**R131. Capitol Preservation Board (State), Administration.**

**R131-2. Capitol Hill Complex Facility Use.**

**R131-2-1. Purpose and Application.**

(1) The purpose of this rule is to define conditions for public access and use of the Capitol Hill Complex and to establish procedures for receiving and deciding complaints regarding the access or use of the Capitol Hill Complex.

(2) Except as expressly stated in this rule, or in Rule R131-11, this Rule R131-2 does not apply to a Free Speech Activity. A Free Speech Activity conducted at the Capitol Hill Complex is governed by Rule R131-11.

**R131-2-2. Authority.**

The State Capitol Preservation Board adopts this Capitol Hill Complex Facility Use Rule pursuant to Section 63O-2-301.

**R131-2-3. Definitions.**

As used in this Rule R131-2:

(1) "Board" means the State Capitol Preservation Board created by Section 63O-2-201.

(2) "Capitol Hill Complex" means all grounds, monuments, parking areas, buildings, including the Capitol, and other man-made and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard. Capitol Hill Complex also includes:

(a) the White Community Memorial Chapel and the Council Hall Travel Information Center building and their grounds and parking areas;

(b) the Daughters of the Utah Pioneers museum and buildings, grounds and parking areas, and other state owned property included within the area bounded by Columbus Street, North Main Street, and Apricot Avenue;

(c) state owned property included within the area bounded by Columbus Street, Wall Street, and 400 North Street; and

(d) state owned property included within the area bounded by Columbus Street, West Capitol Street, and 500 North Street.

(3) "Capitol Hill Facilities" means all buildings on the Capitol Hill Complex, including the Capitol, exterior steps, entrances, streets, parking areas and other paved areas of the Capitol Hill Complex.

(4) "Capitol Hill Grounds" means landscaped and unpaved public areas of the Capitol Hill Complex. Maintenance and utility structures and related areas are not considered Capitol Hill Grounds for any public use.

(5) "Catering Services" means the serving of food and beverages at the Capitol Hill Complex.

(6) "Commercial Activities" means Events that are sponsored or conducted for the promotion of commercial products or services, and include advertising, private parties, private company or organization meetings, and any other non-public organization Event. Commercial Activities do not include a Private Activity, Community Service Activities, a State Sponsored Activity or a Free Speech Activity.

(7) "Community Service Activities" means Events that are sponsored by governmental, quasi-governmental and charitable organizations, city and county government departments and agencies, public schools, and charitable organizations held to support or recognize the public or charitable functions of such sponsoring group. To the extent the Event is sponsored by a private charitable organization, the organization must have an Internal Revenue Code Section 501(c)(3) active status and the Event must be related to such status.

(8) "Event" or "Events" are Commercial Activities, Community Service Activities, a Private Activity, and State Sponsored Activities involving one or more persons. Events may include banquets, receptions, award ceremonies, weddings, colloquia, concerts, dances, and seminars. A Free Speech Activity is not an Event for purposes of Rules R131-2 and R131-10. The term "activity" or "activities" may be substituted in this rule for the term "Event" or "Events."

(9) "Executive Director" means the Executive Director appointed by the Board under Section 63O-2-401, or a designee supervised by the Executive Director.

(10) "Facility Use Application" (Application) means a form approved by the Executive Director used to apply to reserve Capitol Hill Facilities or Capitol Hill Grounds for an Event.

(11) "Facility Use Permit" (Permit) means a written permit issued by the Executive Director authorizing the use of an area of the Capitol Hill Complex for an Event in accordance with this rule.

(12) "Free Speech Activity" is as defined in Rule R131-11.

(13) "Cafe Operator" means a cafe operator who may from time to time be under contract with the Board to provide food or beverages on a semi-permanent basis at a designated location at the Capitol Hill Complex and who may be allowed to cater in other areas on the Capitol Hill Complex.

(14) "Opaque" means impenetrable to sight.

(15) "Private Activity" means an Event sponsored by private individuals, businesses or organizations that are not Commercial Activities or Community Service Activities.

(16) "Authorized Caterer" means a person or entity authorized to provide catering services on the Capitol Hill Complex and is not the Cafe Operator.

(17) "Solicitation" is as defined in Rule R131-10.

(18) "State" means the state of Utah and any of its agencies, departments, divisions, officers, legislators, members of the judiciary, persons serving on state boards or commissions, and their employees.

(19) "State Sponsored Activity" means any event sponsored by the state that is related to official state business. Official state business does not include award ceremonies, lobbying activities, retirement parties, or similar social parties, social activities, or social events. Management retreats may be considered a State Sponsored Activity if it has a supporting agenda and documentation establishing that the primary purpose of the retreat is to conduct official state business. To be considered a State Sponsored Activity, such activity must obtain written approval from the Executive Director.

(20) "Users" means any person that uses the Capitol Hill Complex as well as any applicant for a Facility Use Permit.

