

MINUTES  
**HOUSE BUSINESS COMMITTEE**

**DATE:** Thursday, March 11, 2021

**TIME:** 1:30 P.M.

**PLACE:** Room EW41

**MEMBERS:** Chairman Dixon, Vice Chairman Furniss, Representatives Crane, Palmer, Barbieri, Armstrong, DeMordaunt, Clow, Andrus, Nichols, Adams, Bundy, Ferch, Galloway, Mitchell, Shepherd, Berch, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** Jeremy Chou, ACEC, Brian Stutzman, citizen, James Mullen, Keller Associates Inc & ACEC, Nicholas Contos, citizen, taxpayer, Benn Brocksome, BB&A/AIA, Jake Cluff, BB&A/AIA, Sean Schupack, AGC, John Sanders III, CORE Construction, Keith Watts, IPPA, Lorna Mitson, citizen, Steven Keyser, citizen

**Chairman Dixon** called the meeting to order at 1:30 p.m.

**MOTION:** **Rep. Berch** made a motion to approve the minutes of March 5 and March 9, 2021.  
**Motion carried by voice vote.**

**S 1042:** **Rep. Young** presented **S 1042**, legislation which would clarify Idaho's Qualifications Based Selection (QBS) process for political subdivisions. **Rep. Young** stated the legislation would define professional services for projects, create a function for a request for qualifications of projects, and require that the ranking and scoring system used to determine the winning contractor be available to the public. She added that political subdivisions could retain a list of applicants for up to five years.

In response to a Committee question, **Rep. Young** explained the use of a scoring system when choosing an applicant for the professional service.

**Rep. Green** declared **Rule 80**, stating a possible conflict of interest but that she would be voting on the legislation.

In response to additional Committee questions, **Rep. Young** deferred to **Jeremy Chou**, ACEC. **Mr. Chou** stated the qualification process is done to protect political subdivisions, that the applicant list can be redone before the five year period, and that the qualification categories varied.

**Rep. Green** spoke in favor of the legislation, stating it would be a great addition to the industry.

Those speaking **in support** were **Nicholas Contos**, citizen, **Benn Brocksome**, BB&A/AIA, **Brian Stutzman**, citizen, **James Mullan**, Keller Associates Inc. & ACEC, **Sean Shupack**, AGC, **John Sanders III**, and CORE Construction. **Mr. Contos** stated he was a veteran of the construction industry and that a scoring system being transparent to the public was necessary, but didn't believe the legislation went far enough. **Mr. Brocksome**, **Mr. Stutzman**, and **Mr. Mullan** stated the legislation would create a better selection process and beneficial to political subdivisions. **Mr. Shupack** stated the legislation would continue the history and success of QBS; he added that prices can be negotiated and the legislation would create a uniformed process.

In response to Committee questions, **Mr. Contos** stated he didn't think there needs to be a standardized scoring system, clarified that bids on projects were public, and believes that nepotism and trust shouldn't be the only reasons why a contractor is selected for a project.

In response to Committee questions, **Mr. Shupack** stated there are different scoring system deliveries based on the quantity of the project, and that the legislation would help with pricing negotiation and educate local governments on fee guidelines and the services they may need.

In response to Committee questions, **Mr. Sanders** stated the legislation wouldn't inhibit the success of smaller contractor companies and provided his own experience of applying for projects with his company.

In response to a Committee question, **Mr. Contos** stated the legislation would make it difficult for smaller businesses to get a head start.

Also speaking **in support** was **Mr. Chou**, stating while some who testified before him may have concerns, none opposed the legislation, and it provided clarity and if a political subdivision wanted to conduct a project, he hoped they would do their diligence in hiring the correct contractor.

**MOTION:** **Rep. Furniss** made a motion to send **S 1042** to the floor with a **DO PASS** recommendation.

**Rep. Crane** and **Dixon** declared **Rule 80**, stating a possible conflict of interest, but that they would be voting on the legislation.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Young** will sponsor the bill on the floor.

**Chairman Dixon** turned the gavel over to **Vice Chairman Furniss**.

**H 291:** **Rep. Crane** declared **Rule 80** stating a possible conflict of interest, but that he would be presenting the legislation. **Rep. Crane** presented **H 291**, legislation that would create a Business Bill of Rights. **Rep. Crane** stated the purpose of the legislation is to provide clarity and certainty for business owners during emergency declarations. He added the business owners would have the right to determine to keep their business open and checks government overreach.

