

Representative Martin R. Stephens proposes to substitute the following bill:

REORGANIZATION OF VETERAN - RELATED PROGRAMS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Martin R. Stephens

AN ACT RELATING TO MILITIAS AND ARMORIES AND VETERANS; MOVING THE OFFICE OF VETERANS' AFFAIRS FROM THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT TO THE UTAH NATIONAL GUARD AND MAKING IT A DIVISION; MOVING THE ADMINISTRATIVE RESPONSIBILITY FOR THE VETERAN'S MEMORIAL PARK AND NURSING HOME TO THE DIVISION AT A LATER DATE; DEFINING THE MEMBERSHIP AND DUTIES OF THE VETERANS' ADVISORY COUNCIL; EXPANDING VETERAN'S PREFERENCE APPLICATION; CREATING TWO CONSOLIDATION COMMITTEES TO FACILITATE THE MOVE OF THE MEMORIAL PARK AND NURSING HOME TO THE DIVISION; MAKING TECHNICAL CORRECTIONS; AND PROVIDING EFFECTIVE DATES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

39-1-12, as last amended by Chapter 9, Laws of Utah 1988, Second Special Session

71-7-3, as repealed and reenacted by Chapter 112, Laws of Utah 1988

71-7-4, as last amended by Chapter 243, Laws of Utah 1996

71-8-1, as enacted by Chapter 44, Laws of Utah 1992

71-8-2, as enacted by Chapter 44, Laws of Utah 1992

71-8-4, as last amended by Chapters 119, 194 and 243, Laws of Utah 1996

71-9-1, as last amended by Chapter 110, Laws of Utah 1994

71-9-2, as last amended by Chapter 110, Laws of Utah 1994

71-10-1, as last amended by Chapter 133, Laws of Utah 1993

- 26 **71-10-2**, as last amended by Chapter 133, Laws of Utah 1993
- 27 **71-11-1**, as enacted by Chapter 217, Laws of Utah 1995
- 28 **71-11-2**, as enacted by Chapter 217, Laws of Utah 1995
- 29 **71-11-3**, as last amended by Chapter 79, Laws of Utah 1996
- 30 **71-11-4**, as enacted by Chapter 217, Laws of Utah 1995
- 31 **71-11-5**, as enacted by Chapter 217, Laws of Utah 1995
- 32 **71-11-6**, as enacted by Chapter 217, Laws of Utah 1995
- 33 **71-11-7**, as enacted by Chapter 217, Laws of Utah 1995
- 34 **71-11-8**, as enacted by Chapter 217, Laws of Utah 1995

35 REPEALS AND REENACTS:

- 36 **71-8-3**, as enacted by Chapter 44, Laws of Utah 1992

37 This act enacts uncodified material.

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

39 Section 1. Section **39-1-12** is amended to read:

40 **39-1-12. Adjutant general -- Appointment -- Term -- Duties.**

41 (1) (a) There shall be one adjutant general appointed by the governor. The adjutant general
42 is chief of staff and holds office for a term of six years, unless terminated by resignation, disability,
43 or for cause as determined by a military court or court-martial.

44 (b) The person appointed to the office shall be a citizen of Utah and meet the requirements
45 provided in Title 32, United States Code. He shall be a federally recognized commissioned officer
46 of the National Guard of the United States with no fewer than ten years commissioned service in
47 the Utah National Guard. Active service in the armed forces of the United States may be included
48 in this requirement, if the officer was a member of the Utah National Guard when he entered that
49 service. An officer is no longer eligible to hold the office of adjutant general after becoming 64
50 years of age.

51 (2) (a) He shall perform duties as are imposed by the laws of this state and the United
52 States, and by the regulations of the Department of Defense of the United States. However, if any
53 duties imposed by the statutes of this state at any later time conflict with those imposed by the laws
54 of the United States, the duties imposed by the statutes of this state, as far as they conflict, are
55 abrogated.

