

**VETERANS' HOMES**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Gerry A. Adair**

**This act modifies the Veterans Code to provide for the building of one or more veterans' homes across the state. The act provides for boards for each home and makes technical changes to language to accommodate more than one home within the state. In addition, this act appropriates \$3,500,000 from the General Fund as the state's match to build a new veterans' nursing home in Weber County. This act takes effect July 1, 2002.**

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

AMENDS:

**71-11-2 (Effective 07/01/02)**, as last amended by Chapter 134, Laws of Utah 2000

**71-11-3 (Effective 07/01/02)**, as last amended by Chapter 134, Laws of Utah 2000

**71-11-4 (Effective 07/01/02)**, as last amended by Chapter 134, Laws of Utah 2000

**71-11-5 (Effective 07/01/02)**, as last amended by Chapter 134, Laws of Utah 2000

**71-11-6 (Effective 07/01/02)**, as last amended by Chapter 134, Laws of Utah 2000

**71-11-7 (Effective 07/01/02)**, as last amended by Chapter 134, Laws of Utah 2000

**71-11-8 (Effective 07/01/02)**, as last amended by Chapter 134, Laws of Utah 2000

**71-11-9**, as enacted by Chapter 217, Laws of Utah 1995

**71-11-10**, as enacted by Chapter 217, Laws of Utah 1995

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

Section 1. Section **71-11-2 (Effective 07/01/02)** is amended to read:

**71-11-2 (Effective 07/01/02). Definitions.**

As used in this chapter:

(1) "Administrator" means [the] a Veterans' Nursing Home Administrator selected in accordance with Section 71-11-5.

(2) "Board" means [the] any Veterans' Nursing Home Advisory Board.



28 (3) "Department" means the Utah National Guard.

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

30 (5) "Executive Director" means the adjutant general of the National Guard.

31 (6) "Home" means ~~[the]~~ any Utah Veterans' Nursing Home ~~[as]~~ established under this  
32 chapter.

33 (7) "Veteran" shall have the same meaning as found in Subsection 71-10-1(5).

34 Section 2. Section **71-11-3 (Effective 07/01/02)** is amended to read:

35 **71-11-3 (Effective 07/01/02). Establishment and construction -- Compliance with**  
36 **federal requirements.**

37 (1) ~~[There is established a Utah Veterans' Nursing Home, to be]~~ Nursing homes for  
38 veterans may be established as needed throughout the state, and shall be administered by the  
39 division to provide nursing home care for veterans in Utah.

40 (2) ~~[The]~~ Each home shall:

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

42 (b) be designed and constructed consistent with the requirements for federal funding under  
43 38 U.S.C. Sec. 8131 et seq.; and

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

46 Section 3. Section **71-11-4 (Effective 07/01/02)** is amended to read:

47 **71-11-4 (Effective 07/01/02). Administration by Division of Veterans' Affairs.**

48 The division shall be responsible for the supervision and operation of ~~[the home]~~ veterans'  
49 homes throughout the state.

50 Section 4. Section **71-11-5 (Effective 07/01/02)** is amended to read:

51 **71-11-5 (Effective 07/01/02). Operation of home -- Rulemaking authority -- Selection**  
52 **of director.**

53 (1) The division shall, subject to the approval of the executive director:

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

57 (b) establish a schedule of charges for ~~[residence]~~ each home in cases where residents have  
58 available resources;

59 (c) establish standards for the operation of the [~~home~~] homes not inconsistent with  
60 standards set by the United States Department of Veterans Affairs;

61 (d) make rules to implement this chapter in accordance with Title 63, Chapter 46a, Utah  
62 Administrative Rulemaking Act; and

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

65 (2) In addition, the division shall, after reviewing recommendations of the board, appoint  
66 an administrator for [~~the~~] each home.

67 Section 5. Section **71-11-6 (Effective 07/01/02)** is amended to read:

68 **71-11-6 (Effective 07/01/02). Eligibility -- Admission requirements.**

69 (1) Application for admission shall be made to the individual nursing home [~~administrator~~]  
70 administrators.

71 (2) Veterans and their spouses or surviving spouses who are residents of Utah and in need  
72 of nursing home care may be admitted to [~~the~~] any home.

73 (3) Preference shall be given to veterans who are without adequate means of support and  
74 unable, due to wounds, disease, old age, or infirmity, to properly maintain themselves.

75 Section 6. Section **71-11-7 (Effective 07/01/02)** is amended to read:

76 **71-11-7 (Effective 07/01/02). Veterans' Nursing Home Advisory Boards.**

77 (1) (a) There is created a Veterans' Nursing Home Advisory Board to act as a liaison  
78 between the residents, members of the public, and the administration of [~~the~~] each home.

