

MINUTES
Approved by the Committee
Purchasing Laws Interim Committee
Friday, November 13, 2015
9:00 A.M.
State Capitol - Room EW42
Boise, Idaho

Co-chair Representative Neil Anderson called the meeting to order at 9:13 a.m. and requested a silent roll call. Members present: Representatives Maxine Bell, Brent Crane, John Vander Woude, and Mark Nye; Co-chair Senator Fred Martin and Senators Bart Davis, Lori Den Hartog, and Maryanne Jordan; ad hoc member John Riggins; Legislative Services Office staff Elizabeth Bowen, Robyn Lockett, and Jennifer Kish. Excused: Senator Abby Lee; absent: Mr. Dru Nakaya.

Other attendees (signed in): Richard Armstrong - Dept. of Health and Welfare; Charlene McArthur, Monica Crider, Michelle Doane, Jacqueline Leech, Todd Sorensen - Idaho Transportation Dept.; Bruce Newcomb - Boise State University; Donna Caldwell, Devin Bliss - Dept. of Lands; Tony Pirc, Tim Corder, Leslie Hayes - Dept. of Education; Dr. Howard Grimes - Idaho National Laboratory; Lieutenant Governor Brad Little; Alyssa Mitchell, Bob Perkins, Rusty McNeill, Robyn Swaney - Ada County; Jared Tatro - Legislative Services Offices; Colby Cameron - Sullivan & Reberger; Dan Goicoechea - State Controller's Office; Jeff Whitehead - Cobalt Equipment; Carlie Foster - Lobby Idaho; Keith Watts - City of Meridian; Kent Kunz - Idaho State University.

Note: presentations and handouts provided by presenters/speakers are posted on the Idaho Legislature website: <http://legislature.idaho.gov/sessioninfo/2015/interim/purchasing.htm>; and copies of those items are on file at the Legislative Services Office located in the State Capitol.

Co-chair Martin made a motion to approve minutes from the October 15, 2015, meeting; minutes were approved by the committee. Co-chair Martin made a motion to approve minutes from the September 30, 2015, meeting; minutes were approved by the committee. (Later it was noted that the September 30 minutes incorrectly listed Boise as the place of meeting when it should have been listed as Pocatello.) Co-chair Anderson noted that Senator Abby Lee was excused from the meeting and that Representative Bell and ad hoc member Dru Nakaya would join the committee late.

Co-chair Anderson called for Richard Armstrong, Director of the Department of Health and Welfare (DHW), to begin the meeting with his presentation http://legislature.idaho.gov/sessioninfo/2015/interim/51113_plaw_01_DHWPurchasingContractMonitoring.pdf. Representative Nye remarked that he needed to declare a Rule 38 (possible conflict of interest) in regard to Mr. Armstrong. Representative Crane asked for clarification as to when a Rule 38 needed to be declared. Legislative Analyst Elizabeth Bowen suggested that it be declared by a committee member if the member believed it might be necessary. Heeding that advice, Representative Crane also declared a Rule 38 in regard to Mr. Armstrong.

- Senator Jordan asked Mr. Armstrong to explain the appeals process used by the DHW. Mr. Armstrong shared that his office uses the same appeals structure as the Department of Purchasing (DOP).
- Co-chair Martin asked whether Mr. Armstrong preferred that delegated authority be designated to an individual or to the agency? Mr. Armstrong preferred that delegated authority be given to himself, as the director of his agency, and his purchasing team collectively.