56 (b) He shall keep rosters of all active, inactive, and retired officers and enlisted men of the

57 National Guard and shall keep in his office all records, orders, regulations, and papers pertaining
58 to the National Guard and the militia of this state. He shall, when he considers it necessary, at the
59 expense of the state purchase or cause to be printed, and issue to members of the National Guard
60 or other persons, copies of the military law, the various orders of the Department of Defense of the
61 United States, and other literature he considers best for the interests of the service.

62 (c) He shall cause to be prepared all blanks, books, forms, and reports necessary to carry
63 out the provisions of this chapter. The blanks or forms shall be as identical as possible to those
64 required by the Department of Defense of the United States for use by the regular army or National
65 Guard.

66 (d) He has, under the direction of the State Armory Board, supervision and charge of all
67 the armories, warehouses, maintenance and repair shops, hangars, small-arms, artillery and aircraft
68 ranges, campsites, concentration areas, lands, training facilities, and military reservations necessary
69 to the military functions of this state. He is responsible for the protection and safety thereof and
70 shall make rules for the maintenance of order, for the enforcement of rules as may be ordered for
71 the operation and the repair, care, and preservation of the facilities and installations belonging to
72 or leased by the state [~~of Utah~~]. He may make further improvement as the good of the service
73 requires.

74 (e) He shall oversee the operations of the Division of Veterans' Affairs created in Section
75 71-8-2.

76 [~~(e)~~] (f) He shall cause to be prepared all blanks, books, forms, notices, and reports to carry
77 out the provisions of the military laws of this state. The blanks, books, forms, notices, and reports
78 shall be as identical as possible to those required by the Department of Defense for use by the
79 Armed Forces of the United States.

80 [~~(f)~~] (g) He shall make and transmit to the federal government the returns required by the
81 laws of the United States and submit to the governor a certified copy. He shall superintend the
82 preparation of all returns and reports required by the United States from Utah on military matters.

83 [~~(g)~~] (h) He shall act as agent for all active, inactive, or retired members of the National
84 Guard having claims against the United States for pensions, bounty, back pay, or disability arising
85 from any war, federal service, or training. He shall handle the claims without charge.

86 [~~(h)~~] (i) He shall, on or before January 1 next preceding the general session of the
87 Legislature, make a full and detailed report to the governor of all transactions of his office,

88 including related expenses, for the preceding year and shall report at other times and on other
89 matters as the governor requires or as he considers advisable.

90 Section 2. Section **71-7-3** is amended to read:

91 **71-7-3. Development, operation, and maintenance of Utah Veterans' Cemetery and**
92 **Memorial Park -- Responsibilities of Division of Veterans' Affairs -- Costs -- Definition.**

93 (1) The Division of [~~Parks and Recreation, under the policy direction of the Board of Parks~~
94 ~~and Recreation~~] Veterans' Affairs, in consultation with the Veterans' Memorial Park Board, shall
95 develop, operate, and maintain a veterans' cemetery and memorial park.

96 (2) To help pay the costs of developing, constructing, operating, and maintaining a
97 veterans' cemetery and memorial park, the Division of [~~Parks and Recreation~~] Veterans' Affairs
98 may:

99 (a) receive federal funds, state funds, contributions from veterans' organizations, and other
100 private donations; and

101 (b) charge fees for at least the cost of the burial of veterans' spouses and other persons,
102 whom the division and the Veterans' Memorial Park Board [~~of Parks and Recreation~~] determines
103 are eligible to be buried in a veterans' cemetery established by the state.

104 (3) As used in this chapter, "veteran" has the same meaning as in Section 71-8-1.

105 Section 3. Section **71-7-4** is amended to read:

106 **71-7-4. Veterans' Memorial Park Board -- Members -- Appointment -- Meetings --**
107 **Per diem.**

108 (1) There is created a Veterans' Memorial Park Board to serve as an advisory body to the
109 Division of [~~Parks and Recreation~~] Veterans' Affairs on matters relating to the establishment and
110 operation of a veterans' cemetery and memorial park.