**R131-2-4. Facility Use Permit - Application.**

(1) Each User seeking to hold an Event or Solicitation at the Capitol Hill Complex shall submit a completed Facility Use Application at least 14 calendar days before the anticipated date of the Event or Solicitation. Applications may not be submitted, and facilities will not be scheduled, more than 365 calendar days before the date of the Event or Solicitation. An applicant may only make one application for one continuous Event or Solicitation at a time. For a State Sponsored Activity that involves a reoccurring meeting schedule, one application may be used for all the reoccurring meetings. For all Events, other than a State Sponsored Activity or Free Speech Activity, there shall be a non-waivable and non-refundable application processing fee, which shall be paid at the time of submission of the application.

(2) The Executive Director shall provide a Facility Use Permit Application form. The form shall request, and applicants shall provide all necessary information, including all material aspects of the proposed Event or Solicitation. This necessary information is required even if the applicant requests a waiver. The application shall include the following information:

(a) the applicant's organization's name, address, telephone number and email address;

(b) the names and addresses of the persons responsible for supervising the Event during set up, take down, clean up and the duration of the Event;

(c) the nature of the applicant; such as individual, business entity, governmental department or other;

(d) the name and address of the legally recognized agent for service of process;

(e) a specific description of the area of the Capitol Hill Facility or Capitol Hill Grounds being requested for use;

(f) the type of proposed activity and the number of anticipated participants;

(g) the dates and times of the proposed activity and a description of the schedule and agenda of the Event or Solicitation;

(h) a complete description of equipment and apparatus to be used for the Event or Solicitation;

(i) any other special considerations or accommodations being requested; and

(j) whether the applicant requests exemption or waiver of any requirement of this rule or provision of the Facility Use Application.

(3) In addition, the applicant shall submit with the Facility Use Application:

(a) documentation supporting any requested exemption or waiver;

(b) proof of liability insurance covering the applicant and the Event or Solicitation in the amount as identified in the Schedule of Costs and Fees as referred to in Subsection R131-2-7(1)(a);

(c) a deposit and down payment in the amounts as identified in the Schedule of Costs and Fees as described in Subsection R131-2-7(1)(a) for the type of Event or Solicitation proposed; and

(d) other information as requested by the Executive Director.

(4) Applications shall be reviewed by the Executive Director for completeness, activity classification, costs, and fees.

(5) Priority for use of the Capitol Hill Complex will be given to applications for a State Sponsored Activity. During the hours of legislative sessions, priority will be given to a Free Speech Activity over Commercial Activities, Community Service Activities, and a Private Activity. Otherwise, applications will be approved, and requested facilities reserved, on a first-come, first-serve basis.

**R131-2-5. Facility Use Permit - Denial - Appeal - Cancellation - Revocation - Transfer.**

(1) Within ten working days of receipt of a completed application, the Executive Director shall issue a Facility Use Permit or notice of denial of the application.

(2) The Executive Director may deny an application if:

(a) the application does not comply with the applicable rules;

(b) the Event or Solicitation would conflict or interfere with a State Sponsored Activity, a time or place reserved for a Free Speech Activity, the operation of state business, or a legislative session; or

(c) the Event or Solicitation poses a safety or security risk to persons or property.

(3) The Executive Director may place conditions on the approval that alleviates such concerns.

(4)(a) If the applicant disagrees with a denial of the application or conditions placed on the approval, the applicant may appeal the Executive Director's determination by delivering the written appeal and reasons for the disagreement to the Executive Director within five working days of the issuance of the notice of denial or approval with conditions.

(b) Within ten working days after the Executive Director receives the written appeal, the Executive Director may modify or affirm the determination.

(c) If the matter is still unresolved after the issuance of the Executive Director's reconsideration determination, the applicant may appeal the matter, in writing, within ten working days to the Board's Chairperson, or their designee, who will determine the process of the appeal.

(d) The applicant may appeal the Chairperson's, or the Chairperson's designee's, determination in writing within ten working days of receipt of the written determination, by submitting a written appeal at the Board's office. The Board shall consider the appeal at its next regularly scheduled meeting.

(5) Facility Use Permits are non-transferable. The purpose, time, place, and other conditions of the Facility Use Permit may not be changed without the advance written consent of the Executive Director. At least 30 calendar days' advance written notice is required for the applicant to request a change in the date, time or place of the Event or Solicitation. If there is no conflict with another scheduled Event or Solicitation, the Executive Director may adjust the Facility Use Permit in regard to the date, time or place based upon the request.

(6) An Event or Solicitation may be re-scheduled if the Executive Director determines that the Event or Solicitation will conflict with a governmental function, Free Speech Activity or State Sponsored Activity.

(a) The Executive Director may revoke any issued Permit if this Rule R131-2, any applicable law, or any provision of the Permit is being violated. The Permit may also be revoked if the safety or health of any person is threatened.

(b) The applicant may cancel the Permit and receive a full refund of fees and any deposits if written notice of cancellation is received by the Executive Director at least 30 calendar days before the scheduled Event or Solicitation. Failure to timely cancel the Event or Solicitation will result in the forfeiture of any deposit and fees.

**R131-2-6. General Requirements for Use of the Capitol Hill Complex.**

These are the requirements for use of the Capitol Hill Complex. Pursuant to Subsection 53-8-105(1), the Highway Patrol shall enforce the state law and rules governing the use of the Capitol Hill Complex.

