

Dear Senators LODGE, Harris, Stennett, and  
Representatives HARRIS, Armstrong, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Department of Administration:

IDAPA 38.00.00 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No.  
38-0000-2000F).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 10/09/2020. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/06/2020.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate State Affairs Committee and the House State Affairs Committee  
**FROM:** Principal Legislative Drafting Attorney - Ryan Bush  
**DATE:** September 23, 2020  
**SUBJECT:** Department of Administration

IDAPA 38.00.00 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No. 38-0000-2000F)

The Department of Administration has submitted proposed rules that reauthorize and republish the following previously approved chapter under IDAPA 38:

38.04.04, Rules Governing Capitol Mall Parking

These rules were previously analyzed and reviewed by the Legislative Services Office upon promulgation.

This is a fee rule. No new fees or charges, or changes to existing fees or charges, are noted in this docket.

No other substantive changes from the existing rules have been noted.

cc: Department of Administration  
Diane Blume

**\*\*\* PLEASE NOTE \*\*\***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

## IDAPA 38 – DEPARTMENT OF ADMINISTRATION

### DOCKET NO. 38-0000-2000F (FEE RULE)

#### NOTICE OF OMNIBUS RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-5708, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Opportunity for presentation of oral comments concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of the purpose of the proposed rulemaking:

This proposed rulemaking re-publishes the following existing temporary rule chapter previously submitted to and reviewed by the Idaho Legislature under IDAPA 38, Rules of the Department of Administration:

#### **IDAPA 38**

- 38.04.04, *Rules Governing Capitol Mall Parking.*

**FEE SUMMARY:** This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules. Fee charges are necessary to fund security and maintenance of Capitol Mall parking lots and structures.

The following is a specific description of the fees or charges:

**Elected Officials Parking Permits.** The governor, lieutenant governor, secretary of state, attorney general, state controller, state treasurer, superintendent of public instruction, Senate pro-tem, and the speaker of the House of Representatives will be provided a reserved parking space at no charge. Additionally, upon request, Capitol Mall Parking will provide the governor four (4) additional reserved parking spaces. The fee for each additional reserved parking space provided to the governor will be the reserved parking permit monthly fee.

**Directors of Executive Branch Departments.** Directors of executive branch departments will be provided a reserved parking space at a cost not to exceed forty dollars (\$40) per month. Executive branch departments will be charged for the reserved parking spaces annually by Capitol Mall Parking.

**Reserved Parking Permits.** The fee for a reserved parking space permit will not exceed forty dollars (\$40) per month.

**General Parking Permits.** The fee for a general parking space permit will not exceed ten dollars (\$10) per month.

**Payment for Parking Permits.** Capitol Mall employees will be charged the respective permit fee in the first paycheck of each month through a payroll deduction or as determined by the State Controller.

**Legislators.** Legislators who request a Legislator parking space permit must pay the parking permit fee. Legislators and Legislative personnel who request parking spaces must pay the associated space fee for every month that the Legislature is in session.

**State-Owned Vehicles.** State-owned vehicles belonging to the tenant departments will receive state vehicle parking permits for a monthly fee not to exceed fifteen dollars (\$15).

**Replacement Permits.** If a parking permit is lost, stolen or destroyed, the official, Legislator, or Capitol Mall employee will be charged a fee equal to the general permit monthly fee for a new permit. A statement attesting that the parking permit was lost, stolen or destroyed must be signed before Capitol Mall Parking will issue a new permit.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2021 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Diane Blume, (208) 332-1826.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of August, 2020.

Keith Reynolds, Director  
Department of Administration  
650 West State Street, Room 100  
P.O. Box 83720  
Boise, ID 83720-0004  
Phone: (208) 332-1812  
Fax: (208) 334-2307

## IDAPA 38 – DEPARTMENT OF ADMINISTRATION

### 38.04.04 – RULES GOVERNING CAPITOL MALL PARKING

#### 000. LEGAL AUTHORITY.

The following rules are promulgated pursuant to the authority of Section 67-5708, Idaho Code, and Senate Concurrent Resolution No. 135 (1976). ( )

#### 001. TITLE AND SCOPE.

01. **Title.** These rules are titled IDAPA 38.04.04, “Rules Governing Capitol Mall Parking.” ( )

02. **Scope.** These rules govern parking in the Capitol Mall. ( )

