

MINUTES
Approved by the Committee
Purchasing Laws Interim Committee
Thursday, January 14, 2016
3:20 P.M.
State Capitol, Room WW53
Boise, Idaho

At 3:28 p.m., Co-chair Representative Anderson called the meeting to order and asked for a silent roll call of the members. Members present: Representatives Bell, Crane, Vander Woude, and Nye; Co-chair Senator Martin and Senators Davis, Den Hartog, and Lee; nonlegislative members Dru Nakaya and John Riggins; Legislative Services staff Elizabeth Bowen, Robyn Lockett, and Jennifer Kish. Absent: Senator Jordan.

Other attendees (signed in): Michelle Doane - Idaho Transportation Dept.; Bob Perkins - Ada County; Dan Goicoechea - State Controller's Office; Emily Patchin - RischPisca; Kent Kunz - ISU; Keith Watts - City of Meridian; Sarah Hilderbrand - Division of Purchasing.

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 in the State Capitol.

Elizabeth Bowen, Legislative Research Analyst for LSO, was called upon to present her draft legislation. Ms. Bowen began with DRELBO20, which was the recodification draft discussed in previous meetings. She pointed out to the committee the two changes made to this draft since the November meeting where it was presented:

- Page 3, line 15: The definition of "open contract" was revised to include the phrase "as a result of a competitive solicitation." This was done at the recommendation of the Division of Purchasing.
- Page 10, line 40-41: The phrase "and by the board of examiners pursuant to section 67-1027, Idaho Code" was added to comply with that section of the law. This was done at the recommendation of the State Controller's office.
- Mr. Riggins asked whether the term "transfer" (used in DRELBO20 67-9227) was consistent with the term "assignments" (used in section 67-1027, Idaho Code)? Ms. Bowen responded that the language in 67-9227 could be rewritten to coincide with 67-1027 if the committee so wished, but that the language was left in its original format. She further explained that the intention of the amendment was to make the reader aware of the existence of section 67-1027, Idaho Code. In the ensuing discussion, members cautioned not to change too much of the original code for ease in presenting the draft to the Legislature, yet still desired to select the exact word to prevent ambiguity. Dan Goicoechea, of the State Controller's Office, explained that his office historically uses the term assignments.
- Co-chair Anderson summarized that there would be no egregious error in leaving the language as presented and addressing the issue after the draft had been presented to the Legislature. Ms. Bowen agreed with his summarization.
- **Representative Nye made a motion (#1) "to adopt and accept DRELBO20 (as presented) as a DO PASS". Co-chair Martin offered to second the motion** if allowed to amend the motion to adopt only the newly added language on page 10, line 41: "transfer". Ms. Bowen clarified that "transfer" on that line was existing language in the draft; the new language added to the draft was: "and by the board of examiners pursuant to section 67-1027, Idaho Code" which occurs on page 10, lines 40-41. Co-chair Anderson asked whether Representative Nye's motion was intended to adopt only the new language at that location? Representative Nye clarified that he

would accept the amended motion, but that his intention was to adopt the draft (DRELBO20) in its entirety. **Co-chair Martin seconded the amended motion. The amended motion was repeated to the committee: to adopt the new language added at page 10, lines 40-41. Co-chair Anderson called for a vote: motion passed by voice vote.**

- Senator Davis commented on other areas of DRELBO20: 1) the definition for a "state institution of higher education," as listed in 67-9222, should occur also in section 67-9203 DEFINITIONS; and 2) he was disappointed that section 67-9222 did not reflect any amendments as discussed/desired by the institutions and committee members. Co-chair Anderson clarified that this draft was simply the recodification, which were the sections of the purchasing laws as they currently exist in Idaho Code but now reorganized into one chapter. Ms. Bowen agreed with the clarification; the only substantive changes would be if the committee agreed to include the other proposed drafts (some of which would be incorporating NEW language/sections), which would then be added into the recodification draft DRELBO20.
- Co-chair Martin asked whether the committee felt it best to present the recodification draft as one single piece of legislation-without major substantive changes-and then introduce the additional drafts as separate pieces of legislation to the Legislature; or whether the committee felt all proposed changes should be incorporated into one complete draft? Representative Crane spoke in favor of presenting a recodification draft separate from the other draft proposals (possibly as trailer bills). Senator Davis spoke in favor of presenting all of the ideas in one large draft; Senator Lee agreed with Senator Davis's approach. Co-chair Anderson proposed that the committee accept the recodification draft as presented (DRELBO20), and then proceed in discussing the other proposed drafts (as presented or with changes) and deciding whether the other drafts would be worked into DRELBO20. Senator Davis suggested that the committee set aside DRELBO20, attack the topical drafts next, and then decide what proposed topical drafts should go into the recod this year and what issues should be set aside for next year's committee to focus on. Representative Vander Woude spoke of the importance in getting the recod approved so that the purchasing laws were organized and THEN address the other issues.
- **Representative Nye made a motion (#2) "to approve the recodification draft (DRELBO20) subject to additions/corrections from the other proposed drafts and to additionally proposed language from committee members during the lifetime of the committee"; Co-chair Martin seconded the motion. Co-chair Anderson called for a vote: motion passed by voice vote.**