79 (b) [~~The~~] Each board shall be responsible for interviewing candidates for the position of  
80 nursing home administrator at their home and making [~~a recommendation~~] recommendations to  
81 the division.

82 (2) [~~The~~] Each board shall consist of the following seven members:

83 (a) one resident of the home appointed by the governor;

84 (b) two members of the Veterans' Advisory Council, designated by the governor, one of  
85 which shall specifically be designated as the board's representative to the council;

86 (c) one veteran at-large from the area in which the home is located appointed by the  
87 governor;

88 (d) one representative from the VA Health Care System, appointed by its director;

89 (e) a representative from the Department of Health, appointed by its executive director;

90 and

91 (f) one representative from the Department of Veterans' Affairs regional office.

92 (3) (a) Members shall serve for four-year terms. Except as required by Subsection (3)(b),  
93 as terms of current board members expire, the governor shall appoint each new or reappointed  
94 member to a four-year term commencing on July 1.

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

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

100 (4) Vacancies shall be filled by the governor within 60 days of receiving notice of a  
101 vacancy, but only for the unexpired term of the vacated member.

102 (5) Members may not serve more than two consecutive terms.

103 (6) [~~The~~] Each board shall elect a chair annually from among its members at its first  
104 meeting after July 1.

105 (7) [~~The~~] Each board shall meet at least quarterly.

106 (8) Four members of the board constitute a quorum for the transaction of business.

107 (9) [~~The~~] Each board shall provide copies of all minutes and an annual report of its  
108 activities by June 30 of each year to the adjutant general of the National Guard, the Division of  
109 Veterans' Affairs, and the Veterans' Advisory Council.

110 (10) (a) (i) Members who are not government employees shall receive no compensation  
111 or benefits for their services, but may receive per diem and expenses incurred in the performance  
112 of the member's official duties at the rates established by the Division of Finance under Sections  
113 63A-3-106 and 63A-3-107.

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

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

119 Section 7. Section **71-11-8 (Effective 07/01/02)** is amended to read:

120 **71-11-8 (Effective 07/01/02). Utah Veterans' Nursing Home Expendable Trust Fund.**

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

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

125 (3) All funds received by the [~~home~~] homes from federal or state agencies, individual  
 126 insurance reimbursement, or cash payments shall be deposited [~~in~~] into the trust fund.

127 Section 8. Section **71-11-9** is amended to read:

128 **71-11-9. Disposition of deceased resident's property.**

129 (1) All money or other personal property of a resident held by [~~the~~] a home which is left  
 130 on the premises of the home shall, upon the death of the resident, be held in trust to be paid or  
 131 delivered to the spouse, children, grandchildren, or parent of the resident upon the presentation of  
 132 proof of relationship. Any funds of a deceased resident may be disbursed for the payment of  
 133 funeral expenses or any obligation owed to the home.

134 (2) Property owned by a deceased resident of the home who dies without heirs or  
 135 next-of-kin not disposed of by will shall become the property of the home and deposited in the  
 136 trust fund, subject to the right of any heir to reclaim the property within five years after the  
 137 resident's death upon the presentation of proof of relationship.

138 Section 9. Section **71-11-10** is amended to read:

139 **71-11-10. Hobby promotion -- Sales of articles manufactured by residents --**  
 140 **Proceeds to residents.**

141 (1) [~~The~~] Each home shall promote hobbies designed to improve the general welfare and  
 142 mental condition of the residents.

143 (2) The home may provide limited funds to initiate a hobby program, but shall limit the  
 144 program to those hobbies that, in its judgment, will be self-sustaining.

145 (3) The ~~h~~ [~~office~~] DIVISION ~~h~~ may enter into contracts with federal or state agencies or  
 145a private concerns  
 146 for the receipt of articles manufactured by residents of the [~~home~~] homes.

147 (4) Proceeds generated by hobbies shall be used to pay for materials. Any excess proceeds  
 148 shall be paid to the individual veterans who produced the articles.

149 Section 10. **Appropriation.**

150 There is appropriated from the General Fund for fiscal year 2002-03 ~~h~~ **ONLY** ~~h~~ , \$3,500,000  
 150a to the

151 Division of Veterans' Affairs as the state's portion of funds needed to construct a veterans' nursing

152 home in Weber County.

153 Section 11. **Effective date.**

154 This act takes effect on July 1, 2002.

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**Legislative Review Note**  
**as of 1-22-02 8:01 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**