#### 002. -- 009. (RESERVED)

#### 010. DEFINITIONS.

01. **Capitol Mall.** The Capitol Mall consists of the following buildings: State Capitol (700 W. Jefferson Street), Joe R. Williams (700 W. State Street), Len B. Jordan (650 W. State Street), State parking garage #1 (550 W. State Street), Pete T. Cenarrusa (450 W. State Street), Division of Public Works (502 N. 4<sup>th</sup> Street), Alexander House (304 W. State Street), State Library (325 W. State Street), 954 Jefferson (954 W. Jefferson Street), Capitol Annex (514 W. Jefferson Street), Blind Commission (341 W. Washington Street), Borah Building (304 N. 8<sup>th</sup> Street), State Parking Garage #2 (608 W. Washington Street); and Idaho Supreme Court (451 W. State Street). ( )

02. **Capitol Mall Employee.** A state employee whose assigned work area is in the Capitol Mall, and who receives a state of Idaho-issued paycheck from a tenant of the Capitol Mall. ( )

03. **Carpool.** A vehicle carrying two (2) or more Capitol Mall employees who work at the Capitol Mall at least four (4) work days per week. ( )

04. **Employee with a Disability.** An employee with a disability as defined in Section 49-117(7)(b), Idaho Code. ( )

05. **Executive Branch Departments.** Pursuant to Section 67-2402, Idaho Code, and for purposes of this rule, the following are the departments of the executive branch: Department of Administration, Department of Agriculture, Department of Commerce, Department of Correction, Department of Environmental Quality, Department of Finance, Department of Fish and Game, Department of Health and Welfare, Idaho State Police, Idaho Transportation Department, Industrial Commission, Department of Insurance, Department of Juvenile Corrections, Department of Labor, Department of Lands, Department of Parks and Recreation, Department of Revenue and Taxation, State Board of Education and Department of Water Resources. This definition excludes the Department of Self-Governing Agencies. ( )

06. **Facilities Services.** Bureau of Facilities Services, Division of Public Works, Department of Administration. ( )

07. **General Parking.** A parking space used for all Capitol Mall employees registered for general parking. ( )

08. **Legislative Personnel.** An employee hired by the Legislative branch that receives a state of Idaho-issued paycheck during the Legislative session or is a year round employee of the Legislative branch. ( )

09. **Legislator.** A member of the Idaho Senate or the Idaho House of Representatives for the state of Idaho. ( )

10. **Reserved Parking.** A parking space assigned to a specific person, vehicle or agency. ( )

11. **State Elected Officials.** The governor, lieutenant governor, secretary of state, attorney general, state controller, state treasurer and superintendent of public instruction, for the state of Idaho. ( )

12. **Temporary Contract Employee.** An employee of a temporary employment service company who

is working temporarily for a tenant of the Capitol Mall, and who does not receive a pay check issued by the state of Idaho. ( )

**13. Visitor.** Any person visiting the Capitol Mall to carry out state business or attend a state-sponsored event. ( )

**011. -- 019. (RESERVED)**

**020. PARKING LOT LOCATIONS.**

All Capitol Mall parking lots will be identified by signage. Capitol Mall Parking manages the state-owned parking lots at the following locations: 550 W. State Street Parking Garage, State Parking Garage #1; 608 W. Washington Street, State Parking Garage #2; 10<sup>th</sup> and Jefferson Streets, 8<sup>th</sup> Street between State and Jefferson Streets, and 3<sup>rd</sup> and Washington Streets. Capitol Mall Parking also manages parking spaces in and around the following Capitol Mall buildings: Capitol Annex, Len B. Jordan, Pete T. Cenarrusa, Division of Public Works, Borah Building and Idaho State Library. ( )

**021. TYPES OF AVAILABLE PARKING.**

Designated parking spaces are available for reserved parking, state elected officials and directors of executive branch departments, Legislators, carpool, disabled employees and state agency vehicles. All other parking spaces, unless designated as public or visitor parking, are considered general parking. ( )

**022. PARKING SPACE ALLOCATION.**

**01. Reserved Parking Spaces. ( )**

**a.** Reserved parking spaces are available for state elected officials and directors of executive branch departments as defined in Subsections 010.05 and 010.11 of these rules. Capitol Mall Parking will assign a reserved space to each state elected official and director of executive branch departments upon request. ( )