(1) General Requirements.

(a) This Section R131-2-6 shall apply to a Free Speech Activity, and to all Events, Solicitations and Users.

(b) On state holidays, the Capitol building will be open to the general public from 7 a.m. to 6 p.m. Otherwise the Capitol building will be open to the general public Monday through Thursday from 7 a.m. until 8 p.m. and on Friday through Sunday from 7 a.m. to 6 p.m. A Free Speech Activity may be conducted beyond the times identified in this subsection, as specified in Rule R131-11. Unless otherwise authorized, Capitol Hill Facilities and Capitol Hill Grounds, including the Capitol Rotunda, are available for permitted use, activities, or events from 8 a.m. to 11 p.m. The hours that the Capitol building, Capitol Hill Facilities and Capitol Hill Grounds, including the Capitol Rotunda, are open to the public or available for permitted use, activities, or events, may be modified by the Board.

(c) Activities, except for a Free Speech Activity, may be specifically denied during legislative sessions.

(d) No Event or Solicitation may disrupt or interfere with any legislative session, legislative meeting, or the conduct of any state or governmental business, meeting or proceeding on the Capitol Hill Complex. No person shall unlawfully intimidate or interfere with persons seeking to enter or exit any facility, or use of the Capitol Hill Complex.

(e) Levels of audible sound generated by any individual or group, indoors or on the plaza between the Rebecca D. Lockhart House Building and Senate Building, whether amplified or not, may not exceed 85 decibels or a more restrictive limit established by applicable laws or ordinances. All outdoor Events may not exceed noise limits established by applicable laws or ordinances.

(f) Fire exits, staircases, doorways, roads, sidewalks, hallways, and pathways may not be blocked, and the efficient flow of pedestrian traffic may not be obstructed at any time.

(g) Alteration and damage to the Capitol Hill Grounds including grass, plants, shrubs, trees, paving, or concrete is prohibited.

(h) No object or substance of any kind shall be placed on or in the Capitol Plaza fountain. Any specie placed in the fountain is the property of the state. Standing on or in the fountain is prohibited. Harassing waterfowl in the fountain is prohibited.

(i) All costs to repair any damage or replace any destruction, regardless of the amount or cost of restoration or refurbishing, shall be at the expense of the persons responsible for such damage or destruction.

(j) The consumption, distribution, or open storage of alcoholic beverages is prohibited. There shall also be compliance with Section 32B-4-415.

(k) Service animals, emotional support animals and law enforcement animals are permitted in Capitol Hill Facilities, but the presence of other animals in Capitol Hill Facilities is allowed only with advance written permission of the Executive Director. Service animals, emotional support animals, law enforcement animals and domestic pets are permitted on the Capitol Hill Grounds. Users are responsible for the safety of their animals, other Users, the Capitol Hill Grounds and Capitol Hill Facilities. Pet waste stations are provided on the Capitol Hill Grounds. A User whose animal defecates on the Capitol Hill Grounds shall immediately clean up all feces and place it in a waste station. A User whose animal defecates or urinates in Capitol Hill Facilities shall immediately clean it up. Any animal acting aggressively or which attacks, chases, or worries a User or other animal at the Capitol Hill Complex or which reasonably appears to constitute a danger or nuisance to the Capitol Hill Complex or Users shall be immediately removed from the Capitol Hill Complex.

(l) Camping is prohibited on the Capitol Hill Complex.

(m) Littering is prohibited.

(n) Commercial Solicitation as defined in Rule R131-10 is prohibited except as provided in Rule R131-10.

(o) The use of a personal space heater is prohibited, except as provided in Subsection (i).

(i) Any person with a medical related condition may obtain approval by the Executive Director to use a personal space heater provided the person submits a signed statement by a Utah licensed physician verifying that the medical related condition requires a change in the standard room temperature and the use of the space heater meets the specifications in Subsection (ii).

(ii) If a space heater is approved by the Executive Director, the space heater may not exceed 900 watts at its highest setting, be equipped with a self-limiting element temperature setting for the ceramic elements, have a tip-over safety device, be equipped with a built-in timer not to exceed eight hours per setting, be equipped with a programmable thermostat, and be equipped with an overheat protection feature.

(p) Tables, chairs, furniture, art, and other objects in the Capitol building shall only be moved by the Executive Director's staff. No outside furniture, including tables or chairs, shall be allowed in the Capitol building or any other Capitol Hill Facilities without the advance written approval of the Executive Director.

(q) Temporary enclosures including privacy changing tents, are prohibited, without the advance written approval of the Executive Director, provided this rule does not prohibit the use of construction trailers or temporary toilets by authorized contractors.

(2) Decorations.

(a) All cords must be taped down with 3M #471 tape or equivalent as determined by the Executive Director.

(b) There shall be no posting or affixing of placards, banners, or signs to any part of the Capitol Hill Complex. All signs or placards used at the Capitol Hill Complex shall be handheld.

(c) No adhesive material, except for tape as provided in Subsection (a), wire, nails, or fasteners of any kind may be used on the Capitol Hill Complex.

(d) Nothing may be used as a decoration, or be used in the process of decorating, that marks or damages structures.