Co-chair Anderson requested Ms. Bowen to present the next draft: DRELBO59 Delegation of Authority. Ms. Bowen explained that the draft was as presented at the December 4 meeting, except for the addition of the word ", continued" (lines 22-23) per the committee's request. Ms. Bowen explained that the language of this draft (DRELBO59) did not currently exist in code and, if approved, could be inserted into DRELBO20 as the new section 67-9206 (to logically follow the topic of POWERS AND DUTIES OF THE ADMINISTRATOR) and cause the remaining sections of the recod draft to be renumbered.

- Senator Davis asked whether subsection (15) of DRELBO20 would need to be amended or stricken to coincide with the language of DRELBO59? Ms. Bowen responded that, if draft DRELBO59 was approved to be included in the recod draft, the language of subsection (15) would need to be amended to address the existence of the proposed section 67-9206 regarding delegation of authority.
- Mr. Riggins expressed his concern that there were not enough details regarding the limit or extent of one's bestowed delegated authority. Ms. Bowen explained that subsection (15) was drafted without specifics due to her limited knowledge of the extent of the director's authority. Ms. Bowen suggested that Ms. Sarah Hilderbrand, recently named the director of the Division of Purchasing (DOP), be called upon to speak to those duties. Co-chair Martin pointed out that line 12 of DRELBO59 outlines the limit of such delegations to be "...as the administrator deems appropriate..." Senator Davis agreed that the language in DRELBO59 did provide an outline

for the limit, yet proposed that the phrase ", including limitations," be added in line 18 after "conditions" to further define the limits.

- Co-chair Anderson called Ms. Hilderbrand to the podium to comment on the issue of limitations of the delegated authority. Ms. Hilderbrand responded that she was comfortable with the language of draft DRELBO59 as presented. She also acknowledged that the duty of delegating authority was not taken lightly because, ultimately, the responsibility and accountability would be the administrator's.
- Co-chair Anderson inquired how the delegation of authority to an agency, as listed in subsection (1)(b) of DRELBO59, would operate. Ms. Hilderbrand expressed that her level of comfort would be to name an individual rather than an agency, but did not reject the opportunity of having the option. Ms. Hilderbrand did wonder whether any legal action could be taken against an agency for accountability. She added that it was the DOP's desire with its new training program to have multiple individuals within agencies trained in the procurement process so that an agency would be able to quickly submit a new employee for receiving the delegated authority when a vacancy occurred.
- Senator Davis expressed concern that demonstrated competency, as mentioned in subsection (3)(b) of DRELBO59, was not linked to subsection (1) or (2) as a required consideration in the administrator making the decision. Ms. Hilderbrand agreed with Senator Davis' suggestion that it should be linked. Senator Davis then proposed that language such as "to individuals that have demonstrated competency in procurement" be inserted in line 12 after the word "appropriate." **Senator Davis then proposed a motion (#3): to take proposed 67-9206 of DRELBO59 and insert in into DRELBO20, where it should occur chronologically, renumber the remaining sections of DRELBO20, and then add the suggested language regarding proven competency into subsection (1) as best as can be written by Ms. Bowen .** Representative Bell seconded the motion. Representative Nye amended the motion also to include the earlier proposal to insert "and limits/limitations" in line 18 after the word "conditions." **Having no further discussion, Co-chair Anderson commented that the amended motion had been seconded and called for a vote: motion passed by voice vote.** Co-chair Anderson instructed Ms. Bowen to work with Ms. Hilderbrand to implement the changes requested by the committee and to resubmit the draft.

