

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 693

BY WAYS AND MEANS COMMITTEE

AN ACT

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

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

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

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

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

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

Idaho supreme court may regulate uses at the Idaho supreme court building and its grounds.

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

(c) The space within the interior of the capitol building shall be allocated and controlled as set forth in section 67-1602, Idaho Code; provided however, that the executive and legislative departments may subject all or a part of such space to the rules promulgated pursuant to this section as set forth in subsection (3) of this section.

(3) Rules promulgated pursuant to this section shall apply to properties not within the capitol mall properties upon the request of the state of Idaho public entity owning or controlling the property. When such a request has been made, the property subject to the request shall be identified by the director of the department of administration in rules promulgated under this section. Violations of the rules adopted under this section shall be infractions. The director of the department of administration and the governing authority of the requesting entity shall have the authority to sue to enjoin any threatened or continuing violation of such rules. All state law enforcement personnel, any sheriff or deputy sheriff in a county in which the property is located and any police officer in a city in which the property is located shall have authority to enforce the rules for that property.

(4) Responsibility for law enforcement at the capitol mall properties is vested in the director of the Idaho state police. In coordination with the director of the Idaho state police, Ada County and the city of Boise are granted jurisdiction to enforce the laws of the state of Idaho, the ordinances of Ada County, the ordinances of the city of Boise and the rules promulgated pursuant to this section. The director of the department of administration, or his designee, shall be responsible for security at the capitol mall properties and has the authority to contract with private contractors to provide security for persons and property at the capitol mall properties.

(5) The director of the department of administration may pay personnel costs and operating expenditures incurred in the operation and management of the ~~state~~ capitol mall properties and the multi-agency facilities constructed through the state building authority from the rents received therefrom. Proceeds accruing from such rental contracts and lease agreements after payment of personnel costs and operating expenditures which are in excess of two hundred thousand dollars (\$200,000) at the end of the fiscal year shall be deposited to the credit of the permanent building account. Proceeds from the rental of parking spaces ~~in~~ at the capitol mall shall be deposited 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.