(e) All decorations and supporting structures shall be temporary.

(f) Any writing or use of ink, paint or sprays applied to any area of any building is prohibited.

(g) Users may not decorate the inside or outside of any Capitol Hill Facilities or any portion of the Capitol Hill Grounds without the advance written approval of the Executive Director. Users must submit any decoration requests in writing to the Executive Director at least ten working days in advance.

(h) Signs, posters, decorations, displays, or other media shall follow the state law regarding Pornographic and Harmful Materials and Performance, Sections 76-10-1201 through 76-10-1238.

(i) Leaving any items against the exterior or interior walls, pillars, busts, statues, portraits or staircases of the Capitol building is prohibited.

(j) Balloons are not allowed inside the Capitol building.

(k) In areas subject to the jurisdiction of the Board, excepting curtains, blinds, or other window treatments approved in writing by the Executive Director, no objects, signs, flags, posters, stickers, or banners may be affixed to or placed, exhibited or displayed in, on or about the exterior windows of a building in any manner that such are visible from the outside of the building and may not hinder, obscure, or block in any manner the view of emergency personnel in identifying the source or location of a fire.

(3) Set up and Clean up.

(a) All deliveries and loading or unloading of materials shall be limited to routes and elevators as specified by the Executive Director.

(b) All decorations, displays and exhibits shall be taken down by the designated end time of the event in a manner that is least disruptive to state business.

(c) Users shall leave all Capitol Hill Facilities and the Capitol Hill Grounds in their original condition and appearance.

(4) Parking.

(a) Parking is limited. All posted parking restrictions on the Capitol Hill Complex, including reserved parking stalls, shall be observed. Except when necessary to avoid conflict with other traffic, or in compliance with law, the directions of a peace officer, or a traffic-control device, a person may not stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers in a parking space identified as reserved for specific users, without:

(i) Approval of the Executive Director; and

(ii) A properly displayed placard or other identifying marker approved by the Executive Director to show this approval.

(b) Parking for large vehicles or trailers shall require the prior approval of the Executive Director, which approval may be withheld if the large vehicle or trailer may interfere with the access or use of the Capitol Hill Complex.

(c) Except as expressly allowed by the Executive Director, overnight parking is prohibited.

(5) Compliance with Laws.

(a) Users shall conform to all applicable and constitutional laws and requirements, including health, safety, fire, building and other codes and similar requirements. Occupancy limits as posted in or applicable to any public area will dictate, unless otherwise limited for public safety, the number of persons who can assemble in the public areas. Under no circumstance will occupancy limits be exceeded. State Capitol security personnel shall use reasonable efforts to ensure compliance with occupancy, safety, and health requirements.

(b) Safety requirements as used in this rule include safety and security requirements made known to the Executive Director by the Utah Department of Public Safety or the federal government for the safety and security of special events or persons on the Capitol Hill Complex.

(c) "No Smoking" statutes, rules, and policies, including the Utah Indoor Clean Air Act, Title 26, Chapter 38, shall be observed.

(d) The following are all prohibited: Open flames; flammable fluids; candles with flames; burning incense; smoke; fog machines; disseminating dust, powder, glitter, or confetti; and explosives; except that a gelled alcohol food warming fuel used for food preparation or warming, whether catered or not, is allowed provided that it is in:

(i) a one-ounce capacity container (29.6 ml) on a noncombustible surface; or

(ii) a container on a noncombustible surface, not exceeding one quart (946.g ml) capacity with a controlled pouring device that will limit the flow to a one ounce (29.6 ml) serving.

(e) All persons must obey all applicable firearm laws, rules, and regulations.

(6) Security and Supervision.

(a) The Facility Use Application shall be reviewed by the senior ranking officer in charge of security for the Capitol Hill Complex, who shall determine the total number of uniformed security officers required for the proposed Event based upon the nature of the Event and the risk factors that are reasonably anticipated. Such determination by the senior ranking officer may increase the minimum number of required officers stated in this subsection. At a minimum: one uniformed security officer shall be required for any Event consisting of 1-399 participants; two uniformed security officers shall be required for any Event consisting of 400 or more participants. The applicant shall pay, in addition to all other required fees, the cost of the providing of all required security officers. These security fees may not be waived. This subsection does not apply to a Free Speech Activity or a State Sponsored Activity.

(b) At least one representative of the applicant identified in the application and Permit shall be present during the entire activity.

(c) The activity sponsor or Permit holder is responsible for restricting the area of use by participants to the specified room and rest room areas of the reserved facilities.

(d) The activity sponsor or Permit holder shall control entrances to allow only authorized persons to enter any permitted facility or grounds.

(7) Photography, Portraits, Video and Filming.

(a) Any photography, videotaping or filming, shall require advance notice to, and permission from the Executive Director for scheduling.

(b) Any photography, videotaping or filming, which includes wedding participants and family portraits, and which may take place anywhere on the Capitol Hill Complex, will be required to comply with this rule.