Co-chair Anderson then asked Ms. Bowen to present the next draft. Ms. Bowen explained that DRELBO54 was on procurement training; changes made to this draft since its December 4 version at the request of the committee (where no vote had been taken) included: Senator Davis' request that details about training be put in subsection (1) rather than (2); and Co-chair Anderson's request that a provision regarding continuing education be included, which now occurred in subsection (1), lines 13-15..

- Representative Crane asked which agencies or officers were exempt? Ms. Bowen explained that DRELBO20, page 2, line 32, defined agency and those exempt from the requirement. Representative Crane then asked whether approval of draft DRELBO54 would require an employee of those listed in DRELBO20, subsections (3)(a), (b), and (c), to receive training on procurement duties? Ms. Bowen responded that it would. Representative Crane inquired whether, in the instance when those listed were not required to have a procurement person, the requirement would fall to the department head to receive the training? Ms. Bowen responded that it would.
- Representative Vander Woude asked what might be the physical impact of this required training? Ms. Hilderbrand responded that it was relative to the scale of training: it could be done inexpensively by webinars or by requiring individuals to attend trainings. She also explained that the extent of whom (i.e. contractors of the state) should receive the training was an unknown variable. Ms. Bowen responded that a clarification for state employees could be added to the draft language.
- Senator Davis asked whether constitutional officers provided their own training or would the training be provided by the DOP? Ms. Bowen replied that the original intent was for training to

be uniform but that she could understand how it may need to be different for constitutional officers. Senator Davis felt that there should exist different levels or specified training for those with procurement duties. Ms. Hilderbrand expressed her intention, as the administrator referred to in subsection (2) of DREL054, to create trainings specific to an individual's job description, which would be relative to the individual's level of procurement responsibility.

- Representative Crane inquired whether the Speaker of the House or the President Pro Tempore would be required to take the required training (per subsection (3)(a))? Ms. Hilderbrand felt that the draft language required her to create training, not to make decisions about who was required to take it.
- Ms. Bowen explained that the intent of this section was to address one of the weaknesses identified by the Office of Performance Evaluations' (OPE) report that employees were not aware of the responsibility/accountability for purchases and that some type of training should be offered to address that issue.
- Co-chair Anderson asked Ms. Hilderbrand whether the DOP provided procurement training? Ms. Hilderbrand responded that her office did, and that often even city and county level employees did attend.
- **Senator Davis made a motion (#4) to: accept draft DREL054 as presented and place it into DREL020 where it should chronologically occur (and renumber the remainder of the sections in DREL020.) Co-chair Martin seconded the motion. Having no further discussion, Co-chair Anderson called for a vote: motion passed by voice vote.**

The next item for discussion was DREL052 regarding Multiple Awards. Ms. Bowen explained that, per the committee's discussion at the December 4 meeting, the entire draft had been reworked to provide more guidance for when a multiple award was appropriate. She noted that subsection (1)(d) was created to address the request of providing an option for awards based on regional purchases; she explained that the word "regional" was left out intentionally to allow for other possibilities.

- Co-chair Martin felt the exception based on regional purchases was important enough that it should be stated as such.
- Mr. Riggins asked whether section 67-9209, as provided here in DREL052, would replace section 67-9209 as found in DREL020? Ms. Bowen stated that it would, if approved; she also explained that section 67-9209, as provided in DREL020, was current Idaho Code and not new language.
- After some discussion between Senator Davis and Ms. Hilderbrand, a proposal to accept DREL052 as presented and then add a reworked version of section 67-9209 (3) from DREL020 was discussed, for the purpose of providing issues to consider when making a multiple or regional award.
- Senator Den Hartog inquired whether vendors would be aware of the fact that they could bid in part or in whole for a contract? Ms. Hilderbrand professed that such information was explained in the contract during the request for bids.
- Co-chair Anderson asked whether there was a motion for draft DREL052. Senator Davis stated that he would like to see the final draft language before moving forward with DREL052. Co-chair Martin expressed his desire to see the term "regional" added somehow into the new draft. Ms. Bowen asked whether Co-chair Martin would like to see an additional provision stating that the DOP may allow multiple awards under a single solicitation to allow regional contracts; he agreed with her statement.

Seeing no other discussion, nor seeing a motion to accept the draft, Co-chair Anderson directed Ms. Bowen to present the next draft.

Ms. Bowen explained that draft DREL053 Open Contracts was presented at the December 4 meeting but that it had not been voted on for approval. She remarked that a new subsection (4)

had been added to address Representative Vander Woude's request for a reporting requirement, so that the Legislature could track the exemptions being granted or denied.