111 (2) The board shall [~~include~~] consist of the following five members:

112 (a) one representative [~~from~~] recommended by the state commander of the Veterans of
113 Foreign Wars;

114 (b) one representative [~~from~~] recommended by the state commander of the American
115 Legion;

116 (c) one representative [~~from~~] recommended by the state commander of the Disabled
117 American Veterans;

118 (d) [~~one representative from~~] the director of the Division of [~~Parks and Recreation~~]

119 Veterans' Affairs; and

120 (e) one person not affiliated with any of the organizations referred to in this Subsection
121 (2).

122 (3) (a) Except as required by Subsection (3)(b), the governor shall appoint members in
123 Subsections (2)(a), (b), (c), and (e) above for four-year terms. The governor shall make final
124 appointments to the board by June 30 of any year in which appointments are to be made under this
125 chapter.

126 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time
127 of appointment or reappointment, adjust the length of terms to ensure that the terms of board
128 members are staggered so that approximately half of the board is appointed every two years.

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

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

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

133 (5) (a) The board shall select a chair annually from among [~~the~~] its members at its first
134 meeting after July 1.

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

136 (c) The board shall meet at least [~~twice a year~~] quarterly on a regular date fixed by the
137 board.

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

139 (6) The board shall provide copies of all minutes and an annual report of its activities by
140 June 30 of each year to the Veterans' Advisory Council created in Section 71-8-4.

141 [~~(6)~~] (7) (a) (i) Members who are not government employees shall receive no
142 compensation or benefits for their services, but may receive per diem and expenses incurred in the
143 performance of the member's official duties at the rates established by the Division of Finance
144 under Sections 63A-3-106 and 63A-3-107.

145 (ii) Members may decline to receive per diem and expenses for their service.

146 (b) (i) State government officer and employee members who do not receive salary, per
147 diem, or expenses from their agency for their service may receive per diem and expenses incurred
148 in the performance of their official duties from the board at the rates established by the Division
149 of Finance under Sections 63A-3-106 and 63A-3-107.

150 (ii) State government officer and employee members may decline to receive per diem and
151 expenses for their service.

152 Section 4. Section 71-8-1 is amended to read:

153 **71-8-1. Definitions.**

154 As used in this chapter:

155 (1) "Council" means the Veterans' Advisory Council.

156 (2) "Department" means the [~~Department of Community and Economic Development~~]
157 Utah National Guard.

158 (3) "Director" means the director of the [~~Office~~] Division of Veterans' Affairs.

159 (4) "Division" means the Division of Veterans' Affairs.

160 [~~(4)~~] (5) "Executive director" means the [~~executive director of the Department of~~
161 ~~Community and Economic Development~~] adjutant general of the Utah National Guard.

162 [~~(5)~~] (6) "Government entity" means the state and any county, municipality, special
163 district, and any other political subdivision or administrative unit of the state, including state
164 institutions of education.

165 [~~(6)~~] "~~Office~~" means the ~~Office of Veterans' Affairs.~~]

166 (7) "Veteran" means:

167 (a) an individual who has served on active duty in the armed forces for at least [~~90~~] 180
168 consecutive days or was a member of a reserve component, and who has been separated or retired
169 under honorable conditions; [~~and~~] or

170 (b) any [~~person~~] individual incurring an actual service-related injury or disability in the line
171 of duty whether or not that person completed [~~90~~] 180 days of active duty.

172 Section 5. Section 71-8-2 is amended to read:

173 **71-8-2. Division of Veterans' Affairs created -- Appointment of director -- Division**
174 **responsibilities.**

175 (1) There is created within the [~~Department of Community and Economic Development~~
176 ~~an Office~~] Utah National Guard the Division of Veterans' Affairs.

177 (2) The [~~executive director of the department~~] governor shall [~~appoint~~] select a [~~veteran~~
178 ~~as the~~] director [~~of this office~~] for the division from a list of qualified veterans provided by the
179 Veterans' Advisory Council. Any veteran or veteran's group may submit names to the council for
180 consideration.