(i) Such photography, videotaping or filming, may be scheduled by the Executive Director on Tuesday from 3 p.m. to 6 p.m., Friday from 12 noon to 6 p.m., and Saturday from 8 a.m. to 4 p.m. The Executive Director may allow a different time than specified in this subsection upon written request and if the Executive Director determines that such other time can be accommodated by any necessary state personnel and does not conflict with state business and any other scheduled Events. The Executive Director may reschedule as needed to accommodate Events and state business whether scheduled or not.

(ii) Inside the Capitol building, such photography, videotaping or filming may occur in the following areas: the East grand stairs, the West grand stairs, and the center of the Rotunda or other areas as approved by the Executive Director.

(iii) A processing fee shall be required for such photography, videotaping or filming. Additionally, a deposit may be required to cover the costs of any anticipated cleanup by the state after the photography, videotaping or filming. These fees shall be described in the Schedule of Costs and Fees approved by the Board.

(c) Any photography, videotaping or filming that is for promoting any private business purposes, including television commercials, movies, and photography for business advertising, shall be required to submit a Facility Use Application, pay the required fee from the Schedule of Costs and Fees approved by the Board, and the time and location must be approved by the Executive Director.

(d) Unless specifically endorsed by an authorized official of the state, any photography, videotaping or filming may not expressly or impliedly indicate any state endorsement of any product, service, or any other aspect of the depiction.

(e) Subsection (7) does not apply to tourists and does not apply to the extent it is the exercise of a Free Speech Activity.

(8) Liability.

(a) The state, Board, Executive Director and their designees, employees and agents may not be deemed in default of any issued Permit, or liable for any damages if the performance of any or all of their obligations under the Permit are delayed or become impossible because of any act of God, terrorism, war, riot or civil disobedience, epidemic, strike, lock-out or labor dispute, fire, or any other cause beyond their reasonable control.

(b) Except as required by law, the state may not be held responsible for any property damage or loss, nor any personal injury sustained during, or as a result of, any use, activity, Event, or Solicitation.

(c) Users or applicants shall be responsible for any personal injury, vandalism, damage, loss, or other destruction of property caused by the User or applicant or an attendee at the User's or applicant's Event.

(9) Indemnification. Individuals and organizations using the Capitol Hill Complex do so at their own risk and shall indemnify and hold harmless the state from and against any suits, damages, claims or other liabilities due to personal injury or death, and from damage to or loss of property arising out of or resulting from the conduct of such use or activities on the Capitol Hill Complex.

(10) Food Services, Cafe Operator and Authorized Caterer Requirements.

(a) In General. Catering services on the Capitol Hill Complex shall be exclusively provided by the Cafe Operator and Authorized Caterer for those areas of the Capitol Hill Complex under the jurisdiction of the Board and to the extent expanded by the Legislative Management Committee or the Governor's Office, whichever applies. Multiple Authorized Caterers may be approved by the Executive Director. The Cafe Operator shall be responsible for all activities in the kitchen, servery, dining and conference rooms associated with the dining room of a cafe which may be located on the Capitol Hill Complex in an area to be designated by the Board (the Cafe). The Cafe Operator shall have the exclusive right to provide food and beverages in the Cafe but may give permission for an Authorized Caterer to provide food and beverages in the Cafe.

(b) Authorized Caterer Requirements. To qualify as an Authorized Caterer, an application must be approved by the Executive Director based on meeting the following requirements:

(i) Quality Control Policies. The Authorized Caterer must have quality control policies that meet the requirements established by the Executive Director. The Executive Director shall provide a form describing the minimum standards.

(ii) Application Form. A person or entity seeking to be an Authorized Caterer shall complete an application form approved by the Executive Director.

(iii) Insurance. A Certificate of Insurance shall be provided to the Executive Director for all the following insurance and such insurance shall be maintained throughout the term of the catering event and for at least one year thereafter:

(A) The Authorized Caterer shall maintain Commercial General Liability insurance with per occurrence limits of at least $1,000,000 and general aggregate limits of at least $2,000,000. The Authorized Caterer shall also maintain, if applicable to the Authorized Caterer's operations or the specific activity, Business Automobile Liability insurance covering the Authorized Caterer's owned, non-owned, and hired motor vehicles with liability limits of at least $1,000,000 per occurrence. Such insurance policies shall be endorsed to be primary and not contributing to any other insurance maintained by the Board or the state.

(B) The Executive Director reserves the right at any time to require additional coverage from that required in this rule, at the Authorized Caterer's expense for the additional coverage, based upon the specific risks presented by any proposed Event and as recommended by the state's Risk Manager.

(C) The Authorized Caterer shall maintain all employee related insurances, in the statutory amounts, such as unemployment compensation, worker's compensation, and employer's liability, for its employees or volunteers involved in performing services pursuant to the Event. Such worker's compensation and employer's liability insurance shall be endorsed to include a waiver of subrogation against the state, the Board, its agents, officers, directors, and employees. The Authorized Caterer shall also maintain "all risk" property insurance at replacement cost applicable to the Authorized Caterer's property and its equipment.

(D) The Authorized Caterer's insurance carriers and policy provisions must be acceptable to the state's Risk Manager and remain in effect during the catering Event and for at least one year thereafter. The Board shall be named as an additional insured on the Commercial General Liability insurance policy. The Authorized Caterer will cause any of its subcontractors, who provide food, beverages, equipment, or materials or perform services related to the catering services, to also maintain the insurance coverages and provisions required of the Authorized Caterer.

