
**State Government Operations &
Accountability Committee**

HB 1517

Brief Description: Creating the office of national guard ombudsman.

Sponsors: Representatives P. Sullivan, Walsh, Hasegawa, Grant, Darneille, Morrell, Williams, Campbell, Simpson, Chase, Conway, Hudgins and Talcott.

Brief Summary of Bill

- Creates the Office of National Guard Ombudsman as an advocate for men and women serving in the National Guard and their families.

Hearing Date: 2/11/05

Staff: Hannah Lidman (786-7291).

Background:

In 1809, the Swedish Parliament created the position of ombudsman to resolve conflicts in the absence of the country's abducted king. Ombud, a common word in the Swedish language, literally means "commission man" and refers to the people's representative, agent, attorney, solicitor, deputy, proxy, or delegate. In the United States and Canada, ombuds agencies have been created to assist citizens, consumers, and employees who wish to address concerns about administrative actions or lack of action by government agencies.

Washington currently has several ombuds agencies: the Office of Family and Children's Ombudsman within the Office of the Governor, the Office of Long-Term Care Ombudsman, and an ombudsman for mobile home park owners and tenants both within the Department of Community, Trade and Economic Development. In addition, municipalities are authorized to create local long-term care ombuds agencies.

Summary of Bill:

The Office of National Guard Ombudsman (Ombudsman) is created within the Office of the Governor as an advocate for men and women serving in the Washington National Guard and their families. The Ombudsman reports directly to the Governor and exercises power and duties independently of the Director of the Department of Veterans Affairs. The Governor will consult with the Joint Committee on Veterans' and Military Affairs (JCVMA) and, subject to Senate confirmation, must appoint an ombudsman qualified, by training or experience, in services and

policy relating to National Guard service. The Ombudsman is appointed to a three-year term and will continue to serve until reappointed or replaced by an appointed successor. Vacancies are filled in the same manner for the remainder of an unexpired term. The Governor may only remove an Ombudsman from office for neglect of duty, misconduct, or inability to perform duties.

The Ombudsman's role is to connect National Guard members and their families with government and counseling services. The primary focus of the Ombudsman is to assist members of the National Guard serving abroad with families remaining at home and those who are returning home. The duties of the Ombudsman are to:

- act as an advocate for men and women serving in the National Guard;
- provide information on the rights and responsibilities related to receiving services based on National Guard duty;
- investigate, at the discretion of the Ombudsman, any administrative act alleged to be contrary to law, rule or policy, imposed without clearly stated reasoning or based on irrelevant or false grounds;
- monitor procedures of the Department of Veterans Affairs;
- provide a periodic review of state facilities, procedures, and programs serving members of the National Guard;
- recommend changes in procedures for addressing the needs of National Guard members;
- submit an annual report to the Governor and JCVMA by November 1st including recommendations and an analysis of the work of the Ombudsman; and
- adopt rules necessary for implementation.

The Ombudsman must treat all matters under investigation as confidential unless disclosure is necessary for performance of duties or to support recommendations resulting from an investigation. Investigative records of the Ombudsman and information gathered under the Ombudsman's programs are exempt from public disclosure.

Appropriation: None.

Fiscal Note: Requested on February 4, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.