

1 **CHANGE TO DEPARTMENT OF VETERANS'**

2 **AFFAIRS**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Gregory H. Hughes**

6 Senate Sponsor: Sheldon L. Killpack

8 **LONG TITLE**

9 **General Description:**

10 This bill changes the Division of Veterans' Affairs to a department.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ converts the Division of Veterans' Affairs to a department; and
- 14 ▶ makes conforming amendments throughout the code.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill takes effect on July 1, 2007.

19 **Utah Code Sections Affected:**

20 **AMENDS:**

21 **39-1-12**, as last amended by Chapter 134, Laws of Utah 2000

22 **41-1a-418**, as last amended by Chapter 63, Laws of Utah 2005

23 **41-1a-421**, as last amended by Chapter 63, Laws of Utah 2005

24 **41-1a-422**, as last amended by Chapter 69, Laws of Utah 2004

25 **53-3-205**, as last amended by Chapters 189, 201, 293 and 331, Laws of Utah 2006

26 **53-3-804**, as last amended by Chapters 189 and 331, Laws of Utah 2006

27 **53-3-805**, as last amended by Chapters 131 and 331, Laws of Utah 2006

28 **53B-8e-103**, as enacted by Chapter 181, Laws of Utah 2004

29 **61-2c-105**, as last amended by Chapter 297, Laws of Utah 2004

- 30 **63-13-5.6**, as last amended by Chapters 231 and 355, Laws of Utah 2004
- 31 **71-7-3**, as last amended by Chapter 352, Laws of Utah 2004
- 32 **71-7-4**, as last amended by Chapter 134, Laws of Utah 2000
- 33 **71-8-1**, as last amended by Chapter 134, Laws of Utah 2000
- 34 **71-8-2**, as last amended by Chapter 134, Laws of Utah 2000
- 35 **71-8-3**, as last amended by Chapter 331, Laws of Utah 2006
- 36 **71-8-4**, as last amended by Chapter 1, Laws of Utah 2003
- 37 **71-9-1**, as last amended by Chapter 134, Laws of Utah 2000
- 38 **71-9-2**, as last amended by Chapter 134, Laws of Utah 2000
- 39 **71-11-2**, as last amended by Chapter 7, Laws of Utah 2005, First Special Session
- 40 **71-11-3**, as last amended by Chapter 7, Laws of Utah 2005, First Special Session
- 41 **71-11-4**, as last amended by Chapter 7, Laws of Utah 2005, First Special Session
- 42 **71-11-5**, as last amended by Chapter 7, Laws of Utah 2005, First Special Session
- 43 **71-11-7**, as last amended by Chapter 7, Laws of Utah 2005, First Special Session
- 44 **71-11-8**, as last amended by Chapter 7, Laws of Utah 2005, First Special Session
- 45 **71-11-10**, as last amended by Chapter 7, Laws of Utah 2005, First Special Session

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

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

49 **39-1-12. Adjutant general -- Appointment -- Term -- Duties.**

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

53 (b) The person appointed to the office shall be a citizen of Utah and meet the
 54 requirements provided in Title 32, United States Code. He shall be a federally recognized
 55 commissioned officer of the National Guard of the United States with no fewer than ten years
 56 commissioned service in the Utah National Guard. Active service in the armed forces of the
 57 United States may be included in this requirement, if the officer was a member of the Utah

58 National Guard when he entered that service. An officer is no longer eligible to hold the office
59 of adjutant general after becoming 64 years of age.

60 (2) (a) He shall perform duties as are imposed by the laws of this state and the United
61 States, and by the regulations of the Department of Defense of the United States. However, if
62 any duties imposed by the statutes of this state at any later time conflict with those imposed by
63 the laws of the United States, the duties imposed by the statutes of this state, as far as they
64 conflict, are abrogated.

