

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 523

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO THE CAPITOL MALL; AMENDING SECTION 67-1605, IDAHO CODE, TO PRO-  
2 VIDE THAT CERTAIN PERSONS MAY BE BANNED FROM THE CAPITOL BUILDING AND  
3 THE SUPREME COURT BUILDING AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
4 SECTION 67-1613, IDAHO CODE, TO REVISE PROVISIONS REGARDING CAMPING,  
5 TO PROVIDE FOR TEMPORARY CANOPIES, AND TO MAKE TECHNICAL CORRECTIONS;  
6 AMENDING SECTION 67-1613A, IDAHO CODE, TO REVISE A PROVISION REGARDING  
7 DISPOSITION OF PROPERTY; AMENDING SECTION 67-5709, IDAHO CODE, TO PRO-  
8 VIDE THAT CERTAIN PERSONS MAY BE BANNED FROM CAPITOL MALL PROPERTIES AND  
9 MULTIAGENCY FACILITIES, TO REVISE A PROVISION REGARDING MANAGEMENT OF  
10 STATE FACILITIES, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN  
11 EMERGENCY.  
12

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

14 SECTION 1. That Section 67-1605, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 67-1605. LAW ENFORCEMENT AND SECURITY. (1) Responsibility for law en-  
17 forcement at the capitol building and the supreme court building is vested in  
18 the director of the Idaho state police. In coordination with the director of  
19 the Idaho state police, Ada County county and Boise City city are granted ju-  
20 risdiction to enforce the laws of the state of Idaho and the ordinances of Ada  
21 County county and Boise City city for the capitol building and the supreme  
22 court building. The director of the department of administration, or his de-  
23 signee, shall be responsible for security in the capitol building and the  
24 supreme court building and has the authority to contract with private con-  
25 tractors to provide security for persons and property in the capitol build-  
26 ing and the supreme court building.

27 (2) The director of the department of administration, the director of  
28 the Idaho state police, and their respective designees shall have authority  
29 to ban a person from being present at the capitol building and the supreme  
30 court building for a period of one (1) year upon a finding, in their sole  
31 discretion, that the person: refused to comply with lawful orders of govern-  
32 ment officials or peace officers; violated one (1) or more laws, rules, or  
33 regulations governing conduct at the capitol building or the supreme court  
34 building; threatened to or disrupted the conduct of legitimate government  
35 business; or threatened the safety of persons or property. Any person banned  
36 shall contact the department of administration security office should he  
37 have legitimate business to conduct with state agencies that requires him to  
38 be present on any property subject to the ban. Any person who violates a ban  
39 imposed pursuant to the provisions of this section shall be subject to the  
40 criminal penalties provided in section 18-7008, Idaho Code.

1 SECTION 2. That Section 67-1613, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 67-1613. CAPITOL MALL AND OTHER STATE PROPERTY AND FACILITIES -- CAMP-  
4 ING PROHIBITED. (1) No person shall camp on or in any state-owned or leased  
5 property or facility, including, but not limited to, the capitol mall, ex-  
6 cept those that are designated as a recreational camping ground, area or fa-  
7 ciility. Any symbolic tents or other enclosed structures shall be removed  
8 from 9:00 p.m. local time to 6:00 a.m. local time, unless otherwise provided  
9 for in any applicable rules promulgated by the department of administration.  
10 The provisions of this section shall not apply or affect policies, rules,  
11 statutes or leases on endowment lands, department of parks and recreation  
12 lands or department of fish and game lands. For the purposes of this section,  
13 the term "camp" or "camping" means to use as a temporary or permanent place of  
14 dwelling, lodging or living accommodation, and which indicia of camping may  
15 include, but are not limited to, storing personal belongings, using tents or  
16 other temporary structures for storing personal belongings or for sleeping,  
17 carrying on cooking activities, laying out bedding or making any fire. Any  
18 person who violates the provisions of this section shall be guilty of an in-  
19 fraction. Such persons shall be required to remove all their personal prop-  
20 erty from the state-owned or leased property.

21 (2) As used in this section:

22 (a) "Camp" or "camping" means to erect tents or other enclosed struc-  
23 tures on state-owned or leased property or facilities at any time be-  
24 tween sunset and sunrise, the use of state-owned or leased property or  
25 facilities as a temporary or permanent place of dwelling, lodging, res-  
26 idence, or living accommodation at any time, or any conduct that consti-  
27 tutes the indicia of camping.

28 (b) "Indicia of camping" may include but is not limited to storing per-  
29 sonal belongings, storing food for future days, using tents or other  
30 temporary structures for storing personal belongings or food or for  
31 sleeping or lying down, carrying on cooking activities, sleeping or  
32 making preparations to sleep, including laying out a sleeping bag,  
33 blanket, or other material used for bedding, making any fire, or doing  
34 any digging or earth breaking.

35 (3) Any person who violates the provisions of this section shall  
36 be guilty of an infraction. Regardless of whether a citation is issued,  
37 such person shall be required to remove all his personal property from the  
38 state-owned or leased property or facility.

39 (4) Nothing in this section shall preclude a person from erecting a tem-  
40 porary side-free canopy or other similar cover without side walls to stay dry  
41 during periods of rain or snow, including from sunset to sunrise, as long as  
42 it is not used for sleeping or camping and it complies with any rules promul-  
43 gated by the department of administration.

