

Proposed Amendment to HB 263
Suggested Testimony
Prepared by the Department of Administration

We certainly understand the need for a readily accessible and responsive complaint process for the public to follow in the event of their dissatisfaction with the services their government is providing. However, there are several situations within the Department of Administration that would conflict with the proposed language in this bill.

For instance:

1. **Already in statute.** There are already some complaint processes established in statute. For instance, if someone is dissatisfied with the outcome of the State's contracting process, a section of law in Title 18 lays out a "protest process" – a three-step process that sets deadlines and procedures to follow to address the complaint. (Section 18-4-242)
2. **By legal necessity.** Some of our complaint processes are already established in policy by legal necessity. For instance, our Consumer Protection Office receives complaints from consumers around the state.. Consumers are required to submit their complaints on established forms that request certain types of information that will form the basis for the legal investigation to follow.
3. **Set out in contract.** The State builds its buildings and does repair and maintenance projects throughout the state using contracts – which spell out exactly what will happen if the State or the Contractor is unhappy with the outcome of the project.
4. **Addressed in established policy.** The State's personnel system has numerous policies in effect to address complaints from everything from the denial of medical, dental or drug coverage to employee grievance procedures. These complaint policies have been carefully researched and written.

For these types of reasons, the Department of Administration is proposing an amendment which will exempt complaint processes that are already addressed in statute, rule, contract language, or written policy.

Amendment to House Bill No. 263
1st Reading Copy

Introduced by M. Lange

Amendment Requested by the Department of Administration

Prepared by Sheryl Olson
January 27, 2005

1. Page 1, line 27

Following: "chapter 4."

Insert: ";or

(vi) any action that is subject to an existing statutory provision, contract provision, administrative rule, or written policy."