-citizens  
42 aide's work and reasons for complaints.

43 (e) Ombudsman-citizens aide's contact statistics.

44 (f) A DESCRIPTION OF THE PUBLIC AWARENESS AND OUTREACH ACTIVITIES  
45 CONDUCTED BY THE OMBUDSMAN-CITIZENS AIDE.

1           ~~(f)~~ (g) Ombudsman-citizens aide's staff.

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

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

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

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

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

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

36           Sec. 3. Effective date

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

**APPROVED BY THE GOVERNOR MARCH 21, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 21, 2017.**

Passed the House February 14, 2017

Passed the Senate March 14, 2017

by the following vote: 60 Ayes,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

0 Nays, 0 Not Voting

Rob R. Anderson  
Speaker of the House

Stan B. Spilberg  
President of the Senate

Jim Drake  
Chief Clerk of the House  Pro Tempore

Susan Owens  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

15th day of May, 2017

at 4:02 o'clock P. M.

Christa Lyman  
Secretary to the Governor

Approved this 21st day of

March, 2017

at 10:56 o'clock A M.

Janice K. Brewer  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 21 day of March, 2017

at 4:51 o'clock P M.

Michele Reagan  
Secretary of State

H.B. 2186