

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 544

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO MANAGEMENT OF STATE FACILITIES; AMENDING SECTION 67-5709, IDAHO  
2 CODE, TO PROVIDE THAT RENTAL RATES AT MULTIAGENCY FACILITIES SHALL IN-  
3 CLUDE A PROVISION SUFFICIENT TO PROVIDE FOR THE LONG-TERM MAINTENANCE  
4 AND UPKEEP OF THE FACILITIES, SUBJECT TO THE REVIEW AND APPROVAL OF THE  
5 PERMANENT BUILDING FUND ADVISORY COUNCIL AND TO MAKE TECHNICAL CORREC-  
6 TIONS.  
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 shall have au-  
15 thority to promulgate rules relating to use of those properties, including  
16 the authority to promulgate rules requiring a permit for various uses of the  
17 capitol mall properties. Violations of rules promulgated under this section  
18 shall be infractions. The director shall have authority to sue to enjoin any  
19 threatened or continuing violation of such rules.

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

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

41 (b) The parking facilities, including appurtenant grounds and systems,  
42 at the following locations in Boise, Idaho, shall also be within the

1 capitol mall properties: West State street parking facility, occupying  
2 block 101 as shown on the Boise City original townsite plat; 3rd street  
3 and Washington street parking facility, occupying a portion of block  
4 105 as shown on the Boise City original townsite plat; 6th street and  
5 Washington street parking facility, occupying a portion of block 96 as  
6 shown on the Boise City original townsite plat; 8th street and Jefferson  
7 street parking facility, occupying a portion of block 66 as shown on the  
8 Boise City original townsite plat; and 10th street and Jefferson park-  
9 ing facility, occupying a portion of block 68 as shown on the Boise City  
10 original townsite plat.

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

16 (3) Rules promulgated pursuant to this section shall apply to proper-  
17 ties not within the capitol mall properties upon the request of the state of  
18 Idaho public entity owning or controlling the property. When such a request  
19 has been made, the property subject to the request shall be identified by the  
20 director of the department of administration in rules promulgated under this  
21 section. Violations of the rules adopted under this section shall be infrac-  
22 tions. The director of the department of administration and the governing  
23 authority of the requesting entity shall have the authority to sue to enjoin  
24 any threatened or continuing violation of such rules. All state law enforce-  
25 ment personnel, any sheriff or deputy sheriff in a county in which the prop-  
26 erty is located and any police officer in a city in which the property is lo-  
27 cated shall have authority to enforce the rules for that property.

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

37 (5) The director of the department of administration may pay personnel  
38 costs and operating expenditures incurred in the operation and management  
39 of the capitol mall properties and the ~~multi-agency~~ multiagency facilities  
40 constructed through the state building authority from the rents received  
41 therefrom. In addition to funding annual operating costs, rental rates  
42 at multiagency facilities shall include a provision sufficient to provide  
43 for the long-term maintenance and upkeep of the facilities, subject to the  
44 review and approval of the permanent building fund advisory council. Pro-  
45 ceeds accruing from such rental contracts and lease agreements after payment  
46 of personnel costs and operating expenditures which are in excess of two  
47 hundred thousand dollars (\$200,000) at the end of the fiscal year shall be  
48 deposited to the credit of the permanent building ~~account~~ fund. Proceeds  
49 from the rental of parking spaces at the capitol mall shall be deposited  
50 upon receipt to the credit of the permanent building ~~account~~ fund. Said

1 proceeds shall not be expended without an appropriation and shall only be  
2 appropriated for the security, maintenance and upkeep of the capitol mall  
3 properties.

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