(E) The Authorized Caterer shall submit certificates of insurance as evidence of the required coverage to the Executive Director before entering into a contract related to the catering Event. Such certificates shall provide the Executive Director with 30 calendar days written notice before the cancellation or material change of the applicable coverage, as evidenced by return receipt or certified mail, sent to the office of the Executive Director.

(iv) Indemnification: The Authorized Caterer shall hold harmless, defend and indemnify the state, the Board and its officers, employees, and agents from and against any acts, errors or omissions which may cause damage to property or persons, claims, losses, damages to the Capitol Hill Complex, causes of action, judgments, damages and expenses including attorney's fees because of bodily injury, sickness, disease or death, or injury to or destruction of tangible property or any other injury or damage resulting from or arising out of the negligent acts or omissions or willful misconduct of the Authorized Caterer, or its agents, employees subcontractors or anyone for whom the Authorized Caterer may be liable, except where such claims, losses, causes of action, judgments, damages and expenses result solely from the negligent acts or omissions or willful misconduct of the Board, its officers, employees or agents.

(v) Record Keeping and Audit Rights: The Authorized Caterer shall maintain accurate accounting records for all goods and services provided and shall retain all such records for a period of at least three years from the date of the catering service. Upon reasonable notice and during normal business hours, the Board, or any of its authorized representatives, shall have access to and the right to audit any records or other documents pertaining to the Authorized Caterer. The Board's audit rights shall extend for a period of at least three years from the date of the catering service.

(vi) Equal Opportunity: The Authorized Caterer may not unlawfully discriminate against any employee, applicant for employment, or recipient of services.

(vii) Taxes: The Authorized Caterer shall be responsible for and pay all taxes which may be levied or incurred against the Authorized Caterer, including taxes levied or incurred against Authorized Caterer's income, inventory, property, sales, or other taxes.

(viii) Tax Exemption: The Board is exempt from state sales and excise taxes. Exemption certification information appears on all purchase orders issued by the Board and such taxes will not apply to the Board.

(ix) Suspension or Debarment. The Authorized Caterer must notify the Executive Director within ten calendar days if debarred or suspended by any governmental entity.

(x) Comply with Facility Use Rules. The Authorized Caterer shall comply with all the Facility Use Rules enacted by the Board. Upon submission of any evidence to the Executive Director that the Authorized Caterer has not complied with a rule enacted by the Board, the Authorized Caterer shall be removed from eligibility for providing any catering service on the Capitol Hill Complex for a period as determined by the Executive Director and consistent with Section 63G-6a-904.

(xi) Inspection. The Board or the Executive Director reserves the right to inspect the Authorized Caterer's facilities and operations with respect to use, safety, sanitation, and the maintenance of premises which shall be maintained at a level satisfactory to the Board.

(xii) Utilities. The Authorized Caterer shall exercise due care to keep utility services at a minimum, conserve the use of energy and water, and control the resulting costs.

(xiii) Food Handlers Permits. All the Authorized Caterer's employees must have a current Food Handlers Permit. Documentation shall be promptly provided upon request of the Executive Director that establishes that all employees and temporary employees have valid Food Handlers Permits.

(xiv) The Authorized Caterer must have a locally grown food quality assurance program which covers the food or products that are not provided by nationally recognized vendors.

(xv) Fees and costs associated with catering services, including the Cafe Operator or the Authorized Caterer, shall be the responsibility of the applicant and cannot be waived.

(xvi) Security.

(A) An Authorized Caterer shall provide to the Executive Director at least 24 hours in advance of any catered Event, a list of all full-time and part-time employees that will be involved with the catering service on the Capitol Hill Complex.

(B) The applicant shall be assessed a fee to provide for the presence of at least one Board employee to be present and to assist with ingress and egress from the Capitol Hill Complex, set up, coordination and assurance of appropriate performance under this rule as well as timely and appropriate cleanup after the event. This fee cannot be waived.

(11) Public Notices, Employee Postings, Required Use of Bulletin Boards.

(a) Notices of Capitol Hill Complex meetings, information or announcements related to state or other governmental business shall be posted at Executive Director approved locations. If any posting is to be done by a person not officed in the Capitol Hill Complex, the Executive Director shall be notified before the posting for approval of the locations and duration of the posting. Such persons are also responsible to remove the notices after the related meeting or activity within 24-48 hours.

(b) Posting of handbills, leaflets, circulars, advertising, or other printed materials by state employees officed in the Capitol Hill Complex shall be on Executive Director approved bulletin boards.

(12) Dress. Appropriate apparel shall be worn at all times by Users of the Capitol Hill Complex.

(a) Appropriate apparel means, at a minimum, apparel that fully covers with opaque material:

(i) the chest, which shall mean the front surface of the human body between the neck and the abdomen;

(ii) the pubic area and genitals; and

(iii) the anus and buttocks, including the cleft of the buttocks.

(b) Users shall wear shoes, boots, sandals or equivalent footwear at all times while at the Capitol Hill Complex.

