
HOUSE BILL 1517

State of Washington

59th Legislature

2005 Regular Session

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

Read first time 01/26/2005. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to an office of national guard ombudsman; adding a
2 new section to chapter 42.17 RCW; and adding a new chapter to Title 43
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** INTENT. The legislature intends to create
6 the office of national guard ombudsman to be an advocate for men and
7 women serving in the national guard and their families, especially
8 those serving abroad with families at home and those returning home
9 from war. The ombudsman's role is to navigate government services
10 available to these men and women and their families, and connect them
11 with the appropriate services and counseling related to the special
12 needs that they might have, including mental health and counseling
13 services, marriage support, health care issues, pension and salary
14 issues, and job issues.

15 NEW SECTION. **Sec. 2.** OFFICE CREATED--PURPOSE. The office of
16 national guard ombudsman is created in the office of the governor for
17 the purpose of helping national guard members and their dependents
18 obtain needed services to ensure an economic and healthy quality of

1 life in the community. The focus of the office is to assist men and
2 women serving in the national guard who are currently serving abroad
3 with families remaining at home, as well as those who are returning
4 home, and the special needs that they might have, including mental
5 health and counseling services, marriage support, health care issues,
6 pension and salary issues, and job issues.

7 The office shall offer guidance, representation, and assistance
8 with the problems that members of the national guard and their family
9 members face, assisting in their economic and social welfare, and
10 facilitating equity in the receipt of benefits and privileges that
11 federal and state laws grant.

12 The office shall promote public awareness and understanding of
13 services, identifying system issues and responses for the governor and
14 the legislature to act upon, and monitoring and ensuring compliance
15 with administrative acts, relevant statutes, rules, and policies
16 pertaining to these issues.

17 The ombudsman shall report directly to the governor and shall
18 exercise his or her powers and duties independently of the director of
19 the department of veterans affairs.

20 NEW SECTION. **Sec. 3.** OMBUDSMAN--APPOINTMENT, TERM OF OFFICE. (1)
21 Subject to confirmation by the senate, the governor shall appoint an
22 ombudsman who shall be a person of recognized judgment, independence,
23 objectivity, and integrity, and shall be qualified by training or
24 experience, or both, in services and policy relating to national guard
25 service. Before the appointment, the governor shall consult with the
26 joint committee on veterans' and military affairs created in RCW
27 73.04.150 and with other appropriate organizations regarding the
28 selection of the ombudsman.

29 (2) The appointed ombudsman shall hold office for a term of three
30 years and shall continue to hold office until reappointed or until his
31 or her successor is appointed.

32 (3) The governor may remove the ombudsman only for neglect of duty,
33 misconduct, or inability to perform duties.

34 (4) Any vacancy shall be filled by similar appointment for the
35 remainder of the unexpired term.

36 NEW SECTION. **Sec. 4.** DUTIES. The ombudsman shall:

1 (1) Be an advocate for men and women serving in the national guard
2 and their families, with particular focus on those who are serving
3 abroad and their families at home, and on those returning home from
4 duty, and the special needs that they might have, including mental
5 health and counseling services, marriage support, health care issues,
6 pension and salary issues, and employment issues;

7 (2) Provide information as appropriate on the rights and
8 responsibilities of individuals and their dependents receiving services
9 based on their national guard duty;

10 (3) Investigate, upon his or her own initiative or upon receipt of
11 a complaint, an administrative act alleged to be contrary to law, rule,
12 or policy, imposed without an adequate statement of reason, or based on
13 irrelevant, immaterial, or erroneous grounds; however, the ombudsman
14 may decline to investigate any complaint as provided by rules adopted
15 under this chapter;

16 (4) Monitor the procedures as established, implemented, and
17 practiced by the department of veterans affairs to carry out its
18 responsibilities in delivering services and assistance with a view
19 toward appropriate preservation of the quality of life of those serving
20 in the national guard and their dependents;

21 (5) Review periodically the facilities, procedures, and programs of
22 state agencies serving those serving in the national guard and their
23 dependents;

24 (6) Recommend changes in the procedures for addressing the needs of
25 those serving in the national guard and their dependents;

26 (7) Submit annually to the joint committee on veterans' and
27 military affairs and to the governor by November 1st a report analyzing
28 the work of the office including recommendations; and

29 (8) Adopt rules necessary to implement this chapter.

30 NEW SECTION. **Sec. 5.** CONFIDENTIALITY. The ombudsman shall treat
31 all matters under investigation, including the identities of service
32 recipients, complainants, and individuals from whom information is
33 acquired, as confidential, except as far as disclosures may be
34 necessary to enable the ombudsman to perform the duties of the office
35 and to support any recommendations resulting from an investigation.
36 Upon receipt of information that by law is confidential or privileged,
37 the ombudsman shall maintain the confidentiality of such information

1 and shall not further disclose or disseminate the information except as
2 provided by applicable state or federal law. Investigative records of
3 the office of the ombudsman are confidential and are exempt from public
4 disclosure under chapter 42.17 RCW.

5 NEW SECTION. **Sec. 6.** A new section is added to chapter 42.17 RCW
6 to read as follows:

7 The disclosure requirements of this chapter do not apply to
8 information gathered under chapter 43.-- RCW (sections 1 through 5 and
9 7 of this act).

10 NEW SECTION. **Sec. 7.** CAPTIONS NOT LAW. Captions used in this
11 chapter are not any part of the law.

12 NEW SECTION. **Sec. 8.** Sections 1 through 5 and 7 of this act
13 constitute a new chapter in Title 43 RCW.

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