- Co-chair Martin inquired what percentage of DHW's purchases actually went through state purchasing? Mr. Armstrong explained that delegated authority was not necessarily related to amount of purchases: 30% was state money and 70% was federal money. He further explained that his department had more dollars in a small amount of contracts (13) than in all of the other contracts combined.
- Representative Vander Woude asked Mr. Armstrong to identify the sources that the DHW used for training its staff on the purchasing process and ethics standards. Mr. Armstrong stated that the DHW has created its own training curriculum from standards of the DOP and other sources, and that he would provide the curriculum to the committee if requested.
- Representative Vander Woude asked Mr. Armstrong to explain how the DHW held vendors accountable to the contract--other than the recent hearings convened to hold vendors accountable? Mr. Armstrong shared with the committee that most of the problems (with the contract involving Unisys Corp. and Molina Healthcare) were not purchasing problems but rather outside issues that affected the contract. Mr. Armstrong offered the example of the contract where one company was bought out by another and assumed ownership of the contract. The new company did not completely understand the commitment of the contract and services were not being provided to acceptable standards until a meeting was held and those issues were resolved. Mr. Armstrong offered a second example (Optum) where problems occurred due to a change in the procedure of providing services. He explained that there were some growing pains for both the company and clients because of the new procedures; any company that had been awarded that contract would have had the same pains. In conclusion, Mr. Armstrong acknowledged that the committee had the difficult task of deciphering when vendor problems were due to the purchasing process or due to the vendor's behavior.
- Representative Vander Woude inquired whether the contracts for family services were to provide a predetermined amount of services or a predetermined dollar amount of services? Mr. Armstrong reported that, currently, contracts have a limit or "cap" placed on the amount of profit able to be collected by a vendor to prevent denied services from accumulating into a larger profit.
- Representative Crane asked Mr. Armstrong whether contracts went to the Board of Examiners when a transfer of ownership occurred? Mr. Armstrong stated that he was not aware of such a requirement and hence did not refer that earlier situation (Unisys Corp. and Molina Healthcare) to the board.
- Representative Crane inquired whether separate statutes existed that the DHW operated under in regards to its delegated authority? Mr. Armstrong explained that his department adheres to the rules established by the DOP for delegated authority.
- Representative Crane asked what penalties existed for disciplining a staff member who steered a contract to a specific vendor? Mr. Armstrong reported that, if he discovered such an incident, he would release the employee from employment on the grounds of violating basic contract ethics.
- Representative Nye asked Mr. Armstrong to identify purchasing issues or auditing issues of the current purchasing process. Mr. Armstrong explained that many health care contracts required a certain level of services to be provided; sometimes a contract was not awarded because the requirements could not be met by any provider. His department then had to determine what needed to be corrected: the parameters of the contract or the vendors being solicited.
- Co-chair Anderson asked Mr. Armstrong to explain the difference between a contract manager and a contract monitor in the purchasing process for the DHW. Mr. Armstrong answered that the managers were like the lead person on the contract, while the monitors were the individuals in the divisions working with the vendor's staff and ensuring the services were provided. He explained that the team of managers and monitors come together at the completion of a contract to discuss the renewal or rewrite and reissue of contracts. Mr. Armstrong explained that the DHW has nine divisions and hence nine contract managers.

- Co-chair Anderson asked if the monitors were full-time employees and did these monitors have any additional duties other than monitoring contracts? Mr. Armstrong pointed out that employees were often full-time at monitoring due to the size of the contract, but some individuals were part-time in the monitoring or managing process.
- Senator Den Hartog asked Mr. Armstrong to discuss his department's outside contracted employees. Mr. Armstrong explained that outside contracted employees were used mostly because of an expertise--mostly for IT. He reported that contracts of such instances often had predetermined lengths of duration and were not perpetual.

At 10:06 a.m., Co-chair Anderson called on Charlene McArthur, Monica Crider, and Michelle Doane of the Idaho Transportation Department (ITD) for their presentation http://legislature.idaho.gov/sessioninfo/2015/interim/151113_plaw_02_ITDPresentation.pdf.