**b.** Reserved parking spaces will be made available to the Senate pro-tem, and the speaker of the House of Representatives. Capitol Mall Parking will assign a reserved space to each individual. ( )

**c.** All other Capitol Mall employees may apply for a reserved parking space. General reserved parking spaces are assigned to Capitol Mall employees on a first-come, first-served basis when designated reserved parking spaces become available. ( )

**d.** Reserved parking spaces for state elected officials, directors of executive branch departments and Capitol Mall employees are located in the following parking lots only: the first floor of State Parking Garage #1; the first and second floors of State Parking Garage #2, the Pete T. Cenarrusa Building parking lot, and the 8<sup>th</sup> Street parking lot between State and Jefferson Streets. ( )

**e.** Capitol Mall Parking will determine the location of all reserved parking spaces. ( )

**f.** Reserved parking spaces for state elected officials, directors of executive branch departments and Capitol Mall employees will not exceed twenty-five percent (25%) of parking spaces available within the Capitol Mall. ( )

**g.** Capitol Mall employees may not sell, trade or barter the right to use their assigned reserved parking space. Capitol Mall Parking retains the right to assign, reassign, suspend or revoke Capitol Mall employees' reserved parking spaces at any time. ( )

**02. Legislators' Parking Spaces.** During Legislative sessions and special sessions, Capitol Mall Parking will make available up to one hundred three (103) reserved Legislator parking spaces to Legislators. ( )

**a.** Each Legislator will be assigned a reserved Legislator parking space. A Legislator who elects to park in the Capitol Mall is required to pay the fee for the reserved parking permit. ( )

**b.** During the Legislative session, Legislator reserved parking spaces will be on the third floor of State Parking Garage #1, 8th Street parking lot, and the Capitol Annex parking lot and will be clearly marked. The Legislator reserved parking permit is only valid in the assigned reserved parking space; the permit is not valid in any other CMP general parking space during the Legislative session. When the Legislature is not in session, all Legislator parking spaces will be redesignated as general parking spaces. ( )

**c.** When the Legislature is not in session, Legislators or Legislative personnel who hold a valid Capitol Mall parking permit, may park in any general parking space. ( )

**03. Disabled Employee Parking Spaces.** Capitol Mall Parking will make available reserved disabled employee parking spaces for employees who have a proven disability. ( )

**a.** A temporarily or permanently disabled employee who has obtained an Americans with Disabilities Act (ADA) placard issued by the Idaho Transportation Department may request a reserved disabled employee parking space as close as possible to the employee's work location. ( )

**b.** A disabled employee requesting a reserved disabled employee parking space must provide either a copy of his Americans with Disabilities Act (ADA) placard issued by the Idaho Transportation Department or a copy of the application to the Idaho Department of Transportation for an Americans with Disabilities Act (ADA) placard. ( )

**c.** A temporary reserved disabled employee parking space will be provided to any eligible employee who has applied for an Americans with Disabilities Act (ADA) placard with the Idaho Department of Transportation but has not yet received the placard. A temporary reserved disabled parking space will be made available for five (5) working days only per disabled employee. ( )

**d.** Reserved disabled employee parking spaces will be marked with signage. ( )

**e.** A permit for a reserved disabled employee parking space will be the same fee as a permit for a general parking space. ( )

**04. Carpool Parking Spaces.** Capitol Mall Parking will make available an indeterminate number of carpool parking spaces, which will be clearly marked, to employees who carpool at least four (4) work days per week. ( )

**a.** Capitol Mall employees who carpool may request a carpool parking permit from Capitol Mall Parking to use a designated carpool space. ( )

**b.** Carpool parking spaces will be available on a first-come, first-served basis for vehicles carrying two (2) or more Capitol Mall employees. All carpooling employees must be employees of the Capitol Mall and at least one (1) carpooling employee must have a general parking space permit. ( )

**c.** A permit for a carpool parking space will be the same fee as a permit for a general parking space. ( )

**d.** All unoccupied reserved carpool parking spaces will be redesignated as general parking spaces after 9 a.m. work days. ( )

**e.** It is a parking violation to park in a reserved carpool parking space when the vehicle is carrying less than two (2) Capitol Mall employees before 9 a.m. ( )

**05. State-Owned Vehicles Parking Spaces.** Capitol Mall Parking will make available designated state-owned vehicle parking spaces. ( )

**a.** Capitol Mall Parking will make available an indeterminate number of designated state-owned vehicle parking spaces to department tenants of the Capitol Mall. ( )