181 (3) The division shall:

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

183 (b) adopt rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
 184 Act, to carry out the provisions of this title.

185 Section 6. Section **71-8-3** is repealed and reenacted to read:

186 **71-8-3. Duties of director -- Services to veterans.**

187 The director shall:

188 (1) be responsible for the administration and the operation or support of the following
 189 veteran-related operations:

190 (a) beginning July 1, 2002, Utah State Veterans' Nursing Home and Programs;

191 (b) beginning July 1, 2001, Utah State Veterans' Cemetery and Memorial Park;

192 (c) Veterans' Preference Law as defined in Section 71-10-1;

193 (d) any locally or federally funded programs for homeless veterans within the state; and

194 (e) any federally funded education services for veterans within the state;

195 (2) maintain liaison with local, state, and federal veterans' agencies and with Utah veterans'
 196 organizations;

197 (3) provide current information so that veterans, their surviving spouses and family
 198 members, and Utah veterans' organizations will be aware of benefits to which they are, or may
 199 become, entitled;

200 (4) develop and maintain a system for determining how many veterans are employed by
 201 the various government entities within the state and keeping track of them; and

202 (5) create and maintain, as completely as possible, a record of veterans in Utah.

203 Section 7. Section **71-8-4** is amended to read:

204 **71-8-4. Veterans' Advisory Council -- Membership -- Duties and responsibilities --**

205 **Per diem and expenses.**

206 (1) There is created a Veterans' Advisory Council whose purpose is to advise the director
 207 of the ~~[Office]~~ Division of Veterans' Affairs on issues relating to veterans.

208 ~~[(2) (a) The governor shall appoint seven members to the council.]~~

209 ~~[(b) Council membership shall include:]~~

210 ~~[(i) six veterans; and]~~

211 ~~[(ii) one nonveteran.]~~

212 (2) The council shall consist of eleven voting members and one nonvoting member,
213 designated as follows:

214 (a) five members appointed by the governor to serve four-year terms:

215 (i) four veterans at large; and

216 (ii) a representative from the Office of the Governor;

217 (b) the director of the VA Health Care System or his designee;

218 (c) the director of the VA Benefits Administration Regional Office in Salt Lake City, or
219 his designee;

220 (d) a representative from the Veterans' Memorial Park Board for the duration of his
221 appointment to the board;

222 (e) the commanders or their designees of the three largest veterans service organizations
223 in the state. Their terms shall last as long as they hold the required office; and

224 ~~[(e) The]~~ (f) the director shall be a nonvoting member of the council.

225 (3) (a) Except as required by Subsection (3)(b), as terms of current council members
226 expire, the governor shall appoint each new ~~[member]~~ or reappointed member to a four-year term
227 commencing on July 1.

228 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time
229 of appointment or reappointment, adjust the length of terms to ensure that the terms of council
230 members are staggered so that approximately half of the ~~[council is]~~ members appointed by the
231 governor are appointed every two years.

232 (4) When a vacancy occurs in the membership for any reason, the governor shall appoint
233 a replacement ~~[shall be appointed]~~ for the unexpired term within 60 days of receiving notice.

234 (5) Members appointed by the governor may not serve more than two consecutive terms.

235 (6) (a) Any veterans' group or veteran may provide the ~~[executive]~~ director with a list of
236 recommendations for members on the council.

237 (b) The ~~[executive]~~ director shall provide the governor with the list of recommendations
238 for members to be appointed to the council.

239 (c) The governor shall make final appointments to the council by June 30 of any year in
240 which appointments are to be made under this chapter.

241 (7) The council shall elect a chair from among its ~~[veteran]~~ members every two years. The
242 chair shall be a veteran.

243 (8) (a) The council shall meet at least once every quarter.

244 (b) The director of the [~~Office~~] Division of Veterans' Affairs may convene additional
245 meetings, as necessary.

246 (9) The [~~office is~~] division shall provide staff to the council.

247 (10) [~~Four~~] Six voting members are a quorum for the transaction of business.