- Representative Vander Woude asked the panel to explain the effect of losing an individual who had delegated authority from the department. Ms. Doane explained that it impedes the department's flexibility and timeliness for purchases; the process to re-apply for delegated authority is also timely, during which time no purchases may be completed.
- Co-chair Martin asked for further explanation of the first graphic on page 9 of the presentation. Ms. Crider explained that the graphic represented the percentage of contracts prepared on or ahead of time not the percentage of projects completed on time.
- Co-chair Anderson asked the panel to explain how ITD defined or ensured that the "best price" was acquired? Ms. Doane explained that the contract is designed with focused specifications but the department is careful not to make it too narrow. Ms. Doane informed the committee that sometimes the specifications detail the performance of a device rather than how it is built. Co-chair Anderson asked what precipitated the move to such differently focused specifications? Ms. Doane stated that many vendors had made the request; and Ms. McArthur added that it better addressed how a project was to be completed rather than what equipment was needed to accomplish it.
- Senator Jordan asked the panel to explain if job descriptions included details or qualities necessary for acquiring delegated authority? Ms. Doane reported that positions within the purchasing team do have those details, but it is the director who identifies which individual should receive the authority. Senator Jordan asked Ms. Doane to identify any problems with losing the employee who has the delegated authority. Ms. Doane explained that it has a significant impact because it is often only one person with authority instead of multiple individuals. She explained that because the department lost its individual with delegated authority, the department's purchasing limit was reduced from \$100,000 to \$10,000.
- Mr. Riggins asked the panel members if they felt the loss of the delegated authority privilege was warranted? Ms. Doane felt the remaining staff were quite capable and qualified to continue purchases under those guidelines, but the department has followed procedure and continues with the re-application process.
- Representative Vander Woude asked the panel to explain how the department holds vendors responsible for not meeting contract parameters? Ms. Crider explained that there are established and outlined controls in place for contract compliance, even down to who is responsible for the correction.
- Representative Crane asked Ms. Crider to explain why costs for correction for compliance would not be included in the contract. Ms. Crider stated that her department would follow the established process for redress and added that she felt the department would hold the contractor responsible for the cost of redress.
- Co-chair Anderson asked Ms. Crider whether she agreed that it seemed logical to hold a contractor responsible for costs related to redress, i.e., not meeting terms of the contract. Ms.

Crider stated that the department possessed an established process for protest or review by a board and that she used that process for resolution.

Seeing no other questions from the committee, Co-chair Anderson thanked the panel members for their time and called for the scheduled break.

At 11:02 a.m., Co-chair Anderson called upon Bruce Newcomb, former Speaker of the House and current Director of Government Relations for Boise State University, for his prepared remarks on the purchasing process. Mr. Newcomb reviewed the history of [HO688 of 2010](#) and its influence on the purchasing process, specifically to provide certain institutions the flexibility to make purchases for unexpected or time-sensitive purchases. He stated that he felt a board review was a positive idea for establishing a system of checks and balances. No questions were asked of Mr. Newcomb.

Co-chair Anderson then called Donna Caldwell, Support Services Division Administrator for the Department of Lands (IDL), to provide her presentation http://legislature.idaho.gov/sessioninfo/2015/interim/151113_plaw_04_IDLPurchasingPresentation.pdf. Ms. Caldwell gave a brief explanation of the IDL structure and its responsibilities. She explained that her purchasing staff receive training from the DOP, the National Institute of Governmental Purchasing (NIGP), and the Idaho Public Purchasing Association (IPPA). The appeals process is a three-tier system: work with the vendor, submit a formal complaint to director, or submit a formal complaint from director to the board. Ms. Caldwell reported that the IDL had no problems with the current purchasing process; but, if pressed for improvements, IDL would request more in-depth training and more DOP staff to be available in a "networking" capacity.

