

**VETERANS AFFAIRS AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE**

**General Description:**

This bill modifies the governing structure for certain veterans park and nursing home boards.

**Highlighted Provisions:**

This bill:

- ▶ modifies who appoints members to the Veterans' Memorial Park Board and the Veterans' nursing home advisory boards;
- ▶ directs to whom minutes of board meetings are provided with a time line; and
- ▶ amends membership of Veterans' nursing home advisory boards.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**71-7-4**, as last amended by Laws of Utah 2013, Chapter 214

**71-8-2**, as last amended by Laws of Utah 2013, Chapter 214

**71-11-7**, as last amended by Laws of Utah 2013, Chapter 214

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

Section 1. Section **71-7-4** is amended to read:

**71-7-4. Veterans' Memorial Park Board -- Members -- Appointment -- Meetings -- Per diem and travel expenses.**

(1) There is created a Veterans' Memorial Park Board to serve as an advisory body to the Department of Veterans' and Military Affairs on matters relating to the establishment and operation of a veterans' cemetery and memorial park.

(2) The board shall consist of the following five members:

- 33 (a) one representative recommended by the state commander of the Veterans of  
34 Foreign Wars;
- 35 (b) one representative recommended by the state commander of the American Legion;
- 36 (c) one representative recommended by the state commander of the Disabled American  
37 Veterans;
- 38 (d) the executive director of the Department of Veterans' and Military Affairs; and
- 39 (e) one person not affiliated with any of the organizations referred to in this Subsection  
40 (2).

41 (3) (a) Except as required by Subsection (3)(b), the [governor] executive director shall  
42 appoint members in Subsections (2)(a), (b), (c), and (e) above for four-year terms. The  
43 [governor] executive director shall make final appointments to the board by June 30 of any year  
44 in which appointments are to be made under this chapter.

45 (b) Notwithstanding the requirements of Subsection (3)(a), the [governor] executive  
46 director shall, at the time of appointment or reappointment, adjust the length of terms to ensure  
47 that the terms of board members are staggered so that approximately half of the board is  
48 appointed every two years.

49 (c) All members shall serve until their successors are appointed.

50 (d) Members may not serve more than two consecutive terms.

51 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
52 appointed for the unexpired term in the same manner as the original appointment.

53 (5) (a) The board shall select a chair annually from among its members at its first  
54 meeting after July 1.

55 (b) Three members of the board constitute a quorum to transact business.

56 (c) The board shall meet at least quarterly on a regular date fixed by the board.

57 (d) The chair or three members of the board may call additional meetings.

58 (6) The board shall provide copies of all minutes [~~and an annual report of its activities~~  
59 ~~by June 30 of each year to the Veterans' Advisory Council created in Section 71-8-4~~] to the  
60 Department of Veterans' and Military Affairs within 14 days of approval.

61 (7) A member may not receive compensation or benefits for the member's service, but  
62 may receive per diem and travel expenses in accordance with:

63 (a) Section 63A-3-106;

64 (b) Section 63A-3-107; and  
 65 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
 66 63A-3-107.

67 Section 2. Section **71-8-2** is amended to read:

68 **71-8-2. Department of Veterans' and Military Affairs created -- Appointment of**  
 69 **executive director -- Department responsibilities.**

70 (1) There is created the Department of Veterans' and Military Affairs.

71 (2) The governor shall appoint an executive director for the department, after  
 72 consultation with the Veterans' Advisory Council, who is subject to Senate confirmation.

73 (a) The executive director shall be a veteran.

74 (b) Any veteran or veteran's group may submit names to the council for consideration.

75 (3) The department shall:

76 (a) conduct and supervise all veteran activities as provided in this title; and

77 (b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative

78 Rulemaking Act, to carry out the provisions of this title.

79 (4) Nothing in this chapter shall be construed as altering or preempting the provisions  
 80 of Title 39, Militia and Armories, as specifically related to the Utah National Guard.

81 Section 3. Section **71-11-7** is amended to read:

82 **71-11-7. Veterans' nursing home advisory boards.**

83 (1) [(a)] Each home shall have a [~~Veterans' Nursing Home Advisory Board~~] nursing  
 84 home advisory board to act as a liaison between the residents, members of the public, and the  
 85 administration of the home.

86 [(b) ~~The board shall interview candidates for the position of nursing home~~  
 87 ~~administrator and make a recommendation to the department.~~]

88 (2) Each board shall consist of [~~the following~~] at least seven, but no more than eleven  
 89 members appointed as follows by the executive director:

90 [(a) ~~one resident of the home appointed by the governor;~~]

91 [(b) ~~two members of the Veterans' Advisory Council, designated by the governor, one~~  
 92 ~~of which shall specifically be designated as the board's representative to the council;~~]

93 [(c) ~~one veteran from the area in which the home is located appointed by the governor;~~]

94 [(d) ~~one representative from the VA Health Care System, appointed by its director;~~]

95 (a) one appointee of the Resident Council of the specific veterans nursing home;  
96 (b) three veterans from the geographic area in which the veterans nursing home is

97 located;

98 (c) one medical professional experienced in veteran nursing home quality of care  
99 issues;

100 (d) three at-large members with an interest in the success of veterans nursing homes;  
101 and

102 ~~[(e) one representative from the Department of Health, appointed by its executive~~  
103 ~~director; and]~~

104 (e) one member each from:

105 (i) the American Legion;

106 (ii) Disabled American Veterans; and

107 (iii) the Veterans of Foreign Wars.

108 ~~[(f) one representative from the United States Department of Veterans Affairs regional~~  
109 ~~office.]~~

110 (3) (a) (i) Members shall serve for four-year terms.

111 (ii) Except as required by Subsection (3)(b), as terms of current board members expire,  
112 the ~~[governor]~~ executive director shall appoint each new or reappointed member to a four-year  
113 term beginning on July 1.

114 (b) The ~~[governor]~~ executive director shall, at the time of appointment or  
115 reappointment, adjust the length of terms to ensure that the terms of board members are  
116 staggered so that approximately half of the board is appointed every two years.

117 (c) The ~~[governor]~~ executive director shall make final appointments to the board by  
118 June 30 of any year in which appointments are to be made under this chapter.

119 (4) Vacancies not including the Resident Council representative shall be filled by the  
120 ~~[governor]~~ executive director within 60 days of receiving notice of a vacancy, but only for the  
121 unexpired term of the vacated member.

122 (5) ~~[(a) Except as provided in Subsection (5)(b), members]~~ Members may not serve  
123 more than two consecutive terms.

124 ~~[(b) Members appointed by the VA Health Care System and the United States~~  
125 ~~Department of Veterans Affairs are exempt from the term limit requirement.]~~

126 (6) Each board shall elect a chair annually from among its members at its first meeting  
127 after July 1.

128 (7) Each board shall meet at least quarterly.

129 (8) ~~Four~~ A majority of the members of the board present constitute a quorum for the  
130 transaction of business.

131 (9) Each board shall provide copies of all minutes ~~[and an annual report of its activities~~  
132 ~~by June 30 of each year to the executive director]~~ of each meeting to the Department of  
133 Veterans' and Military Affairs~~[, and the Veterans' Advisory Council]~~ within 14 days of  
134 approval.

135 (10) A member may not receive compensation or benefits for the member's service, but  
136 may receive per diem and travel expenses in accordance with:

137 (a) Section 63A-3-106;

138 (b) Section 63A-3-107; and

139 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
140 63A-3-107.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**