248 (11) The council shall:

249 (a) solicit input concerning veterans issues from veterans' groups throughout the state;

250 (b) report issues received to the director of the [~~Office~~] Division of Veterans' Affairs and
251 make recommendations concerning them;

252 (c) keep abreast of federal developments that affect veterans locally and advise the director
253 of them; and

254 (d) approve, by a majority vote, the use of monies generated from veterans' license plates
255 under Section 41-1a-408 for veterans' programs.

256 (12) (a) Members shall receive no compensation or benefits for their services, but may
257 receive per diem and expenses incurred in the performance of the member's official duties at the
258 rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

259 (b) Members may decline to receive per diem and expenses for their service.

260 Section 8. Section **71-9-1** is amended to read:

261 **71-9-1. Contract to provide assistance to veterans and their widows and children.**

262 The [~~director of the Department of Community and Economic Development~~] adjutant
263 general of the National Guard through the [~~Office~~] Division of Veterans' Affairs is authorized to
264 contract with the American Legion, the Disabled American Veterans, and the Veterans of Foreign
265 Wars of the United States, as organized in this state, to provide, especially in the outlying areas of
266 the state, assistance to veterans, their widows, and children as follows:

267 (1) to disseminate information regarding all laws applicable to veterans, their widows, and
268 children in the preparation, presentation, and prosecution of claims against the United States
269 arising by reason of service in the military, naval, or air services;

270 (2) to assist veterans, their widows, and children in the establishment of all rights and the
271 procurement of all benefits which may accrue to them under the laws of this state or of the United
272 States;

273 (3) to cooperate with any and all agencies and instrumentalities of this state or of the

274 United States having to do with the employment or reemployment of veterans;

275 (4) to cooperate with any and all agencies and instrumentalities of this state or of the
276 United States and make a representative and information available on a rotating basis in the
277 outlying areas of the state;

278 (5) to assist veterans in obtaining such preference for employment as may be authorized
279 by the laws of this state or of the United States; and

280 (6) to assist veterans, their widows, and children in obtaining emergency relief, and to that
281 end cooperate with such agencies and instrumentalities of this state or of the United States as have
282 been or may be established for the purpose of extending emergency relief.

283 Section 9. Section **71-9-2** is amended to read:

284 **71-9-2. Contracts subject to appropriation of funds.**

285 Any contract entered into under Section 71-9-1 shall expressly state that it is subject to the
286 appropriation of sufficient funds by the Legislature to carry out its terms and that the decision of
287 the [~~director of the Department of Community and Economic Development~~] adjutant general of
288 the National Guard in conjunction with the director of the Division of Veterans' Affairs as to
289 whether an appropriation is sufficient to carry out the terms of the contract is conclusive.

290 Section 10. Section **71-10-1** is amended to read:

291 **71-10-1. Definitions.**

292 As used in this chapter:

293 (1) "Active duty" means active military duty and does not include active duty for training,
294 initial active duty for training, or inactive duty for training.

295 (2) "Disabled veteran" means an individual who has:

296 (a) been separated or retired from the armed forces under honorable conditions; and

297 (b) established the existence of a service-connected disability or is receiving compensation,
298 disability retirement benefits, or pension because of a public statute administered by the federal
299 Department of Veterans Affairs or a military department.

300 (3) "Government entity" means the state [~~and~~], any county, municipality, special district,
301 or any other political subdivision or administrative unit of the state, including state institutions of
302 education.

303 (4) "Preference eligible" means:

304 (a) any individual who has served on active duty in the armed forces for more than 180

305 consecutive days, or was a member of a reserve component who served in a campaign or
 306 expedition for which a campaign medal has been authorized and who has been separated under
 307 honorable conditions;

308 (b) a disabled veteran with any percentage of disability;

309 (c) the **h** SPOUSE OR **h** unmarried widow or widower of a veteran;

310 (d) a purple heart recipient; or

311 (e) a retired member of the armed forces who retired below the rank of major or its
 312 equivalent.