**b.** Designated state-owned vehicle parking spaces will be on the fifth level of the State Parking Garage #1, and will be clearly marked "State Vehicle Only." ( )

**c.** A Capitol Mall employee may park his personal vehicle in a designated state-owned vehicle parking space when removing a state vehicle for state purposes. The Capitol Mall employee's personal vehicle must display the reserved state-owned vehicle parking space permit. ( )

**d.** A visiting agency employee conducting official business at the Capitol Mall may park a state vehicle in an unoccupied designated state-owned vehicle parking space or in any Capitol Mall visitor parking space. ( )

**06. Motorcycle Parking Spaces.** Capitol Mall Parking will make available designated motorcycle parking spaces. ( )

**a.** Capitol Mall employees may request a special motorcycle parking permit for motorcycles, at no additional cost, to park in the designated motorcycle parking areas. ( )

**b.** In order to receive a motorcycle permit, the Capitol Mall employee must possess a valid general or reserved parking permit. ( )

**07. General Parking Spaces.** All other undesignated parking is considered general parking. ( )

**a.** All Capitol Mall employees whose parking fees are deducted from their paychecks by the State Controller's Office may request a general parking permit from Capitol Mall Parking. ( )

**b.** General parking spaces are available on a first-come, first-served basis, and possession of a valid general parking permit does not guarantee the Capitol Mall employee a general parking space. ( )

**08. Visitor Parking Spaces.** Capitol Mall Parking will make available a limited number of parking spaces for visitors and the public visiting the Capitol Mall. ( )

**a.** Non-metered three (3) hour visitor parking spaces will be available at the parking lot at the Capitol Annex at 514 W. Jefferson Street and on the south side of the parking lot at the State Library Building at 325 W. State Street, and will be clearly marked. ( )

**b.** State-owned vehicles that do not belong to the departments' tenants of the Capitol Mall, and non-Capitol Mall employees visiting the Capitol Mall on business, may park in visitor parking spaces. ( )

**c.** Capitol Mall employees may not park in visitor parking spaces between 6 a.m. and 6 p.m., Monday through Friday, excluding legal holidays with the exception of Human Rights Day and Presidents' Day. ( )

**d.** The maximum period of use of visitor parking spaces in the Capitol Mall is three (3) hours per day per vehicle. A change from one visitor parking space to another visitor parking space does not increase the maximum period of use for each vehicle beyond three (3) hours per day. ( )

**023. -- 029. (RESERVED)**

**030. PARKING PERMITS.** Capitol Mall Parking will issue applicable parking permits to all eligible persons who apply for a permit. ( )

**01. Parking Permits for Reserved, Legislator, Disabled Employee, Carpool, State-Owned Vehicles and General Parking.** ( )

**a.** Capitol Mall Parking will reissue parking permits once a year. Outdated parking permits must be returned to Capitol Mall Parking. ( )

**b.** Capitol Mall Parking will issue the applicable parking permit to each Capitol Mall state elected



official, director of an executive branch department, Legislator or employee, with the exception of the carpool parking permit and the special motorcycle parking permit. ( )

c. Capitol Mall Parking will issue only one (1) parking permit per employee. Capitol Mall Parking will not provide duplicate general parking permits. State elected officials, directors of executive branch departments, and Capitol Mall employees with reserved parking spaces may request a duplicate reserved parking permit for a one-time fee equal to the general permit monthly fee. ( )

d. All individuals and department tenants are responsible for displaying the parking permit in the front windshield or other prominent location of the parked vehicle at all times. ( )

e. In the event that a parking permit is stolen, lost or destroyed, the official, Legislator or employee must sign a statement attesting that the parking permit was lost, stolen or destroyed and pay a replacement fee before Capitol Mall Parking will issue a new permit. The replacement fee is equal to the general permit monthly fee. ( )