- Representative Nye expressed his unwillingness to be in support of this draft because he felt it affected institutions of higher education. Ms. Bowen explained that this draft did not affect those institutions because they would be exempt under section 67-9203 of DREL020; also, an additional draft would be presented later to specifically address the institutions. She expressed that this draft was about open contracts and any entity required to purchase under open contracts; this section was about the general requirement rather than the exemptions.
- Co-chair Martin pointed out that this draft adds additional duties to the DOP (subsection (4)); he inquired of Ms. Hilderbrand how the DOP planned to accommodate those additional duties? Ms. Hilderbrand responded that such information was already compiled, except for the recording of why a request was granted or denied, which would require some additional time. Co-chair Martin asked what kind of funding would be required to fulfill the reporting? Ms. Hilderbrand replied that the department planned for the administrative fee already charged on open contracts (modified as of January 1, 2016) to recover those additional administrative costs.
- Senator Lee asked whether open contracts conflicted with multiple awards? Ms. Hildebrand explained that they did not.
- Co-chair Anderson asked Ms. Hildebrand to summarize the benefits of the language in this draft and what was the financial ramifications. Ms. Hildebrand replied that the draft permitted multiple reasons for an exemption where before there was only one: a uniqueness of the item or service. She added that since the whole process was based on the theory that vendors will offer better prices with the promise of getting large quantities of orders, if the volume is not as expected, it may force vendors to offer less of a discount.
- Representative Vander Woude expressed his support of this draft because the reports would allow the Legislature and agencies to see trends or problems that could be addressed. For example, if there were too many exemptions being requested or granted, the policy of even having open contracts could reviewed.
- Co-chair Martin asked where or to whom does the report go? Ms. Bowen explained that when a statute requires a report be delivered to the Legislature that it traditionally is delivered to the Speaker of the House of Representatives and the President Pro Tempore of the Senate. Representative Bell agreed with Ms. Bowen's explanation and felt it to be an appropriate action.
- Senator Davis expressed his desire to remove subsection (5) of DREL053 as extraneous language already accounted for in section 67-9228 of DREL020 on page 11. **Senator Davis made a motion (#5) to: strike subsection (5) of draft DREL053 and insert the section into DREL020 where appropriate to replace the existing section 67-9214. Co-chair Martin seconded the motion. Co-chair Anderson called for discussion; hearing none, he called for a vote: motion passed by voice vote.**

Co-chair Anderson instructed Ms. Bowen to present the next draft: DREL051 Ethics in Procurement. Before describing the draft, Ms. Bowen explained that she had provided a chart to the members, as requested by Senator Davis during the last meeting, detailing how other states provided criminal sanctions regarding ethics. Ms. Bowen then spoke of the changes made to this draft since its presentation at the last meeting: subsection (2)(f), regarding communication during the blackout period, was removed based on committee concerns that it was too broad; the phrase "In any manner relating to state procurement," was added to line 27, and "felony or misdemeanor" was inserted in line 31, to address Rep. Nye's concern about minor infractions or conduct that didn't relate to procurement; and subsection (2)(d) now included "to violate the policy or provisions of this chapter" ("the policy" was added to try to address the undue influence concerns that subsection (2)(f) was intended to cover.) She reminded the committee that, basically, the policy of this chapter, as stated in 67-9202 in the recodification draft, was to "engage in open, competitive acquisitions of

property" and "to maximize the value" to the state; so, a person trying to influence a state officer or employee to give a competitive advantage would be violating the policy of the chapter.