313 (5) "Veteran" means:

314 (a) an individual who has served on active duty in the armed forces for more than 180
 315 consecutive days, or was a member of a reserve component who served in a campaign or
 316 expedition for which a campaign medal has been authorized and who has been separated or retired
 317 under honorable conditions; or

318 (b) any ~~[person]~~ individual incurring an actual service-related injury or disability in the line
 319 of duty whether or not that person completed 180 consecutive days of active duty.

320 Section 11. Section **71-10-2** is amended to read:

321 **71-10-2. Veteran's preference.**

322 (1) Each government entity shall grant a veteran's preference **h** ~~[]~~ **upon initial hiring[]** **h** to
 322a each

323 preference eligible veteran **h** ~~[, disabled veteran, or veteran as defined in Section 71-10-1 on any job~~
 324 ~~opening where the entity accepts applications from outside its own workforce]~~ **h** or preference
 325 eligible spouse according to the procedures and requirements of this chapter.

326 (2) The personnel officer of any government entity shall add to the score of a preference
 327 eligible who receives a passing score on an examination, or any rating or ranking mechanism used
 328 in selecting an individual for any career service position with the government entity:

329 (a) five percent of the total possible score, if he is a veteran;

330 (b) ten percent of the total possible score, if he is a disabled veteran or a purple heart
 331 recipient; or

332 (c) in the case of a preference eligible spouse, widow, or widower, the same percentage
 333 the qualifying veteran **h** IS, OR **h** would have been **h**, **h** entitled to.

334 (3) A preference eligible who applies for a position that does not require an examination,
 335 or where examination results are other than a numeric score, shall be given preference in

336 interviewing and hiring for the position.

337 Section 12. Section **71-11-1** is amended to read:

338 **71-11-1. Title.**

339 This chapter shall be known as the "Utah Veterans' Nursing Home Act."

340 Section 13. Section **71-11-2** is amended to read:

341 **71-11-2. Definitions.**

342 As used in this chapter:

343 (1) "Administrator" means the Veterans' Nursing Home Administrator selected in

344 accordance with Section 71-11-5.

345 [~~(1)~~] (2) "Board" means the Veterans' Nursing Home Advisory Board.

346 [~~(2)~~] (3) "Department" means the Utah [~~Department of Health~~] National Guard.

347 (4) "Division" means the Division of Veterans' Affairs created in Section 71-8-2.

348 [~~(3)~~] (5) "Executive Director" means the [~~director of the Utah Veterans' Home selected in~~
349 ~~accordance with Section 71-11-5~~] adjutant general of the National Guard.

350 [~~(4)~~] (6) "Home" means the Utah Veterans' Nursing Home as established under this
351 chapter.

352 [~~(5)~~] "~~Office~~" means the ~~Office of the Executive Director~~.]

353 [~~(6)~~] (7) "Veteran" shall have the same meaning as found in Subsection 71-10-1(5).

354 Section 14. Section **71-11-3** is amended to read:

355 **71-11-3. Establishment and construction -- Compliance with federal requirements.**

356 (1) There is established a Utah Veterans' Nursing Home, to be administered by the
357 [~~department~~] division to provide nursing home care for veterans in Utah.

358 (2) The home shall:

359 (a) have at least an 80-bed capacity;

360 (b) be designed and constructed consistent with the requirements for federal funding under
361 38 U.S.C. Sec. 8131 et seq.; and

362 (c) be operated consistent with the requirements for per diem payments from the United
363 States Department of Veterans Affairs under 38 U.S.C. Sec. 1741 et seq.

364 Section 15. Section **71-11-4** is amended to read:

365 **71-11-4. Administration by Division of Veterans' Affairs.**

366 The [~~department~~] division shall be responsible for the supervision and operation of the

367 home.