(c) A User breast feeding, including breast feeding in any location where the User otherwise may rightfully be, does not under any circumstance constitute an act prohibited by this rule, irrespective of whether or not the breast is covered during or incidental to feeding.

(d) This rule does not prohibit the exposure of any body part of a user as a result of or incidental to a disability or medical emergency.

(13) No user or person shall operate an "electric assisted bicycle," "electric personal assistive mobility device," "moped," "motor assisted scooter," "motorcycle," "motor-driven cycle," "mini-motorcycle," "autocycle," or "off-highway vehicle," as those terms are defined in Section 41-6a-102.

(14) Enforcement of Rules.

(a) A violation of a rule in Rules R131-1 through R131-16 relating to the use of the Capitol Hill Complex is an infraction under Subsection 63O-2-301(2)(b). If an act violating a rule subject to Subsection 63O-2-301(2)(b) also amounts to an offense subject to a greater penalty under Title 32B, Alcoholic Beverage Control Act, Title 41, Motor Vehicles, Title 76, Utah Criminal Code, Section 76-8-301, Interference with Public Servant, Section 76-9-102, Disorderly Conduct, or other provision of state law, Subsection 63O-2-301(2)(b) does not prohibit prosecution and sentencing for the more serious offense;

(b) In addition to any punishment allowed under Subsection 63O-2-301(2)(b), pursuant to Subsection 63O-2-301(2)(d), a person who violates a rule adopted by the Board is subject to a civil penalty not to exceed $2,500 for each violation, plus the amount of any damages, expenses, and costs related to the violation of the rule that are incurred by the state; and

(c) The law enforcement or security officer may issue a warning citation or pursue other lawful:

(i) Civil or criminal enforcement;

(ii) removal from the Capitol Hill Complex;

(iii) make an arrest; or

(iv) cancel the subject Event or activity.

(15) Waivers.

The Executive Director may waive the requirements of Section R131-2-6 provided that Section R131-2-6 does not specifically state that it is non-waivable, upon being presented with compelling reasons that the waiver will substantially benefit the public of the state and that the Capitol Hill Complex and Users of the Capital Hill Complex will be appropriately protected. Any approved waiver must still require compliance with this rule. The waiver request must be submitted in writing to the Executive Director and must accompany any required Facility Use Application. Conditions may be placed on any approved waiver by the Executive Director to assure the appropriate protection of the Capitol Hill Complex and Users of the Capitol Hill Complex. An appeal of a denial or the conditions of such waiver may be filed and processed similarly to the denial of a Facility Use Application as described in Section R131-2-5.

**R131-2-7. Fees and Charges.**

(1) Fees.

(a) Application Fee. There shall be an application fee for a Facility Use Permit to cover the cost of processing the application, as specified on the Board's Schedule of Costs and Fees. This fee is separate from rental and other fees.

(b) Rental of Space Fee. Persons using the Capitol Hill Complex pursuant to a Facility Use Permit shall be charged a rental of the space fee as specified on the Board's Schedule of Costs and Fees.

(c) Security Fee. A security fee shall also be assessed as provided in this rule, as specified on the Board's Schedule of Costs and Fees.

(d) Rental of Equipment fee. A rental of equipment fee shall be assessed as specified on the Board's Schedule of Costs and Fees.

(e) Room Setup Fees. The Board's Schedule of Costs and Fees shall provide for room setup fees.

(f) Additional Board Staff fee. If an applicant requests that additional Board staff be present for an Event, then an additional fee shall be assessed.

(g) Authorized Caterer Fee. Any fee or costs of an Authorized Caterer are the responsibility of the applicant. The state, the Capitol Preservation Board, State Officials, employees, and anyone for whom the state may be liable, shall have no liability for such fee or costs owed to the Authorized Caterer.

(h) A "Schedule of Costs and Fees" is available during regular working hours at the Executive Director's office. This Schedule of Costs and Fees shall include all the fees referred to in this Section R131-2-7. Additionally, fees may be assessed for technology assistance, recording, insurance coverage, cleaning, and repairs. The Schedule of Costs and Fees may have special fees for Community Service Activities, state employee events, including state employee recognition events, state retirement events, or state employee holiday or social events. There are no fees for a Free Speech Activity, except costs for requested use of state equipment or supplies shall be assessed in accordance with the Schedule of Costs and Fees. State Sponsored Activities may not be required to pay any fees under this rule.

**R131-2-8. Specific Facilities.**

The following applies to all Events and Solicitations, except for a Free Speech Activity.

(a) Use of caucus rooms, committee rooms, the House of Representatives or Senate Chambers will be separately administered by the legislative branch. Requests for all other rooms must be submitted in writing to the Executive Director for scheduling and staffing. If the requested room is under the control of the Governor, the judiciary, or other elected officials or appointed officials, the Executive Director shall forward the request to the appropriate representative of such branch of government or elected or appointed official. The Executive Director will notify the applicant of the approval or denial of the requested space by the approving organization.

(b) During legislative sessions, legislative meetings or other legislative activities, use of the legislative space will be subject to the applicable legislative rules.