**Vice Chairman Furniss** turned the gavel over to **Chairman Dixon**.

In response to Committee questions, **Rep. Crane** stated there would still be instances where the government/health district could close down a business if there was a violation, the intent of the legislation wasn't to allow health districts to close down businesses outside of an emergency declaration, and that he believed the founding fathers didn't fight for the right of an individual to conduct business only for the government to determine what is essential. He added that if the legislation was not enforced, it would void the entire emergency declaration.

**Rep. Nichols** declared **Rule 80**, stating a possible conflict of interest, but that she would still be voting on the legislation. **Rep. Nichols** spoke in favor of the legislation, stating that given her personal interactions with business owners during COVID-19, this legislation would ensure business owners could keep their doors open so they could continue to provide for themselves and their families.

**MOTION:** **Rep. Nichols** made a motion to send **H 291** to the floor with a **DO PASS** recommendation.

**Rep. Green** declared **Rule 80**, stating a possible conflict of interest, but that she would be voting on the legislation.

In response to Committee questions, **Rep. Crane** stated the legislation wouldn't restrict road access and that even though the legislation could result in unintended consequences, he was willing to take the risk given what happened during COVID-19 and that his intent in creating the legislation was in relation to emergency declarations due to a public health order.

**Rep. Mitchell** declared **Rule 80**, stating a possible conflict of interest, but that he would be voting on the legislation. **Rep. Mitchell** spoke **in support** of the legislation, stating that most business owners would take precaution in situations of emergency declarations.

Speaking **in support** was **Steven Keiser**, citizen. Mr. Keiser said that while what happened during the beginning of the COVID-19 pandemic was a lot better in Boise than where he fled from, there were still instances of disrespect and disregard of people's rights with closing down businesses. He stated he appreciated the legislation and wants power taken back by the Legislature.

**In opposition** to the motion, **Rep. Berch** stated that while he appreciated the sincerity and principle of the legislation, he believed the legislation was only being done as a reaction to the COVID-19 pandemic. **Rep. Berch** said that Committee members should look at the legislation through eyes of the future instead of voting based on experiences from the last year. He added that in the future, there could be circumstances where the government may need to intervene to strike balance between the rights of an individual and society.

**In support** of the motion, **Rep. DeMordaunt** stated that she felt a Business Bill of Rights was necessary, could eventually be added to, and that Idahoans have the right to earn a living and take care of their families.

Due to the absence of the motion-maker, the motion was tabled.

**VOTE ON MOTION:**

**MOTION:**

**Rep. Barbieri** made a motion to send **H 291** to the floor with a **DO PASS** recommendation.

**Rep. Ferch** declared **Rule 80**, stating a possible conflict of interest, but that he would be voting on the legislation.

**In support** of the motion, **Rep. Berch** spoke about a personal experience with what business were considered essential and those that were not. **Rep. Berch** stated he was unhappy with the arbitrary way businesses were handled during the pandemic.

**In support** of the motion, **Rep. Andrus** stated that even though the language wasn't perfect, it was the proper way for freedom for businesses in the future and to ensure all businesses are considered essential.

**VOTE ON MOTION:**

**H 292:**

**Motion carried by voice vote.** **Rep. Crane** will sponsor the bill on the floor.

**Rep. Crane** presented **H 292**, legislation which would allow firefighters to change out smoke or carbon monoxide detectors without having an electrician license in one and two family dwellings and create an exemption for firefighters to install or replace fire alarm panels in communication devices. **Rep. Crane** stated the legislation wouldn't allow local jurisdictions to make their own changes and explained the reasoning for the use of an emergency clause in the legislation. He added that local Fire Marshals met with him and supported the legislation.

In response to Committee questions, **Rep. Crane** explained the use of certain language in the legislation and that he didn't have written support from local Fire Marshals.

**MOTION:**

**Rep. Barbieri** made a motion to send **H 292** to the floor with a **DO PASS** recommendation.

**In support** of the motion, **Rep. Berch** stated he agreed with the intent of the legislation, but would like a follow-up from **Rep. Crane** about the verbal agreement made.

Speaking **in support** was **Ron Johnson**, Fire Marshal, Nampa Fire Department. Marshal Johnson stated that with current law, he and other firefighters could only replace batteries in smoke and carbon monoxide detectors; he felt the legislation would serve the community well. Marshal Johnson also stated that in regards to the communication devices update, most issues are found during an inspection, but the legislation would allow for firefighters to assist their communities further.

In response to a Committee questions, **Marshal Johnson** stated a firefighter is not allowed to accept money for a service from citizens, and should recommend making a donation to their charity committee instead.

**VOTE ON  
MOTION:**

**Motion carried by voice vote. Rep. Crane** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the Committee, the meeting adjourned at 3:19 p.m.

---

Representative Dixon  
Chair

---

Mackenzie Gibbs  
Secretary