- Co-chair Martin asked Ms. Caldwell whether IDL made purchases from state contracts? Ms. Caldwell responded that IDL does utilize those contracts at every opportunity.
- Representative Vander Woude asked Ms. Caldwell to explain why she stated that IDL "generally" rather than "always" follows the purchasing process? Ms. Caldwell explained that she was allowing for any exception; for example, the appeals process and the RFP process time limits were different.
- Co-chair Anderson asked Ms. Caldwell to detail how her department advertised fairly for bids. Ms. Caldwell stated that IDL solicited vendors from an established vendor list, advertised on IDL's website, and provided links to the DOP website.
- Co-chair Anderson asked Ms. Caldwell to explain how her department maintains communication with the DOP? Ms. Caldwell reported that her department employees attend DOP trainings and establish informal relationships with the DOP staff so that staff understand how IDL operates.
- Co-chair Anderson inquired of Ms. Caldwell if IDL possessed a formal ethics statement? Ms. Caldwell reported that the department was currently updating operating procedures and would be folding into these procedures more visible ethical conduct policies and philosophies.
- Co-chair Anderson asked Ms. Caldwell to describe how her department monitors issued contracts. Ms. Caldwell informed the committee that resource supervisors and program managers are the contract monitors. IDL policy mandates that when a change is made to a contract, the contract comes back through the purchasing staff for review. Also, when a contract has been closed due to completion, the field team reviews the contract and submits a report with the purchasing team, which is filed with the contract before payment is released.

No other questions were asked of Ms. Caldwell.

Co-chair Anderson concluded the morning session and adjourned the meeting for lunch at 11:40 a.m.

At 1:15 p.m., Co-chair Anderson reconvened the meeting. Representative Nye asked for a point of privilege and, being granted, recognized former president of Idaho State University Dr. Richard Bowen and his wife Connie.

Co-chair Anderson then requested Tony Pirc, Chief Procurement Officer for the Department of Education (DOE), to approach the podium and provide his presentation http://legislature.idaho.gov/sessioninfo/2015/interim/151113_plaw_05_SDEPresentation.pdf. His presentation focused on the process used over the last five months by the Superintendent of Public Instruction's office. Mr. Pirc's position was newly created within the superintendent's office upon Ms. Ybarra taking office.

- Representative Bell asked Mr. Pirc whether his office is required to use state contracts? Mr. Pirc explained that Superintendent Ybarra is a constitutional officer and, by statute, her office is not required to use the state contracts; he further explained that often the state contracts do not address the specific items or service that the DOE needs. Representative Bell asked whether Mr. Pirc felt that constitutional officers should be required to use state contracts? Tim Corder, former state senator and current Special Assistant to the Superintendent of Public Instruction, answered "No." Mr. Corder felt that requiring the DOE to use state contracts would be very limiting for the department to accomplish its goals in an efficient manner.
- Co-chair Anderson inquired whether the DOE required bonding in its bids? Mr. Pirc responded that bonding was most often required for construction projects or in instances where a guarantee of quality work was required; that being said, his department was currently evaluating how and when it should require bonding on its contracts.
- Co-chair Anderson asked Mr. Pirc whether the DOE had a formal ethics policy? Mr. Pirc responded that the DOE did recently adopt the NIGP (National Institute of Governmental Procurement) standards. Co-chair Anderson asked what had precipitated that recent adoption? Mr. Pirc replied that it was a professional operating standard for a governmental agency. Mr. Corder added that the DOE did not previously have a chief procurement officer position and hence no one was promoting the effort to adopt professional standards or policy.
- Co-chair Anderson asked Mr. Pirc to explain his office's interaction with the DOP. Mr. Pirc reported that his department does interact with the DOP quite often; mainly, because both offices are located in the same building and because he has an established working relationship with the DOP from his experience working for IDL.
- Co-chair Anderson asked Mr. Pirc to explain the training received by his purchasing staff. Mr. Pirc explained that his department was contracting with NIGP to begin trainings on basic purchasing and incrementally advanced trainings. He added that all staff would be exposed to the various steps of the purchasing process so that everyone understood the interaction of efforts. Co-chair Anderson inquired if purchasing staff within the DOE were required to demonstrate levels of proficiency before being permitted to enter into contracting? Mr. Pirc explained that he is a certified professional buyer, as is Mr. Corder; through Ms. Ybarra, they have been granted authority to make and approve contracts. Mr. Pirc reported that individuals within the department have been granted the authority to make purchases of \$5,000 or less for the ease of expedition, mostly for room rental and set-up and not for acquisition of goods.
- Co-chair Anderson asked Mr. Pirc to explain how the DOE monitors its contracts. Mr. Pirc reported that the department is currently creating a reporting system and training staff to know those checks and balances.
- Co-chair Martin asked whether the DOE has an official appeals process for vendors? Mr. Pirc explained that it is currently an informal process where a written appeal is submitted to himself, Mr. Corder, or Superintendent Ybarra (in that order) for review.