368 Section 16. Section **71-11-5** is amended to read:

369 **71-11-5. Operation of home -- Rulemaking authority -- Selection of director.**

370 (1) The [~~office~~] division shall, subject to the approval of the executive director [~~of the~~
371 ~~department~~]:

372 (a) establish appropriate criteria for the admission and discharge of residents subject to the
373 requirements in Section 71-11-6 and criteria set by the U.S. Department of Veterans' Affairs;

374 (b) establish a schedule of charges for residence in cases where residents have available
375 resources;

376 (c) establish standards for the operation of the home not inconsistent with standards set
377 by the United States Department of Veterans Affairs;

378 (d) make rules to implement this [~~section~~] chapter in accordance with Title 63, Chapter
379 46a, Utah Administrative Rulemaking Act;

380 (e) ensure that the home is licensed in accordance with Title 26, Chapter 21, Health Care
381 Facility [~~Licensure~~] Licensing and Inspection Act, and 38 U.S.C. Sec. 1742(a).

382 (2) In addition, the [~~office~~] division shall, after reviewing recommendations of the board,
383 appoint [~~a director~~] an administrator for the home.

384 Section 17. Section **71-11-6** is amended to read:

385 **71-11-6. Eligibility -- Admission requirements.**

386 (1) Application for admission shall be made to the [~~office~~] nursing home administrator.

387 (2) Veterans and their spouses or surviving spouses who are residents of Utah and in need
388 of nursing home care may be admitted to the home.

389 (3) Preference shall be given to [~~those~~] veterans who are without adequate means of
390 support and unable, due to wounds, disease, old age, or infirmity, to properly maintain themselves.

391 Section 18. Section **71-11-7** is amended to read:

392 **71-11-7. Veterans' Nursing Home Advisory Board.**

393 (1) (a) There is created a Veterans' Nursing Home Advisory Board to act as a liaison
394 between the residents, members of the public, and the administration of the home.

395 (b) The board shall be responsible for interviewing candidates for the position of [~~director~~]
396 nursing home administrator and making a recommendation to the [~~office~~] division.

397 (2) The board shall consist of the following seven members [~~appointed by the governor~~]:

- 398 (a) one resident of the home appointed by the governor;
- 399 (b) two members of the [~~Governor's~~] Veterans' Advisory Council, designated by the
400 governor, one of which shall specifically be designated as the board's representative to the council;
- 401 (c) [~~two representatives~~] one veteran at-large appointed by the governor;
- 402 (d) one representative from the [~~Veterans Hospital, and~~] VA Health Care System,
403 appointed by its director;
- 404 (e) a representative from the Department of Health, appointed by its executive director;
- 405 and
- 406 [~~(e)~~] (f) one representative from the Department of [~~Veterans~~] Veterans' Affairs regional
407 office.
- 408 (3) (a) Members shall serve for [~~three-year~~] four-year terms. [~~The initial appointment of~~
409 ~~three of the members to the board shall be for a term of two years. The decision of which terms~~
410 ~~shall be for two years shall be made by the governor at the time of appointment.] Except as
411 required by Subsection (3)(b), as terms of current board members expire, the governor shall
412 appoint each new or reappointed member to a four-year term commencing on July 1.~~
- 413 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time
414 of appointment or reappointment, adjust the length of terms to ensure that the terms of board
415 members are staggered so that approximately half of the board is appointed every two years.
- 416 (c) The governor shall make final appointments to the board by June 30 of any year in
417 which appointments are to be made under this chapter.
- 418 (4) Vacancies shall be filled by the governor within 60 days of receiving notice of a
419 vacancy, but only for the unexpired term of the vacated member.
- 420 (5) Members may not serve more than two consecutive terms.
- 421 (6) The board shall elect a chair annually from among its members at its first meeting after
422 July 1.
- 423 (7) The board shall meet at least quarterly.
- 424 (8) Four members of the board constitute a quorum for the transaction of business.
- 425 (9) The board shall provide copies of all minutes and an annual report of its activities by
426 June 30 of each year to the adjutant general of the National Guard, the Division of Veterans'
427 Affairs, and the Veterans' Advisory Council.
- 428 (10) (a) (i) Members who are not government employees shall receive no compensation

429 or benefits for their services, but may receive per diem and expenses incurred in the performance
430 of the member's official duties at the rates established by the Division of Finance under Sections
431 63A-3-106 and 63A-3-107.