**02. Temporary Monthly Parking Permits. ( )**

a. An individual performing work or providing services to a department tenant as a Temporary Contract Employee in the Capitol Mall, but who does not receive a state of Idaho-issued paycheck, may purchase a general monthly parking permit at the same cost as a general parking permit from Capitol Mall Parking. ( )

b. Upon request and receipt of the general parking permit fee, Capitol Mall Parking may issue a monthly general parking permit to the following: ( )

i. Individuals who do not receive a paycheck issued by the state of Idaho but are performing work or providing services to a department tenant in the Capitol Mall. This includes, but is not limited to, employees of the Idaho Central Credit Union, employees of vendors of the Commission for the Blind and Visually Impaired, and Capitol Mall tenant departments' temporary contract employees. ( )

ii. Individuals who are employed by the state of Idaho, whose assigned work area is in the Capitol Mall, and who receive a state of Idaho-issued paycheck that is not issued by the State Controller's Office. This includes, but is not limited to, employees of the University of Idaho whose assigned work area is the Capitol Annex occupied by the University of Idaho. ( )

**03. Temporary Meeting Parking Permits.** Upon submission of an application by a department tenant in the Capitol Mall, Capitol Mall Parking may issue temporary daily parking permits for meetings hosted by the department tenant. Parking will be allowed only in a limited number of parking spaces in the area designated by the permit and for the date set forth on the permit. ( )

**031. PARKING PERMIT FEES.**

Pursuant to Sections 67-5701 and 67-5708, Idaho Code, parking permit fees will be established by the Department of Administration and administered by Capitol Mall Parking. ( )

**01. Elected Officials Parking Permits.** The governor, lieutenant governor, secretary of state, attorney general, state controller, state treasurer, superintendent of public instruction, Senate pro-tem, and the speaker of the House of Representatives will be provided a reserved parking space at no charge. Additionally, upon request, Capitol Mall Parking will provide the governor four (4) additional reserved parking spaces. The fee for each additional reserved parking space provided to the governor will be the reserved parking permit monthly fee. ( )

**02. Directors of Executive Branch Departments.** Directors of executive branch departments will be provided a reserved parking space at a cost not to exceed forty dollars (\$40) per month. Executive branch departments will be charged for the reserved parking spaces annually by Capitol Mall Parking. ( )

**03. Reserved Parking Permits.** The fee for a reserved parking space permit will not exceed forty dollars (\$40) per month. ( )

**04. General Parking Permits.** The fee for a general parking space permit will not exceed ten dollars (\$10) per month. ( )

**05. Payment for Parking Permits.** Capitol Mall employees will be charged the respective permit fee in the first paycheck of each month through a payroll deduction or as determined by the State Controller. ( )

**06. Legislators.** Legislators who request a Legislator parking space permit must pay the parking permit fee. Legislators and Legislative personnel who request parking spaces must pay the associated space fee for every month that the Legislature is in session. ( )

**07. State-Owned Vehicles.** State-owned vehicles belonging to the tenant departments will receive state vehicle parking permits for a monthly fee not to exceed fifteen dollars (\$15). ( )

**08. Replacement Permits.** If a parking permit is lost, stolen or destroyed, the official, Legislator, or Capitol Mall employee will be charged a fee equal to the general permit monthly fee for a new permit. A statement attesting that the parking permit was lost, stolen or destroyed must be signed before Capitol Mall Parking will issue a new permit. ( )

**032. -- 039. (RESERVED)**

**040. PARKING LOT VIOLATIONS.**

**01. Driving Violations.** Any driving violation in a Capitol Mall parking lot or garage may result in the suspension or loss of parking privileges. ( )

**a.** It is a violation of these rules to drive or operate a personal vehicle negligently or recklessly in any Capitol Mall parking lot or garage. It is a violation of these rules to drive or operate a vehicle under the influence of illegal substances or alcohol in any Capitol Mall parking lot or garage. ( )

**b.** It is a violation for any individual to drive above the posted speed limits or drive against posted directional arrows. ( )

**02. Parking Violations.** Any parking violation in a Capitol Mall parking lot or garage may result in the suspension or loss of parking privileges. ( )

**a.** It is a violation of these rules to park in a location that is not marked as a parking space within the Capitol Mall. This includes, but is not limited to, parking in or on a driveway, sidewalk or other common driving areas of any parking lot or garage. It is also a violation to park one (1) vehicle in more than one (1) parking space. ( )

**b.** It is a violation to park in a Legislator parking space without displaying the appropriate reserved parking permit during the Legislative session or to park in a general parking space without displaying the appropriate general parking permit. ( )

**c.** It is a violation to park in a reserved parking space, in a reserved disabled employee parking space, ADA space, or in a reserved carpool parking space before 9 a.m., without displaying the appropriate parking permit. ( )

**d.** It is a violation to park a motorcycle in any space not designated for motorcycle parking, unless a valid reserved parking permit is displayed and the motorcycle is parked in the designated reserved parking space. ( )

