

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 404

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE CAPITOL MALL AND OTHER STATE PROPERTY AND FACILITIES; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 16, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1613, IDAHO CODE, TO PROHIBIT CAMPING ON OR IN CERTAIN STATE PROPERTY AND FACILITIES, TO PROVIDE EXCEPTIONS, TO DEFINE A TERM, TO PROVIDE PENALTIES AND AUTHORITY TO CERTAIN PERSONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE INTENT. Whereas, the Capitol Building and the Capitol Mall, as well as other state-owned and leased grounds and facilities, function as the vibrant core of Idaho State Government for Idaho citizens and, as such, require unobstructed grounds and convenient access to ensure the health and safety of all citizens including touring visitors and school children; and, whereas, the state should always strive to maintain the highest aesthetic standards for the grounds of the Capitol Mall, as well as other state-owned and leased grounds and facilities; and, whereas, the Capitol Mall and other state-owned and leased grounds and facilities should have consistent public use guidelines where appropriate with the local government; the Legislature now finds that it is in the best interest of the public health and safety of Idaho citizens to regulate the use of the grounds of the Capitol Mall and other state-owned and leased grounds and facilities in order to prevent the unauthorized use of these grounds and facilities as a temporary or permanent place for camping, lodging or living accommodations.

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

67-1613. CAPITOL MALL AND OTHER STATE PROPERTY AND FACILITIES -- CAMPING PROHIBITED. No person shall camp on or in any state-owned or leased property or facility including, but not limited to, the capitol mall, except those that are designated as a recreational camping ground, area or facility. The provisions of this section shall not apply or affect policies, rules, statutes or leases on endowment lands, department of parks and recreation lands or department of fish and game lands. For the purposes of this section, the term "camp" or "camping" means to use as a temporary or permanent place of dwelling, lodging or living accommodation, and which indicia of camping may include, but are not limited to, storing personal belongings, using tents or other temporary structures for storing personal belongings or for sleeping, carrying on cooking activities, laying out bedding or making any fire. Any person who violates the provisions of this section shall be guilty of an infraction. State agency personnel or contractors may remove any unauthorized personal property used to camp or while camping in viola-

1 tion of the provisions of this section. Personal property removed pursuant
2 to this section shall be considered litter and shall be disposed of by per-
3 sons tasked with enforcing this section. Such authorized persons seizing
4 or disposing of such property shall be immune from legal liability for the
5 seizing and disposing of such property.

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