

## SUMMARY STATEMENT

*Hawkins Companies, LLC v. State of Idaho*  
Docket No. 51788-2024

The Idaho Supreme Court dismissed the Petition for a Writ of Prohibition and a Writ of Mandate filed by Hawkins Companies, LLC, Pacific West Communities, Inc., and FJ Management Inc. (collectively “Petitioners”) because Petitioners did not have a legal right to purchase the property and therefore did not have standing to file the action. Standing is a preliminary question to be determined by the Court before reaching the merits of the case. The “regular standing” test applied by the Court focuses on whether a plaintiff has suffered an injury caused by the challenged conduct and whether the requested judicial relief can prevent or redress the injury. The Court has also applied a “relaxed standing” test in circumstances where a plaintiff can demonstrate a significant constitutional violation of an urgent nature that no one else would have standing to challenge.

This original action concerned whether business entities that were the high bidders for surplus state property (the “ITD Campus”), but who did not yet have a legally enforceable contract to purchase the property, could file an original action to force the Idaho Department of Administration and the Idaho Transportation Department (“ITD”) to sell the property. Pursuant to Idaho Code section 67-5709A, the Idaho Transportation Board (“ITD Board”) declared the ITD Campus as surplus property. The ITD Campus was then transferred to the State Board of Examiners and then to the Department of Administration to dispose of the property through transfer to another state agency or sale to a private party. In May 2023, after no other state agency expressed interest in acquiring the property, the Department requested proposals from private entities for the purchase of the ITD Campus. In September 2023, the Department advised Petitioners that they had submitted the highest bid. In March 2024, the Department and Petitioners arrived at a mutually agreed upon purchase and sale agreement, which Petitioners signed and sent to the Department of Administration. The Department never signed the agreement.

During this same timeframe, members of the Idaho Legislature publicly declared their concerns with selling the ITD Campus and inserted language into the appropriations bills for the Department of Administration and ITD that revoked the Department’s authority to dispose of the ITD Campus and directed that custody and control of the property be transferred to the ITD Board. The Department thereafter took no action to close the sale of the property.

Petitioners filed an original action with this Court, seeking a writ of prohibition and a writ of mandate against the State of Idaho, acting by and through the Department of Administration, the State of Idaho Transportation Department, and the Idaho State Board of Examiners. Petitioners alleged that the appropriations bills violated the single subject matter provision of Article III, section 16 of the Idaho Constitution because the appropriations bills both appropriated monies for the agencies and revoked the Department of Administration’s statutory authority to dispose of the ITD Campus. Petitioners sought a writ of prohibition forbidding the Department of Administration, the State Board of Examiners, and ITD from giving effect to the offending provisions of the appropriations bills; and a writ of mandate requiring the Department of Administration to conclude the sale of the ITD Campus pursuant to section 67-5709A. The Idaho

House of Representatives and Speaker of the Idaho House of Representatives Mike Moyle intervened in the lawsuit.

The Idaho Supreme Court concluded that Petitioners failed to demonstrate that they had a legal right to purchase the ITD Campus and dismissed the petition for lack of standing. The Court held that because Petitioners lacked a legal right to purchase the property, Petitioners could not demonstrate that the issuance of either writ would result in the sale of the property to Petitioners. Petitioners had conceded that, even if the writs were granted, the Department of Administration would not be compelled to sell the property to them. As a result, Petitioners failed to establish that either writ would redress their injury. Redressability is an essential element of regular standing and must be established before the Court will consider the merits of the Petition. The Court also held that Petitioners did not meet the elements of relaxed standing because ITD and the Department of Administration would likely have standing to bring an action challenging the constitutionality of the appropriations bills.

\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\*