

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 433

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION 67-5709,
2 IDAHO CODE, TO PROVIDE THAT THE DIRECTOR SHALL HAVE EXCLUSIVE CONTROL
3 OVER CERTAIN MULTI-AGENCY FACILITIES, TO REVISE TERMINOLOGY, TO REMOVE
4 REFERENCE TO THE STATE BUILDING AUTHORITY AND TO PROVIDE THAT CERTAIN
5 FUNDS DEPOSITED TO THE PERMANENT BUILDING ACCOUNT SHALL BE ACCOUNTED
6 FOR SEPARATELY.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 67-5709, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 67-5709. MANAGEMENT OF STATE FACILITIES. (1) In addition to the
12 authority granted by section 67-1603, Idaho Code, the director of the de-
13 partment of administration shall have exclusive control of the capitol mall
14 properties identified in subsection (2) of this section and, where not oth-
15 erwise established by law, multi-agency facilities owned or leased by the
16 state of Idaho. The department of administration shall have authority to
17 promulgate rules relating to use of those properties, including the author-
18 ity to promulgate rules requiring a permit for various uses of the ~~capitol~~
19 mall properties. Violations of rules promulgated under this section shall
20 be infractions. The director shall have authority to sue to enjoin any
21 threatened or continuing violation of such rules.

22 (2) Except as otherwise provided by law, the capitol mall properties
23 shall include state of Idaho lands and buildings, together with any appur-
24 tenant grounds and systems including, but not limited to, electrical, plumb-
25 ing, sewer, water, heating, ventilation and air conditioning systems as well
26 as geothermal systems and tunnels, located between blocks one (1) and one
27 hundred thirty-six (136) as shown on the Boise City original townsite plat
28 filed in the Ada County recorder's office in book 1 on page 1. Subject to the
29 following, the capitol mall properties shall be identified in rules promul-
30 gated pursuant to this section:

31 (a) At a minimum, the capitol mall properties shall consist of the fol-
32 lowing grounds, buildings, improvements and real property in Boise,
33 Idaho: Joe R. Williams (700 W. State street), Len B. Jordan (650 W.
34 State street), Pete T. Cenarrusa (450 W. State street), Division of
35 Public Works (502 N. 4th street), Alexander House (304 W. State street),
36 State Library (325 W. State street), Secretary of State (450 N. 4th
37 street), 954 Jefferson (954 W. Jefferson street), Capitol Annex (514 W.
38 Jefferson street), Borah Building (304 N. 8th street), and Steunenberg
39 Monument Park (intersection of Capitol boulevard and Bannock street),
40 and the Idaho Supreme Court (451 W. State street); provided, that the
41 Idaho supreme court may regulate uses at the Idaho supreme court build-
42 ing and its grounds.

1 (b) The parking facilities, including appurtenant grounds and systems,
2 at the following locations in Boise, Idaho, shall also be within the
3 capitol mall properties: West State street parking facility, occupying
4 block 101 as shown on the Boise City original townsite plat; 3rd street
5 and Washington street parking facility, occupying a portion of block
6 105 as shown on the Boise City original townsite plat; 6th street and
7 Washington street parking facility, occupying a portion of block 96 as
8 shown on the Boise City original townsite plat; 8th street and Jefferson
9 street parking facility, occupying a portion of block 66 as shown on the
10 Boise City original townsite plat; and 10th street and Jefferson park-
11 ing facility, occupying a portion of block 68 as shown on the Boise City
12 original townsite plat.

13 (c) The space within the interior of the capitol building shall be al-
14 located and controlled as set forth in section 67-1602, Idaho Code; pro-
15 vided however, that the executive and legislative departments may sub-
16 ject all or a part of such space to the rules promulgated pursuant to
17 this section as set forth in subsection (3) of this section.

18 (3) Rules promulgated pursuant to this section shall apply to proper-
19 ties not ~~within the capitol mall properties described in subsection (1) of~~
20 this section upon the request of the state of Idaho public entity owning or
21 controlling the property. When such a request has been made, the property
22 subject to the request shall be identified by the director of the department
23 of administration in rules promulgated under this section. Violations of
24 the rules adopted under this section shall be infractions. The director of
25 the department of administration and the governing authority of the request-
26 ing entity shall have the authority to sue to enjoin any threatened or con-
27 tinuing violation of such rules. All state law enforcement personnel, any
28 sheriff or deputy sheriff in a county in which the property is located and any
29 police officer in a city in which the property is located shall have author-
30 ity to enforce the rules for that property.

31 (4) Responsibility for law enforcement at the capitol mall properties
32 is vested in the director of the Idaho state police. In coordination with
33 the director of the Idaho state police, Ada County and the city of Boise are
34 granted jurisdiction to enforce the laws of the state of Idaho, the ordi-
35 nances of Ada County, the ordinances of the city of Boise and the rules pro-
36 mulgated pursuant to this section. The director of the department of admin-
37 istration, or his designee, shall be responsible for security at the capitol
38 mall properties and has the authority to contract with private contractors
39 to provide security for persons and property at the capitol mall properties.

40 (5) The director of the department of administration may pay personnel
41 costs and operating expenditures incurred in the operation and management
42 of the capitol mall properties and the multi-agency facilities ~~constructed~~
43 ~~through the state building authority~~ from the rents received therefrom.
44 Proceeds accruing from such rental contracts and lease agreements after
45 payment of personnel costs and operating expenditures which are in excess of
46 two hundred thousand dollars (\$200,000) at the end of the fiscal year shall
47 be deposited to the credit of the permanent building account and accounted
48 for separately for each property. Proceeds from the rental of parking spaces
49 at the capitol mall shall be deposited upon receipt to the credit of the
50 permanent building account. Said proceeds shall not be expended without an

1 appropriation and shall only be appropriated for the security, maintenance
2 and upkeep of the ~~capitol mall properties~~ property generating the proceeds.

3 (6) Nothing contained in this section shall be deemed to give the de-
4 partment of administration control or management over the garden level, the
5 first, third or fourth floors of the state capitol building which are vested
6 with the legislative branch of government.