44 SECTION 3. That Section 67-1613A, Idaho Code, be, and the same is hereby  
45 amended to read as follows:

46 67-1613A. DISPOSITION OF PROPERTY. Any property remaining after is-  
47 suance of a citation, any property on state property in violation of an Idaho  
48 statute or administrative rule, or any property left unattended shall be

1 held by the agency or its agent removing the property in a secure location for  
 2 a period of not less than ninety (90) days. Notice shall be posted and remain  
 3 at the nearest reasonable location to the place of removal with the agency's  
 4 or agent's contact information for the ninety (90) day period. If property  
 5 is not claimed within the ninety (90) day period, the property shall be  
 6 deemed abandoned and the agency shall have the right to dispose of the prop-  
 7 erty. A reasonable storage fee as determined by the agency may be assessed at  
 8 the time an owner claims the property. The individual claiming the property  
 9 shall produce identification and shall sign a release form providing his or  
 10 her name and contact information and swearing that the property belongs to  
 11 the claiming party. If the provisions of this section are complied with, the  
 12 state of Idaho, its agents, employees and contractors shall be immune from  
 13 legal liability for the administration of this section.

14 SECTION 4. That Section 67-5709, Idaho Code, be, and the same is hereby  
 15 amended to read as follows:

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

27 (2) Except as otherwise provided by law, the capitol mall properties  
 28 shall include state of Idaho lands and buildings, together with any ap-  
 29 purtenant grounds and systems, including, but not limited to, electrical,  
 30 plumbing, sewer, water, heating, ventilation and air conditioning systems  
 31 as well as geothermal systems and tunnels, located between blocks one (1)  
 32 and one hundred thirty-six (136) as shown on the Boise ~~City~~ city original  
 33 townsite plat filed in the Ada ~~County~~ county recorder's office in book 1 on  
 34 page 1. Subject to the following, the capitol mall properties ~~shall~~ may be  
 35 identified in rules promulgated pursuant to this section:

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

48 (b) The parking facilities, including appurtenant grounds and systems,  
 49 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 city original townsite plat; 3rd  
3 street and Washington street parking facility, occupying a portion of  
4 block 105 as shown on the Boise City city original townsite plat; 6th  
5 street and Washington street parking facility, occupying a portion of  
6 block 96 as shown on the Boise City city original townsite plat; 8th  
7 street and Jefferson street parking facility, occupying a portion of  
8 block 66 as shown on the Boise City city original townsite plat; and 10th  
9 street and Jefferson parking facility, occupying a portion of block 68  
10 as shown on the Boise City city 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 described in subsection (1) of this section upon the request of the  
18 state of Idaho public entity owning or controlling the property. When such  
19 a request has been made, the property subject to the request shall be iden-  
20 tified by the director of the department of administration in rules promul-  
21 gated ~~under~~ pursuant to this section. Violations of the rules adopted ~~under~~  
22 pursuant to this section shall be infractions. The director of the depart-  
23 ment of administration and the governing authority of the requesting entity  
24 shall have the authority to sue to enjoin any threatened or continuing vio-  
25 lation of such rules. All state law enforcement personnel, any sheriff or  
26 deputy sheriff in a county in which the property is located and any police of-  
27 ficer in a city in which the property is located shall have authority to en-  
28 force the rules for that property.

29 (4) Responsibility for law enforcement at the capitol mall properties  
30 is vested in the director of the Idaho state police. In coordination with  
31 the director of the Idaho state police, Ada County county and the city of  
32 Boise are granted jurisdiction to enforce the laws of the state of Idaho,  
33 the ordinances of Ada County county, the ordinances of the city of Boise and  
34 the rules promulgated pursuant to this section. The director of the depart-  
35 ment of administration, or his designee, shall be responsible for security  
36 at the capitol mall properties and has the authority to contract with pri-  
37 vate contractors to provide security for persons and property at the capitol  
38 mall properties. The director of the department of administration, the di-  
39 rector of the Idaho state police, and their respective designees shall have  
40 authority to ban a person from being present at the capitol mall properties  
41 and the multiagency facilities for a period of one (1) year upon a finding,  
42 in their sole discretion, that the person: refused to comply with lawful  
43 orders of government officials or peace officers; violated one (1) or more  
44 laws, rules, or regulations governing conduct at the capitol mall proper-  
45 ties or multiagency facilities; threatened to or disrupted the conduct of  
46 legitimate government business; or threatened the safety of persons or prop-  
47 erty. Any person banned shall contact the department of administration se-  
48 curity office should he have legitimate business to conduct with state agen-  
49 cies that requires him to be present on any property subject to the ban. Any  
50 person who violates a ban imposed pursuant to the provisions of this sec-

1 tion shall be subject to the criminal penalties provided in section 18-7008,  
2 Idaho Code.

3 (5) The director of the department of administration may pay person-  
4 nel costs and operating expenditures incurred in the operation and manage-  
5 ment of the capitol mall properties and the multiagency facilities from the  
6 rents received therefrom. In addition to funding annual operating costs,  
7 rental rates at multiagency facilities shall include a provision sufficient  
8 to provide for the long-term maintenance and upkeep of the facilities, sub-  
9 ject to the review and approval of the permanent building fund advisory coun-  
10 cil. Proceeds accruing from such rental contracts and lease agreements af-  
11 ter payment of personnel costs and operating expenditures ~~which~~ that are in  
12 excess of two hundred thousand dollars (\$200,000) at the end of the fiscal  
13 year shall be deposited to the credit of the permanent building fund and ac-  
14 counted for separately for each property. Proceeds from the rental of park-  
15 ing spaces at the capitol mall shall be deposited upon receipt to the credit  
16 of the permanent building fund. Said proceeds shall not be expended without  
17 an appropriation and shall only be appropriated for the security, mainte-  
18 nance and upkeep of the property generating the proceeds.

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

23 SECTION 5. An emergency existing therefor, which emergency is hereby  
24 declared to exist, this act shall be in full force and effect on and after its  
25 passage and approval.