- Senator Davis expressed his approval of the changes, but was concerned that impeachment was still discussed/listed as a threat. Ms. Bowen explained that she included such language because there ultimately was no correctional behavior worth its weight for state officers who violate the statute. She felt that such an extreme penalty was tempered, however, by the fact that a decision to pursue impeachment was at the discretion of the Legislature.
- Senator Davis inquired about the sections referenced in subsection (2) and why those references were included here under procurement law? Ms. Bowen replied that those sections referenced general prohibitive behavior for public servants and she felt it prudent to list such items here to put procurement officers on notice that these items did apply to them, for clarity and awareness. She further reasoned that, since procurement related laws were scattered throughout the code, it seemed well advised to restate those laws here since the committee sought better organized statutes.
- Co-chair Martin expressed concern that the topic of discussion during the last meeting on this draft centered around the contact or communication with a state officer by a vendor and the consequences that could occur; Ms. Bowen explained that such language had been removed.
- Senator Davis expressed concern that there did not exist in the language an expressed intent to violate statute. Co-chair Anderson inquired whether Senator Davis desired the phrase "knowingly attempt to influence..." be included?
- At this point, Ms. Bowen asked for clarification from the committee. She expressed her sentiment that the committee had requested language regarding ethical behavior be included in the draft language. And, she explained, that the committee requested that she base such language on the Model Procurement Act provided by the American Bar Association (ABA). Since she found most all of the ABA's recommendations already to exist in Idaho code (though not in one location), she felt that there was nothing else she could provide. Since the committee could not come to agreement on the presented draft language, did the committee still wish to include a section on ethics in the final presentation and, if so, what would the committee exactly like to see included? Senator Den Hartog responded that the committee would be remiss in its duties not to include an ethics statement. She also stated that there was no harm in having existing ethical statute restated here in the reorganized procurement laws. Senator Lee expressed her strong desire to have language regarding ethical behavior included in the final draft, even if it was the most simplistic of sentences to reference the necessary code sites.
- **Senator Davis suggested** that this be a "parking lot" topic that be revisited by Purchasing Law Interim Committee #2 [the renewed committee], but **"for purposes of today, I move that we include it with these modifications" [motion #6]: to strike lines 29-32 of DRELBO51; to reletter the paragraphs of (2); to add the word "Knowingly" before "Attempt" in line 33; and to strike subsection (4) on page 2 and renumber subsection (5). Co-chair Martin seconded the motion. Co-chair Anderson called for discussion; hearing none, he then called for a vote: motion passed by voice vote.**
- Representative Vander Woude recognized Senator Davis' desire to put the item "in the parking lot" but stressed the fact that he would like to see it have further discussion past this compromise. Co-chair Anderson agreed with Representative Vander Woude.

Co-chair Anderson requested that Ms. Bowen bring up the next draft for discussion: DRELBO50 Contract Oversight. Ms. Bowen explained that this draft had been discussed at the previous meeting and a vote was taken to approve the draft language with the following changes: the word "qualifying" replaced the phrase "high-dollar or high-risk" in line 26; subsection (5) was reworked in accordance with the committee vote to have the requirement apply to contracts valued at over \$1.5 million and that were (a) sole-source/noncompetitive, (b) multi-year or (c) part of a multiple award.

- Mr. Riggins observed that a single year, \$5 million contract would not be required to be reported under the new language. Ms. Bowen agreed with his statement, explaining that there was no longer an independent, high-dollar requirement.
- **Representative Vander Woude made a motion (#7): to approve the draft (DREL050) as presented. Representative Bell seconded the motion. Co-chair Anderson called for discussion; hearing none, he called for a vote: motion passed by voice vote.**

Co-chair Martin made a motion that the committee approve the minutes of the December 4, 2015, meeting as submitted; Senator Den Hartog seconded the motion. Co-chair Anderson called for any discussion; seeing none, he called for a vote: motion passed by voice vote.

Co-chair Anderson concluded that the committee was at its last draft, DREL060 request for reauthorization of the committee. Ms. Bowen inquired whether the co-chairs and committee members were willing to hear Mr. Kent Kunz's (director for government relations at Idaho State University) proposed draft language for procurement by institutions of higher education? Co-chair Anderson put the request to the committee. Senator Davis expressed his desire to hear the proposed language; no member objected to allowing Mr. Kunz speak. Ms. Bowen noted that, before the committee discuss the HCR language to reauthorize, it would be best to discuss all the topics the committee felt were important to be included in the final draft submitted this year, and then the committee could list the items left to be focused on by the committee in the reauthorization. Co-chair Anderson inquired whether such a tack was in keeping with the established agenda. Ms. Bowen stated that it was, and that committee members had expressed such desire to discuss other parts of the recodification draft earlier in the meeting [per motion #2].

