

Honolulu, Hawaii

Feb 8, 2006

RE: H.B. No. 440  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 440, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE OMBUDSMAN,"

begs leave to report as follows:

The purpose of this bill is to further ensure that members of the public are able to address and resolve their grievances with the state government by enabling the Office of the Ombudsman to investigate complaints about Executive Branch programs and services regardless of whether they are delivered directly by a governmental agency or through a contract with a private agency. Specifically, this bill:

- (1) Expands the Ombudsman's jurisdiction to include contractual acts of private providers who are regulated by the laws relating to the purchase of health and human services under chapter 103F, Hawaii Revised Statutes (HRS); and
- (2) Includes noncompliance with contractual terms as an appropriate subject for investigation.

This bill also renames the Ombudsman's First Assistant to the Deputy Ombudsman.

The Office of the Ombudsman, American Civil Liberties Union of Hawaii, Community Alliance On Prisons, and two concerned

HB440 HD2 HSCR JUD HMS 2006-1491



individuals testified in support of this measure. The State Procurement Office offered comments.

Your Committee has amended this bill by:

- (1) Expanding the definition of "private provider" to mean any entity that provides health or human services under contract to an agency, whether or not covered by Chapter 103F, HRS; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 440, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 440, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
SYLVIA LUKE, Chair