**e.** It is a violation to park or store a personal trailer in a Capitol Mall parking lot. ( )

**f.** It is a violation of these rules to: ( )

**i.** Use an invalid parking permit; ( )

- ii. Use a parking permit reported lost or stolen; ( )
- iii. Fail to properly display a valid Capitol Mall parking permit; or ( )
- iv. Transfer an invalid permit to another person. ( )
- g.** It is a violation of these rules to park in one or more visitor parking spaces for a period in excess of the maximum period of use set forth in these rules. ( )
- h.** It is a violation of these rules for a CMP permit holder to park in a visitor parking space at any time. ( )

**03. Other Violations.** The Capitol Mall parking lots and garages are private property, and any tampering or other physical defacement of any vehicle parked on the lots or in the garage is considered a violation. ( )

**a.** The distribution of flyers or other materials on vehicles parked on Capitol Mall parking lots and in State Parking Garages #1 and #2 is prohibited, and violators will be escorted off the property. ( )

**b.** Any individual engaging in suspicious activity or threatening behavior, or an individual loitering in a Capitol Mall parking lot or in State Parking Garages #1 and #2, will be escorted off the property. ( )

**c.** Public access is not allowed in State Parking Garages #1 and #2 before 6 a.m. and after 6 p.m. Violators will be considered trespassers. ( )

**04. Administrative Appeals.** Alleged violations of these rules are not subject to the provisions of Title 67, Chapter 52, Idaho Code, regarding administrative appeals. ( )

**041. ENFORCEMENT.**

**01. Security and Patrol.** Capitol Mall parking lots and State Parking Garages #1 and #2 are secured and patrolled by Capitol Mall Parking, or its authorized representative. ( )

**02. Notice of Violation.** Upon witnessing or finding a violation of these rules, Capitol Mall Parking, or its authorized representative, will leave notice with the occupant of the vehicle or on the vehicle parked in violation of these rules. ( )

**a.** Notice may be in the form of a warning or a ticket. The warning or ticket will indicate the date and hour of the violation, the nature of the violation, and the name of the Capitol Mall Parking employee or its authorized representative. A warning or ticket may be issued only for those violations that do not cause the loss of a parking space and do not cause a safety hazard. ( )

**b.** A ticket may be issued by Capitol Mall Parking, or its authorized representative, for a fine of at least two dollars (\$2), but not more than twenty-five dollars (\$25). ( )

**c.** If an individual is determined to have altered, counterfeited or otherwise misused a parking permit, a ticket may be issued by Capitol Mall Parking, or its authorized representative, for a fine not to exceed fifty dollars (\$50). ( )

**d.** All tickets issued by Capitol Mall Parking, or its authorized representative, will be forwarded to the city of Boise, county of Ada, for collection or prosecution. ( )

**e.** Capitol Mall Parking retains the right to suspend or revoke an individual's parking privileges if the warnings or tickets have been issued or fines imposed for repeated violations. ( )

**042. SUSPENSION OR REVOCATION OF PARKING PRIVILEGES.**

**01. Delinquent Payment.** Capitol Mall Parking may suspend or revoke any individual's parking permit if the parking permit fee is unpaid and at least thirty (30) days delinquent. Upon payment in full, Capitol Mall Parking will restore the individual's parking permit. ( )

**02. Parking Privileges Suspension.** ( )

**a.** Capitol Mall Parking may suspend an individual's parking permit and privileges for up to six (6) months for a violation of these rules. ( )

**b.** Any Capitol Mall Parking permit holder, including a temporary parking permit holder, who has been cited for three (3) violations of these rules within six (6) months, may have his parking permit and privileges revoked for up to twelve (12) months. ( )

**03. Towing and Impounding.** ( )

**a.** Capitol Mall Parking or its authorized representative may tow any vehicle from any Capitol Mall parking lot or the or State Parking Garages #1 and #2, belonging to an individual who has been cited for three (3) or more Capitol Mall parking violations within a twelve-month period. The owner of the vehicle is liable for any service fee owed for releasing the towed and impounded vehicle. ( )

**b.** In the event that a vehicle is considered a security risk, Capitol Mall Parking will make reasonable efforts to locate the owner of the vehicle before it is towed. ( )