65 (b) He shall keep rosters of all active, inactive, and retired officers and enlisted men of
66 the National Guard and shall keep in his office all records, orders, regulations, and papers
67 pertaining to the National Guard and the militia of this state. He shall, when he considers it
68 necessary, at the expense of the state purchase or cause to be printed, and issue to members of
69 the National Guard or other persons, copies of the military law, the various orders of the
70 Department of Defense of the United States, and other literature he considers best for the
71 interests of the service.

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

76 (d) He has, under the direction of the State Armory Board, supervision and charge of
77 all the armories, warehouses, maintenance and repair shops, hangars, small-arms, artillery and
78 aircraft ranges, campsites, concentration areas, lands, training facilities, and military
79 reservations necessary to the military functions of this state. He is responsible for the
80 protection and safety thereof and shall make rules for the maintenance of order, for the
81 enforcement of rules as may be ordered for the operation and the repair, care, and preservation
82 of the facilities and installations belonging to or leased by the state. He may make further
83 improvement as the good of the service requires.

84 ~~[(e) He shall oversee the operations of the Division of Veterans' Affairs created in~~
85 ~~Section 71-8-2.]~~

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

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

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

97 [(i)] (h) He shall, on or before January 1 next preceding the general session of the
98 Legislature, make a full and detailed report to the governor of all transactions of his office,
99 including related expenses, for the preceding year and shall report at other times and on other
100 matters as the governor requires or as he considers advisable.

101 Section 2. Section **41-1a-418** is amended to read:

102 **41-1a-418. Authorized special group license plates.**

103 (1) The division shall only issue special group license plates in accordance with
104 [~~Sections 41-1a-418~~] this section through Section 41-1a-422 to a person who is specified under
105 this section within the categories listed as follows:

106 (a) disability special group license plates issued in accordance with Section 41-1a-420;

107 (b) honor special group license plates, as in a war hero, which plates are issued for a:

108 (i) survivor of the Japanese attack on Pearl Harbor;

109 (ii) former prisoner of war;

110 (iii) recipient of a Purple Heart; or

111 (iv) disabled veteran;

112 (c) unique vehicle type special group license plates, as for historical, collectors value,
113 or other unique vehicle type, which plates are issued for a:

- 114 (i) special interest vehicle;
- 115 (ii) vintage vehicle;
- 116 (iii) farm truck; or
- 117 (iv) vehicle powered by clean fuel and for which a current clean special fuel certificate
- 118 is maintained as provided in Section 59-13-304;
- 119 (d) recognition special group license plates, as in a public official or an emergency
- 120 service giver, which plates are issued for a:
 - 121 (i) current member of the Legislature;
 - 122 (ii) current member of the United States Congress;
 - 123 (iii) current member of the National Guard;
 - 124 (iv) licensed amateur radio operator;
 - 125 (v) currently employed, volunteer, or retired firefighter;
 - 126 (vi) emergency medical technician;
 - 127 (vii) current member of a search and rescue team; or
 - 128 (viii) current honorary consulate designated by the United States Department of State;
- 129 and
- 130 (e) support special group license plates, as for a contributor to an institution or cause,
- 131 which plates are issued for a contributor to:
 - 132 (i) an institution's scholastic scholarship fund;
 - 133 (ii) the Division of Wildlife Resources;
 - 134 (iii) the [~~Office~~] Department of Veterans' Affairs;
 - 135 (iv) the Division of Parks and Recreation;
 - 136 (v) the Department of Agriculture and Food;
 - 137 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
 - 138 (vii) the Boy Scouts of America;
 - 139 (viii) spay and neuter programs through No More Homeless Pets in Utah;
 - 140 (ix) the Boys and Girls Clubs of America; or
 - 141 (x) Utah public education.

142 (2) Beginning January 1, 2003, the division may not issue a new type of special group
143 license plate unless the division receives:

144 (a) a start-up fee established under Section 63-38-3.2 for production and administrative
145 costs for providing the new special group license plates; or

146 (b) a legislative appropriation for the start-up fee provided under Subsection (2)(a).