- Representative Vander Woude asked whether a process where legislative members reviewed contracts--possibly contracts at or above a certain value--at the beginning of the legislative session was worth considering? Mr. Corder responded that it could be done in that manner if the legislative members wanted it done that way; but he reminded the committee that this year the DOE would be providing all of its contracts for review in a manner not done before. Mr. Corder explained that this would allow anyone to look at the contracts and contact his office if there were concerns or questions.
- Representative Nye asked Mr. Corder to speak to the accusation that full, fair, and equitable education does not exist for K-12 in Idaho. Mr. Corder responded that DOE contracts had been submitted to the federal government for review. Mr. Corder reported that he was not aware of any findings at the time; and if corrections were identified, he felt that the resolution would not be with the contracts. Representative Nye then asked whether Mr. Corder felt state education was in compliance with the constitution? Co-chair Anderson commented that he was not sure how the question was related to purchasing and that Mr. Corder could decide whether he would address the question. Mr. Corder responded that access and equity were relative; and being relative it would be up to the Legislature to identify those inequities and the procedure to achieve equity. Mr. Corder added that it would also be up to the Legislature to identify how to fund those processes for achievement.
- Senator Den Hartog asked whether a buffer of time was built into DOE contracts for instances when appropriations were not immediately available, especially for multiyear contracts? Mr. Corder responded that his department does its best to prepare for those instances and tries to avoid multiyear contracts so the department does not find itself in that predicament.

Seeing no other questions, Co-chair Anderson thanked both presenters for their time.

At 1:52 p.m., Co-chair Anderson called for Dr. Howard Grimes, Director for Innovation in Industry Partnerships for the Idaho National Laboratory (INL) and CEO and President of the Idaho Regional Optical Network (IRON). Dr. Grimes shared with the committee information regarding the optical network system, which organized in 2007 as a 501c3 nonprofit organization. The organization's focus is to predict and plan for fiber optic needs of institutions to meet educational needs for teaching, research, and economic development of general broadband access. IRON is comprised of and works with key leadership individuals from the Idaho Hospital Association, INL, Center for Advanced Energy Studies, University of Idaho, Boise State University, Idaho State University, and Lewis-Clark State College.

- Senator Davis commented on his knowledge of IRON in working on the Broadband Access Study Committee and asked Dr. Grimes to further explain the mission and goals of IRON. Dr. Grimes reported how IRON is a group of individuals with expansive expertise in the field of broadband networking who work together to further the possibilities of broadband capabilities for those charter associates and associate members. Dr. Grimes shared with the committee his recent report to the IRON board of directors regarding the possible avenues that the association could take for the future: stay the course it is on (gathering and empowering its associate members); provide advice as experts to others, as those entities make their own decisions regarding broadband services; or consider including other state agencies in a "bundle" option as IRON's efforts spread across the state.
- Senator Davis asked Dr. Grimes whether, in Dr. Grimes' experience in working with the universities, he could identify modifications to the current state purchasing process that were handicapping the universities in acquiring or modifying broadband services? Dr. Grimes reported that, in his experience, the universities work within the limits of the purchasing laws and that was not a hindrance. He further detailed how IRON's services are not on a timeline and hence are available to the university when it is ready to approach IRON.

- Senator Davis inquired whether IRON would accept an invitation from--hypothetically--School District #25 to participate by RFP with the program? Dr. Grimes agreed that it was a hypothetical situation and stated that there would be a multitude of factors for IRON to consider, such as the legality of such an act, before it would act on such an invitation. Dr. Grimes then emphasized that IRON is *not* a vendor, it does not sell its service to random entities; its purpose is to provide better services to its members.