- Senator Den Hartog expressed her desire to identify statutes that dealt with political subdivisions as one of the items that needed further discussion. She recognized that such issue had not been discussed at length for inclusion in this year's draft language, but possibly it should be included in the reauthorization as an item on which to focus.
- Co-chair Martin asked Mr. Kunz to come forward and present his draft language.
- Mr. Kunz testified that the language in the draft (DREL067) was from ISU, i.e. it was not from input of other universities nor the department of education. He summarized that the major concepts of the draft were: defining local or regional as it related to procurements; defining non-contract vendor; and situations for seeking an exemption from open contract use.
- Senator Davis stated that he needed to declare a conflict of interest.
- Co-chair Anderson asked Mr. Kunz to explain why the two examples of exemptions were unique to institutions of higher learning? Mr. Kunz responded that universities were trying to use their allotted state monies to the best possible advantage and because universities were tightly woven into the communities with relationships not just business deals. Senator Davis supported that statement by further providing examples where the schools sought donations or fund-raising opportunities from the community and the smaller businesses wanted to provide goods and services to the schools, which was a good symbiotic relationship.
- Co-chair Anderson asked why universities couldn't find adequate goods or services using the open contracts? Senator Davis noted that the universities could, but not always from vendors within the community, because smaller vendors couldn't always capture the contract due to the fact that the vendor couldn't provide service outside the community. Senator Davis also summarized that if a vendor within the community could provide the same good or service at the same price offered on the open contract, it would help support the community economy and relations.
- Co-chair Anderson asked why the 50 mile limit was proposed? Mr. Kunz stated that it was a reasonable but arbitrary limit of the community. Co-chair Martin offered that the term local or regional was not necessary, in fact, subsection (1)(b) could be stricken because subsection (3)(a) provided an opportunity to make a purchase if the item/service could be found "at equal or less expense to the institution."

- Co-chair Anderson inquired whether subsection (1)(c) meant "any" as well as "a specific" open contract; and if so, did that mean that a vendor who already had a contract for a good or service was then excluded from offering another? Mr. Kunz felt that the terms were synonymous but that the exclusion was not intended by the statement. Senator Davis agreed that there was the opportunity for such interpretation as it currently existed (as suggested by Co-chair Anderson.)
- Co-chair Anderson expressed that there needed to be more work done on the draft because its language raised additional questions. He felt that the concept was admirable, but he did not want there to be any confusion that this was not intended to create a quid pro quo situation. Co-chair Anderson also felt that the concept needed more discussion and better language; he proposed that the item be put "in the parking lot" for just such work at a later date, but noted that it was the pleasure of the committee to make that decision.
- Senator Davis stated that he would like to see the item included, even if it meant having Ms. Bowen improve the language regarding the non-contract vendor. **Senator Davis then moved (motion #8): to include it, but invited Ms. Bowen to redress the language of the non-contract vendor in subsection (1)(c). Representative Bell seconded the motion. Co-chair Anderson inquired whether Senator Davis' motion retained the 50 mile limitation? Senator Davis responded that his motion retained the language of within 50 miles of a campus of a state institution; however he was not opposed to discussing other descriptive limitations. Co-chair Anderson asked Senator Davis to clarify whether his motion intended for the committee to endorse this draft and include it in the package of laws to be recommended to the Legislature this year? Senator Davis responded, "Yes, but it will require the striking of some language that is in there and will also require Ms. Bowen to blend that language in." Representative Bell seconded the amended motion. Co-chair Anderson called for discussion.**
- Representative Vander Woude spoke in support of the draft but also cautioned that the language could not make any inference or even contain the slightest hint that this was a quid pro quo agreement.
- **Co-chair Anderson called for a vote on the amended motion proposed by Senator Davis: motion passed by voice vote.**

Co-chair Anderson called for discussion of reauthorization, the last topic of the day.

- Senator Davis requested to discuss section 67-9211 of DREL020 Void Contracts (page 6.) He noted that such section was currently part of recent litigation and felt that the present language was not an acceptable or fair remedy. Co-chair Martin inquired how the language should be corrected? Senator Davis responded that he did not know the answer but it may be an item that the committee suggest putting on the list for future discussion. Co-chair Anderson agreed with Senator Davis about placing the item on a future agenda.

Co-chair Anderson suggested the committee address the last draft: DREL060 request for reauthorization. Co-chair Martin requested that the topic of an appeals process be listed as an item of focus for the continuing committee; Co-chair Anderson agreed with the suggestion. Ms. Bowen pointed out that the appeals process was already included in the draft proposal (line 17) as well as potential revision of laws relating to public works and purchasing by political subdivisions. Co-chair Anderson suggested that those items and the few ideas recently discussed, void contracts and ethics, also be included. **Co-chair Martin made a motion (#9) to: request for continuation of the Purchasing Laws Interim Committee by submitting DREL060; Senator Den Hartog seconded the motion. Co-chair Anderson called for discussion; seeing none, he called for a vote: motion passed by voice vote.**

Co-chair Anderson then adjourned the meeting at 7:07 p.m.