(c) The Gold Room and all other areas controlled by the Governor in the Capitol building shall be available in accordance with Section 67-1-16.

**R131-2-9. Use of White Community Memorial Chapel.**

(1) The following rules for the White Community Memorial Chapel shall also be observed:

(a) Fire Marshal occupancy limits may not be exceeded.

(b) The kitchen is for the exclusive use of the Authorized Caterer. No private caterer shall be allowed to use the White Community Memorial Chapel and its grounds. Users may use the full rest room facilities.

(c) The White Community Memorial Chapel will be available from 7 a.m. until midnight, seven days a week, 365 days a year unless otherwise specified by the Board.

(d) If no wedding or Event is scheduled the day before the scheduled wedding or Event, the applicant may be allowed to use the White Community Memorial Chapel the day before from noon to midnight for rehearsal or decorative purposes for an additional fee as identified on the Board's Schedule of Costs and Fees.

(e) All users must complete the Facility Use Permit Application and comply with all the Permit requirements listed under Section R131-2-4.

**R131-2-10. Procedure for Receiving and Deciding Complaints Regarding the Access or Use of the Capitol Hill Complex.**

(1) Any person that has a complaint regarding the access or use of the Capitol Hill Complex may file such complaint in writing with the Executive Director.

(2) The Executive Director will issue a written determination within 30 calendar days of the filing of the complaint or such longer time period as agreed to by the complainant.

(3) If the Executive Director does not issue a determination within the time period for such determination, or if the complainant does not agree with the Executive Director's determination, then the complainant may file a written appeal no later than ten calendar days after the expiration of such time period. The written appeal shall be delivered to the office of the Executive Director and shall be considered by the Chairperson of the Board or the Chairperson's designee.

(4) The Chairperson, or the Chairperson's designee, as applicable, will issue a written determination within 30 calendar days of the filing of the appeal or such longer time period as agreed to by the complainant.

(5) If the Chairperson, or the Chairperson's designee, as applicable, does not issue a determination within the time period for the Chairperson's determination or if the complainant does not agree with the Chairperson or Chairperson's designee's determination, the complainant may file a written appeal to the Board no later than ten calendar days after the expiration of such time period. The written appeal to the Board shall be delivered to the office of the Executive Director.

(6) Upon the filing of a timely appeal to the Board, the appeal shall be scheduled to be heard at the next regularly scheduled meeting of the Board.

(7) This is considered to be an administrative remedy for complaints regarding the access or use of the Capitol Hill Complex, and to the extent allowed by law, shall be considered an administrative remedy that must be exhausted before any legal action.

**R131-2-11. Fees and Charges During Legislative Session.**

During the regular Utah Legislative Session, from the hours of 7 a.m. to 5:30 p.m., Monday through Friday, the facility use fees for specific rooms and spaces shall be reduced as follows:

(1) Facilities on Capitol Hill are available on a first-come first-serve basis, subject to preemption for State Sponsored Activities and any need to reserve or close off spaces for security reasons as advised by the Department of Public Safety.

(a) Subject to this Section R131-2-11, the following rooms may be reserved with no room rental being assessed:

(i) Kletting Room located in the Senate Building;

(ii) Olmstead Room located in the Senate Building;

(iii) Aspen Room located in the Senate Building;

(iv) Beehive Room located in the Senate Building;

(v) Seagull Room located in the Senate Building;

(vi) Copper Room located in the Senate Building;

(vii) Room 105 located in the Capitol; and

(viii) Room 170 located in the Capitol.

(b) These rooms identified in Subsection R131-2-11(1)(a) may be reserved when the Utah Legislature is meeting in regular session in 4-hour blocks a day for a maximum of eight total hours per week, and not concurrently.

(2) The Capitol Rotunda or Hall of Governors facilities may be reserved during the hours the Utah Legislature is meeting in regular session with no fee for the space rental itself being assessed subject to the following:

(a) The reservation shall be for a maximum of two hours which must be in one block of hours; and

(b) Priority shall be given to those Events that are related to the regular session of the Utah Legislature.

(3) This Section R131-2-11 does not prohibit the rental of these rooms for the standard fees when rental is beyond the time restrictions set forth in this Section R131-2-11.

(a) Registration, application, janitorial and all other associated set up and security fees that would apply if the rental was not during the Utah Legislature's regular session, shall be assessed.

(b) Those persons or entities reserving or using the facilities shall leave the space as they found it in a clean and orderly manner and comply with the Facility Use Rule, R131-2.

(c) The janitorial fee will only be assessed if, in the opinion of the Executive Director, the work required to prepare the room for the next user is beyond what is expected and reasonable. Charges for any such required janitorial services shall be assessed in half hour increments of $50 per hour per janitorial worker.

(d) The registration or application fee shall be assessed at the rate of one rental even if the registration or application includes more than one reservation. Multiple reservations on one application form for reservations during the Utah Legislature's regular session are encouraged to best coordinate all the reservations.

**KEY: public buildings, facilities use**

**Date of Last Change: November 4, 2024**

**Notice of Continuation: September 30, 2024**

**Authorizing, and Implemented or Interpreted Law: 63O-2-301.**