

Senator Wayne L. Niederhauser proposes the following substitute bill:

USE OF PUBLIC BUILDINGS FOR POLITICAL CAUCUS

MEETINGS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derek E. Brown

Senate Sponsor: Wayne L. Niederhauser

LONG TITLE

General Description:

This bill modifies the Utah Election Code by requiring a legislative body of a county, municipality, or school district to make facilities under its control available for use by political parties.

Highlighted Provisions:

This bill:

- ▶ requires a legislative body of a county, municipality, or school district to make meeting facilities under its control available for political activities if the party requests use of the facility 30 calendar days in advance and the facility is not already scheduled to be in use;
- ▶ provides that the charge imposed for the use of a public facility by a political party is limited to the actual cost of custodial services and other services requested by the political party for the use of the facility;
- ▶ exempts a convention center, sports arena, or other facility at which conventions or conferences are held from the requirements of the section; and
- ▶ makes technical changes.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **20A-8-404**, as enacted by Laws of Utah 1997, Chapter 24



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

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

35 **20A-8-404. Use of public meeting buildings by political parties.**

36 (1) The legislative [~~bodies of counties, municipalities, and school districts may~~] body
37 of a county, municipality, or school district shall make all meeting facilities in buildings under
38 its control available to registered political parties, without discrimination, to be used for
39 political party activities[-] if:

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

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

44 (2) [~~H~~] Subject to the requirements of Subsection (3), when a legislative body [chooses
45 to make] makes a meeting [facilities] facility available under Subsection (1), it may establish
46 terms and conditions for use of [those facilities] that meeting facility.

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

49 (a) custodial services for cleaning the meeting facility after the use by the political
50 party; and

51 (b) any service requested by the political party and provided by the meeting facility.

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

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

57 gatherings.

FISCAL NOTE

H.B. 421 3rd Sub. (Cherry)

SHORT TITLE: **Use of Public Buildings for Political Caucus Meetings**

SPONSOR: **Niederhauser, W.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Local governments may incur additional costs in making facilities available, including security, utilities, insurance, damages, etc. The magnitude of any costs will depend on factors that cannot be predicted.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.