No other questions were asked of Dr. Grimes.

Co-chair Anderson called upon Lieutenant Governor Brad Little to provide his comments on the purchasing process. The lieutenant governor shared his desire for the committee to be aware of the efforts of the Cybersecurity Task Force. Citing the rapidity with which technology changes, he cautioned the committee not to create statutes that would be restrictive in agencies' efforts to make immediate and necessary purchases in the name of security.

- Senator Davis asked whether Lieutenant Governor Little was recommending that a purchase made for security reasons be an exception to the purchasing process or bidding process? Lieutenant Governor Little responded in the affirmative, stating that some agencies may have more need for that privilege than others due to the agencies' sensitive information. Senator Davis asked whether the lieutenant governor could provide language related to that request to the committee? Lieutenant Governor Little offered the laws of Michigan and Tennessee to be reviewed, especially in the fields of banking and health care, for such standard language.
- Representative Crane asked whether the lieutenant governor felt there should be established a cabinet level officer or a position in the controller's office to review certain purchases related to security? Lieutenant Governor Little revealed that such a possibility had been discussed. He also shared the possibility of requiring a director to sign off on such acquisitions or having the acquisition reviewed by another department to ensure security was considered in the purchase. Lieutenant Governor Little cited the use of a "security czar," though he felt that power of such a position was contrary to Idaho's standard operation. Representative Crane then asked Lieutenant Governor Little whether having a central depository controlled by one agency, such as the controller's office, would be a good approach? Lieutenant Governor Little responded that having a central repository is how most states are operating; however, he again felt it to be contrary to how Idaho likes to operate. Lieutenant Governor Little then listed some liabilities of having a central depository: it slows down attempts to prevent cyber attacks, it influences the citizens' confidence in the state's ability to provide security, and it is a huge financial investment by the state.

No other questions were asked of Lieutenant Governor Little and he was thanked for his time.

At 2:27 p.m., Co-chair Anderson called on Jeffrey Whitehead of Cobalt Truck Equipment to provide his testimony regarding the purchasing process. Mr. Whitehead shared that he represented a small business and had frustrations with the current purchasing process. He felt that there was no consistency in the manner of advertising or of submitting bids. He requested the committee ensure some standardization of the process in order to assist smaller entities such as himself. No questions were asked of Mr. Whitehead.

At 2:37 p.m., Co-chair Anderson called for a short break.

At 2:45 p.m., Co-chair Anderson reconvened the meeting. Co-chair Martin commended the efforts of the committee members, staff, and presenters in gathering information for the purpose of the Purchasing Laws Interim Committee. Co-chair Anderson reiterated the tasks assigned to the committee by [HCR No. 23](#) and the items that the committee felt should be addressed in attempts to improve the current purchasing statutes. He stated that one of the

items discussed was to simply reorganize the statutes into one central area of the Idaho Code and that such task had been assigned to Legislative Services Office Analyst Elizabeth Bowen. Co-chair Anderson then called on Ms. Bowen to present and discuss her draft legislation http://legislature.idaho.gov/sessioninfo/2015/interim/151113_plaw_08BBowenDraft.pdf and http://legislature.idaho.gov/sessioninfo/2015/interim/151113_plaw_08ABowenDraftNotes.pdf.

Ms. Bowen guided the committee through the highlights of her draft and notes. She explained that the statutes essentially would be repealed from current locations of the code and would be relocated into a new chapter. She emphasized that no substantive changes were made in the draft--other than updating language to reflect clarity and current terminology, which she had footnoted. Ms. Bowen also indicated that she had created language to detail the purchasing process, which had not cleanly existed before.