**04. Reactivating a Suspended Permit.** A suspended parking permit may be reactivated after the applicable suspension period ends by reapplying for the automatic payroll deduction plan through Capitol Mall Parking and paying in full of any delinquent parking fees. ( )

**043. SURRENDER OF PARKING PERMIT.**

**01. Surrender of Permit.** When an official, Legislator or Capitol Mall employee no longer works in the Capitol Mall or no longer needs to utilize Capitol Mall parking, the individual must submit a request to Capitol Mall Parking to cease automatic payroll deduction or billing for Capitol Mall parking. The individual must surrender the parking permit to Capitol Mall Parking within ten (10) days of the effective date of termination. ( )

**02. Cancellation of Automatic Payroll Deduction.** ( )

**a.** Capitol Mall Parking will notify the individual's agency's payroll clerk to cease the monthly parking fee deduction. Capitol Mall Parking will not refund a monthly parking fee after a monthly payroll deduction has been made. ( )

**b.** Agency payroll clerks must receive a written request from Capitol Mall Parking prior to deleting the monthly parking fee from the employee's payroll deduction schedule. ( )

**044. -- 049. (RESERVED)**

**050. LOADING ZONE PARKING SPACES.**

Capitol Mall Parking will designate and mark a limited number of parking spaces to be used for short-term collection or delivery services or by authorized service contractors. It is a violation to park in loading zone parking spaces for any unauthorized purpose. ( )

**051. WAIVER OF RULES.**

Pursuant to Section 67-5708, Idaho Code, the administrator for the Division of Public Works may waive any or all of the provisions of these rules if the administrator determines that application could result in discrimination among employees or otherwise violate law. ( )

**052. -- 999. (RESERVED)**

# PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Department of Administration

**Agency Contact:** Diane Blume

**Phone:** 208 332-1826

**Date:** August 19, 2020

**IDAPA, Chapter and Title Number and Chapter Name:**

[38.04.04, Rules Governing Capitol Mall Parking](#)

**Fee Rule Status:** X \_\_\_\_\_ Proposed \_\_\_\_\_ Temporary

**Rulemaking Docket Number:** 38-0000-2000F

## **STATEMENT OF ECONOMIC IMPACT:**

**Guidance on how to prepare the C/B Analysis** – if your fees are remaining the same as they were submitted for legislative review during the 2020 legislative session, simply put what the fee amount is, title for the fee, and that the fees are unchanged from the previous year’s temporary fee rule.

**Capitol Mall Parking, Idaho Code 67-5708 and SCR 135 (1976)**

**\$8 per month – General Parking Fee - Unchanged from Prior Year’s Temporary Fee Rule**

**\$35 per month – Reserved Parking Fee – Unchanged from Prior Year’s Temporary Fee Rule**

**If you have are changing from what was submitted for legislative review during the 2020 session, here are some examples of how to prepare the C/B Analysis:**

### **Example 1 from Dentistry**

**STATEMENT OF ECONOMIC IMPACT:** Negative fiscal impact to the Board of Dentistry’s dedicated fund is estimated at \$4,000 for costs associated with rulemaking, legal fees, and changes to the Board’s licensing database. There is no immediate expectation of revenue from dental therapist license and application fees.

### **Example 2 from Veterinary Medicine**

**STATEMENT OF ECONOMIC IMPACT:** These fee changes are needed to preserve a cash positive position in order to maintain the operational budget of the Board. The impetus for these fee changes is the incremental increase of business (legal fees, employee benefits, rent, risk insurance, etc.) Pursuant to the authority provided in Section 54-2105, Idaho Code, the Board of Veterinary Medicine is proposing fee increases of \$65 to veterinary license renewals, \$75 veterinary original licenses, and \$10 veterinary technician certification renewals. Veterinary license verification fees of \$20 will be eliminated. The Board is also proposing to eliminate license fees and renewal fees for active or returning from active duty military personnel. The fee increases go along with proposed statutory changes that will allow for endorsement nationwide as well as less

restrictive licensing requirements. The Board estimates generating about \$65,000 per year (\$58,500 veterinary license renewal, \$3,300 veterinary original license, \$2,500 veterinary technician certification renewal) and losing roughly \$500 from elimination of license verification fees.

**Example 3 from the Brands Board**

STATEMENT OF ECONOMIC IMPACT: This will not have a negative fiscal impact on the State General Fund, as we are dedicated funds. An estimated \$473,000 will be generated by the Idaho Livestock Industry.