

Representative Jim Nielson proposes the following substitute bill:

USE OF PUBLIC BUILDINGS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jim Nielson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating the use of a public building by a registered political party.

Highlighted Provisions:

This bill:

▶ establishes requirements for the terms and conditions of use when a legislative body of a county, municipality, or school district allows a registered political party to use the body's meeting facility; and

▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-8-404, as last amended by Laws of Utah 2011, Chapter 117

Be it enacted by the Legislature of the state of Utah:

1st Sub. H.B. 219



26 Section 1. Section 20A-8-404 is amended to read:

27 **20A-8-404. Use of public meeting buildings by political parties.**

28 (1) The legislative body of a county, municipality, or school district shall make all
29 meeting facilities in buildings under its control available to registered political parties, without
30 discrimination, to be used for registered political party activities if:

31 (a) the registered political party requests the use of the meeting facility at least 30
32 calendar days before the day on which the use by the registered political party will take place;
33 and

34 (b) the meeting facility is not already scheduled for another purpose at the time of the
35 proposed use.

36 (2) (a) Subject to the requirements of Subsection (3), when a legislative body makes a
37 meeting facility available under Subsection (1), it may establish terms and conditions for use of
38 that meeting facility.

39 (b) The terms and conditions for use of the meeting facility shall:

40 (i) list an action that must be taken before or after using the meeting facility, including
41 an action relating to cleaning and security;

42 (ii) list which actions the registered political party or a person hired by the registered
43 political party may take;

44 (iii) list which actions the registered political party cannot reasonable perform and must
45 pay for, as provided in Subsection (3)(a), including:

46 (A) cleaning that requires specialized knowledge or professional skill; and

47 (B) security, including unlocking and locking the meeting facility; and

48 (iv) indemnify the legislative body from claims arising from the actions or negligence
49 of a member, volunteer, employee, or independent contractor of the registered political party.

50 (3) The charge imposed for the use of a meeting facility described in Subsection (1) by
51 a registered political party may not exceed the actual cost of:

52 ~~[(a) custodial services for cleaning the meeting facility after the use by the political~~
53 ~~party; and]~~

54 (a) a service required by the terms and conditions for use described in Subsection (2);
55 and

56 (b) any service requested by the registered political party and provided by the meeting

57 facility.

58 (4) An entity described in Subsection (1) shall, to the extent possible, avoid scheduling
59 an event in a government building for the same evening as an announced party caucus meeting.

60 (5) This section does not apply to a publicly owned or operated convention center,
61 sports arena, or other facility at which conventions, conferences, and other gatherings are held
62 and whose primary business or function is to host such conventions, conferences, and other
63 gatherings.