

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 693

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION 67-5709,
2 IDAHO CODE, TO PROVIDE FOR RULES GOVERNING THE CAPITOL MALL AND TO
3 PROVIDE FOR ENFORCEMENT OF SUCH RULES, TO DEFINE THE CAPITOL MALL, TO
4 AUTHORIZE STATE ENTITIES TO SUBJECT ADDITIONAL PROPERTY TO THE RULES
5 GOVERNING THE CAPITOL MALL, TO PROVIDE FOR LAW ENFORCEMENT JURISDICTION
6 OVER THE CAPITOL MALL, AND TO MAKE TECHNICAL CORRECTIONS; TO PROVIDE
7 APPLICATION TO CERTAIN FLOORS OF THE STATE CAPITOL BUILDING; TO REQUIRE
8 THE PROMULGATION OF RULES WITHIN THIRTY DAYS, WITH AN EFFECTIVE DATE
9 NO EARLIER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS ACT; AND
10 DECLARING AN EMERGENCY.
11

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

13 SECTION 1. That Section 67-5709, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 67-5709. MANAGEMENT OF STATE FACILITIES. (1) In addition to the
16 authority granted by section 67-1603, Idaho Code, the director of the de-
17 partment of administration shall have exclusive control of the capitol mall
18 properties identified in subsection (2) of this section and shall have au-
19 thority to promulgate rules relating to use of those properties, including
20 the authority to promulgate rules requiring a permit for various uses of the
21 capitol mall properties. Violations of rules promulgated under this section
22 shall be infractions. The director shall have authority to sue to enjoin any
23 threatened or continuing violation of such rules.

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

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

1 Idaho supreme court may regulate uses at the Idaho supreme court build-
2 ing and its grounds.

3 (b) The parking facilities, including appurtenant grounds and systems,
4 at the following locations in Boise, Idaho, shall also be within the
5 capitol mall properties: West State street parking facility, occupying
6 block 101 as shown on the Boise City original townsite plat; 3rd street
7 and Washington street parking facility, occupying a portion of block
8 105 as shown on the Boise City original townsite plat; 6th street and
9 Washington street parking facility, occupying a portion of block 96 as
10 shown on the Boise City original townsite plat; 8th street and Jefferson
11 street parking facility, occupying a portion of block 66 as shown on the
12 Boise City original townsite plat; and 10th street and Jefferson park-
13 ing facility, occupying a portion of block 68 as shown on the Boise City
14 original townsite plat.

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

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

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

41 (5) The director of the department of administration may pay personnel
42 costs and operating expenditures incurred in the operation and management
43 of the state capitol mall properties and the multi-agency facilities con-
44 structed through the state building authority from the rents received there-
45 from. Proceeds accruing from such rental contracts and lease agreements af-
46 ter payment of personnel costs and operating expenditures which are in ex-
47 cess of two hundred thousand dollars (\$200,000) at the end of the fiscal year
48 shall be deposited to the credit of the permanent building account. Pro-
49 ceeds from the rental of parking spaces ~~in~~ at the capitol mall shall be de-
50 posited upon receipt to the credit of the permanent building account. Said

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

8 SECTION 2. Within thirty (30) days of the effective date of this act,
9 the director of the Department of Administration shall promulgate rules per-
10 taining to the use of the Capitol Mall properties; provided however, such
11 rules may not take effect until thirty (30) days after the effective date of
12 this act.

13 SECTION 3. An emergency existing therefor, which emergency is hereby
14 declared to exist, this act shall be in full force and effect on and after its
15 passage and approval.