

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 404, As Amended in the Senate

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE CAPITOL MALL AND OTHER STATE PROPERTY AND FACILITIES; PRO-
2 VIDING LEGISLATIVE INTENT; AMENDING CHAPTER 16, TITLE 67, IDAHO CODE,
3 BY THE ADDITION OF A NEW SECTION 67-1613, IDAHO CODE, TO PROHIBIT
4 CAMPING ON OR IN CERTAIN STATE PROPERTY AND FACILITIES, TO PROVIDE
5 EXCEPTIONS, TO DEFINE A TERM AND TO PROVIDE FOR AN INFRACTION; AMEND-
6 ING CHAPTER 16, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
7 67-1613A, IDAHO CODE, TO PROVIDE PROCEDURES FOR DISPOSITION OF PROPERTY
8 REMOVED FROM PUBLIC PROPERTY FOR VIOLATING A STATUTE THAT FORBIDS A CAMP
9 OR CAMPING; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.
10

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

12 SECTION 1. LEGISLATIVE INTENT. Whereas, the Capitol Building and the
13 Capitol Mall, as well as other state-owned and leased grounds and facili-
14 ties, function as the vibrant core of Idaho State Government for Idaho cit-
15 izens and, as such, require unobstructed grounds and convenient access to
16 ensure the health and safety of all citizens including touring visitors and
17 school children; and, whereas, the state should always strive to maintain
18 the highest aesthetic standards for the grounds of the Capitol Mall, as well
19 as other state-owned and leased grounds and facilities; and, whereas, the
20 Capitol Mall and other state-owned and leased grounds and facilities should
21 have consistent public use guidelines where appropriate with the local gov-
22 ernment; the Legislature now finds that it is in the best interest of the pub-
23 lic health and safety of Idaho citizens to regulate the use of the grounds of
24 the Capitol Mall and other state-owned and leased grounds and facilities in
25 order to prevent the unauthorized use of these grounds and facilities as a
26 temporary or permanent place for camping, lodging or living accommodations.

27 SECTION 2. That Chapter 16, Title 67, Idaho Code, be, and the same is
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
29 ignated as Section 67-1613, Idaho Code, and to read as follows:

30 67-1613. CAPITOL MALL AND OTHER STATE PROPERTY AND FACILITIES --
31 CAMPING PROHIBITED. No person shall camp on or in any state-owned or leased
32 property or facility including, but not limited to, the capitol mall, except
33 those that are designated as a recreational camping ground, area or facil-
34 ity. The provisions of this section shall not apply or affect policies,
35 rules, statutes or leases on endowment lands, department of parks and recre-
36 ation lands or department of fish and game lands. For the purposes of this
37 section, the term "camp" or "camping" means to use as a temporary or perma-
38 nent place of dwelling, lodging or living accommodation, and which indicia
39 of camping may include, but are not limited to, storing personal belongings,
40 using tents or other temporary structures for storing personal belongings or
41 for sleeping, carrying on cooking activities, laying out bedding or making

1 any fire. Any person who violates the provisions of this section shall be
2 guilty of an infraction. Such persons shall be required to remove all their
3 personal property from the state-owned or leased property.

4 SECTION 3. That Chapter 16, Title 67, Idaho Code, be, and the same is
5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
6 ignated as Section 67-1613A, Idaho Code, and to read as follows:

7 67-1613A. DISPOSITION OF PROPERTY. Any property remaining after is-
8 suance of a citation or any property left unattended shall be held by the
9 agency or its agent removing the property in a secure location for a period
10 of not less than ninety (90) days. Notice shall be posted and remain at the
11 nearest reasonable location to the place of removal with the agency's or
12 agent's contact information for the ninety (90) day period. If property is
13 not claimed within the ninety (90) day period, the property shall be deemed
14 abandoned and the agency shall have the right to dispose of the property. A
15 reasonable storage fee as determined by the agency may be assessed at the
16 time an owner claims the property. The individual claiming the property
17 shall produce identification and shall sign a release form providing his or
18 her name and contact information and swearing that the property belongs to
19 the claiming party. If the provisions of this section are complied with, the
20 state of Idaho, its agents, employees and contractors shall be immune from
21 legal liability for the administration of this section.

22 SECTION 4. SEVERABILITY. The provisions of this act are hereby declared
23 to be severable and if any provision of this act or the application of such
24 provision to any person or circumstance is declared invalid for any reason,
25 such declaration shall not affect the validity of the remaining portions of
26 this act.

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