432 (ii) Members may decline to receive per diem and expenses for their service.

433 (b) State government officer and employee members who do not receive salary, per diem,
434 or expenses from their agency for their service may receive per diem and expenses incurred in the
435 performance of their official duties from the board at the rates established by the Division of
436 Finance under Sections 63A-3-106 and 63A-3-107.

437 Section 19. Section **71-11-8** is amended to read:

438 **71-11-8. Utah Veterans' Nursing Home Expendable Trust Fund.**

439 (1) There is created the Utah Veterans' Nursing Home Expendable Trust Fund to be
440 administered by the [~~office~~] division for the benefit of the home and its residents.

441 (2) All cash donations, gifts, or bequests shall be deposited in the trust fund and used
442 according to the wishes of the donor.

443 (3) All funds received by the home from federal or state agencies [~~for the home and its~~
444 ~~operations~~], individual insurance reimbursement, or cash payments shall be deposited in the trust
445 fund.

446 Section 20. **Legislative intent.**

447 It is the intent of the Legislature that all personnel and any funds employed in the
448 administration of entities transferred by this legislation to the administration of the Division of
449 Veterans' Affairs be transferred with the entity responsibility to the division.

450 Section 21. **Consolidation committees -- Creation -- Membership -- Duties -- Reports.**

451 (1) There is created a Veterans' Memorial Park Consolidation Committee.

452 (a) The committee shall consist of the members of the Veterans' Advisory Council, the
453 Veterans' Memorial Park Board, and the adjutant general of the Utah National Guard or his
454 designee.

455 (b) The division of Veterans' Affairs shall provide staff to the committee.

456 (c) The committee shall study the transfer of the supervision and operation of the Veterans'
457 Cemetery and Memorial Park from the Division of Parks and Recreation to the Division of
458 Veterans' Affairs. Specifically, the committee shall:

459 (i) ascertain the status of all employees currently employed to operate and care for the

460 grounds of the Memorial Park, and make recommendations concerning how many employees will
461 be needed to continue to operate and care for the Memorial Park;

462 (ii) determine the status of all equipment necessary to operate and maintain the Memorial
463 Park, and make recommendations concerning equipment acquisition and maintenance;

464 (iii) determine the status and designation of all funds used to operate and maintain the
465 Memorial Park, including amounts included within the budget of the Division of Parks and
466 Recreation;

467 (iv) create a process by which the transfer of supervision and operation of the Memorial
468 Park to the division of Veterans' Affairs is completed in an efficient and orderly manner.

469 (d) The committee shall complete its business and make a final report to the Government
470 Operations Interim Committee by November 30, 2000.

471 (2) There is created a Veterans' Nursing Home Consolidation Committee.

472 (a) The committee shall consist of the members of the Veterans' Advisory Council, the
473 Veterans' Nursing Home Advisory Board, and the adjutant general of the Utah National Guard or
474 his designee.

475 (b) The division of Veterans' Affairs shall provide staff to the committee.

476 (c) The committee shall study the transfer of the supervision of the Veterans' Nursing
477 Home to the Division of Veterans' Affairs. Specifically, the committee shall create a process by
478 which the transfer of supervision of the Veterans' Nursing Home to the division is completed in
479 an efficient and orderly manner, taking into account all federal and state requirements necessary
480 to maintain certification.

481 (d) The committee shall make a progress report to the Government Operations Interim
482 Committee by November 30, 2000, and a final report to the same committee by November 30,
483 2001.

484 **Section 22. Effective date.**

485 (1) Sections 71-7-3 and 71-7-4 of this act take effect on July 1, 2001.

486 (2) Sections 71-11-2 through 71-11-8 take effect on July 1, 2002.

487 (3) All other sections in this act take effect on July 1, 2000.