Ms. Bowen explained that the draft notes were organized so that the top of the page showed the draft legislation; below was the current code; and footnotes were included to "map" or explain why the changes should be made. Highlights brought to the committee's attention by Ms. Bowen included:

- Terms - were obsolete, were not defined, or did not exist (page 9);
- Powers and duties of the division administrator of the DOP (page 14 and 15);
- Section 67-5718 reorganized for clarity (page 18);
- Section 67-5725 reorganized for clarity (page 24);
- Relocated language related to open contracts and clarified language regarding purchasing exemptions for agencies (page 31);
- Section 67-9215 language added for clarity (page 32);
- Section 67-9218 language added for clarity (page 36);
- Footnote #59 (page 20); and
- Footnote #65 (page 26).
- Co-chair Anderson, in reference to footnote #59's term "open view," asked Ms. Bowen if she could differentiate between the terms "public view" and "public place." Ms. Bowen responded that she was not sure she could and suggested that Mr. Burns (Administrator of DOP) be queried.
- Co-chair Martin commented that the committee's next task was to review Ms. Bowen's documents and provide additional changes, which would be submitted to Ms. Bowen for incorporating into the document.
- Co-chair Anderson summarized that these documents presented by Ms. Bowen were simply proposed changes to the centralized purchasing in an effort to reorganize the statutes. He then asked Ms. Bowen whether this would conclude the reorganizing task? Ms. Bowen cautioned that this draft addressed only the state purchasing laws for procurement of goods and services and that it *did not* address statutes regarding public works projects or political subdivisions. Co-chair Anderson indicated that this draft would be addressing only one of the committee's twenty-something issues for consideration. He then indicated that it would be more effective for the committee to review this document and provide feedback regarding the reorganization as proposed by Ms. Bowen. Co-chair Anderson suggested that once the committee had a clear understanding of the reorganization, it would be easier for the members to add the other items.
- Representative Nye requested that Ms. Bowen's draft and notes be made available to the public for individuals to review and provide comments back to the committee members. Ms. Bowen explained that the draft and notes would be published on the website, just as all other meeting documents are posted.

- Senator Davis summarized that the committee would take Ms. Bowen's draft and use it as the framework for which the committee would accomplish all of the desired changes (the twenty-something issues for consideration), but that the committee first had to approve the draft, which would then be presented as legislation for this session. Co-chair Anderson responded that Senator Davis' summary was correct. Senator Davis then asked whether Ms. Bowen could provide committee members with a Microsoft Word version of the document. Ms. Bowen replied that it could be done and she would provide it to the members.
- Senator Den Hartog asked the co-chairs whether feedback from committee members, regarding the list of items to address, had produced a short list of issues? Co-chair Martin responded that he had not received adequate feedback to identify key issues; Co-chair Anderson responded that ethics was the top issue among the members from the House of Representatives. Senator Den Hartog responded that ethics was her top issue also and was glad to hear such a report from the House members.
- Co-chair Anderson then instructed the committee members to review the draft documents and report their feedback for discussion at the next meeting. He then requested Ms. Bowen to draft proposed language regarding ethics in procurement for the next meeting. Ms. Bowen inquired whether the committee desired to have such draft language as a separate document from the reorganization draft presented or to incorporate the language into the reorganization draft? Co-chair Anderson reported that the committee would like it presented as a separate draft.
- Representative Bell asked whether, in her reorganization attempt, Ms. Bowen found the code to be complete or to have gaps? Ms. Bowen responded that there were issues not addressed or not thoroughly addressed, such as contract monitoring.
- Senator Davis asked if Ms. Bowen could identify those issues that were missing from the statutes so that the committee members could address them. Co-chair Martin responded that the list previously discussed had some important items that he felt should be addressed, rather than adding more items such as those Ms. Bowen might identify. Co-chair Anderson agreed with Co-chair Martin and suggested that some of the items are quite literally interrelated and would eventually be addressed.

Co-chair Anderson then queried members for a December meeting date and concluded that Friday, December 4th, was chosen as the most amenable.

Co-chair Anderson adjourned the meeting at 3:37 p.m.