147 (3) (a) A sponsoring organization that qualifies for tax-exempt status under Internal
148 Revenue Code Section 501(c)(3) may request the commission to authorize a new type of
149 special group license plate for the sponsoring organization. The sponsoring organization shall:

150 (i) collect a minimum of 200 applications; and

151 (ii) pay a start-up fee established under Section 63-38-3.2 for production and
152 administrative costs for providing the new type of special group license plates.

153 (b) If the provisions of Subsection (3)(a) are met, the commission shall approve the
154 request and the division shall:

155 (i) design a license plate in accordance with Section 41-1a-419; and

156 (ii) issue the new type of special group license plates.

157 Section 3. Section **41-1a-421** is amended to read:

158 **41-1a-421. Honor special group license plates -- Personal identity requirements.**

159 (1) (a) The requirements of this Subsection (1) apply to a vehicle displaying a:

160 (i) survivor of the Japanese attack on Pearl Harbor license plate;

161 (ii) former prisoner of war license plate;

162 (iii) Purple Heart license plate; or

163 (iv) disabled veteran license plate.

164 (b) The vehicle shall be titled in the name of the veteran or the veteran and spouse.

165 (c) Upon the death of the veteran, the surviving spouse may, upon application to the
166 division, retain the special group license plate decal so long as the surviving spouse remains
167 unmarried.

168 (d) The division shall require the surviving spouse to make a sworn statement that the
169 surviving spouse is unmarried before renewing the registration under this section.

170 (2) Proper evidence of a Purple Heart is either:
171 (a) a membership card in the Military Order of the Purple Heart; or
172 (b) an original or certificate in lieu of the applicant's military discharge form, DD-214,
173 issued by the National Personnel Records Center.

174 (3) The Purple Heart license plates shall bear:
175 (a) the words "Purple Heart" at the bottom of the plate;
176 (b) a logo substantially depicting a Purple Heart award; and
177 (c) the letter and number combinations assigned by the division.

178 (4) Proper evidence that a person is a disabled veteran is a written document issued by
179 a military entity certifying that the person is disabled as a result of service in a branch of the
180 United States Military.

181 (5) A disabled veteran seeking a disabled veteran license plate shall request the
182 ~~[Division]~~ Department of Veterans' Affairs to provide the verification required under
183 Subsection (4).

184 Section 4. Section **41-1a-422** is amended to read:

185 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
186 **contribution collection procedures.**

187 (1) As used in this section:

188 (a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who
189 has donated or in whose name at least \$25 has been donated to:

190 (A) a scholastic scholarship fund of a single named institution;

191 (B) the ~~[Division]~~ Department of Veterans' Affairs ~~[in the Utah National Guard]~~ for
192 veterans' programs;

193 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in
194 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,
195 access, and management of wildlife habitat;

196 (D) the Department of Agriculture and Food for the benefit of soil conservation
197 districts;

198 (E) the Division of Parks and Recreation for the benefit of snowmobile programs;

199 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
200 the donation evenly divided between the two;

201 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
202 council as specified by the contributor;

203 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
204 that provide spay and neuter programs that subsidize the sterilization of domestic animals;

205 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
206 development programs; or

207 (J) the Utah Association of Public School Foundations to support public education.

208 (ii) For a veterans' special group license plate, "contributor" means a person who has
209 donated or in whose name at least a \$25 donation at the time of application and \$10 annual
210 donation thereafter has been made.

211 (b) "Institution" means a state institution of higher education as defined under Section
212 53B-3-102 or a private institution of higher education in the state accredited by a regional or
213 national accrediting agency recognized by the United States Department of Education.

214 (2) (a) An applicant for original or renewal collegiate special group license plates under
215 Subsection (1)(a)(i) must be a contributor to the institution named in the application and
216 present the original contribution verification form under Subsection (2)(b) or make a
217 contribution to the division at the time of application under Subsection (3).

218 (b) An institution with a support special group license plate shall issue to a contributor
219 a verification form designed by the commission containing:

220 (i) the name of the contributor;

221 (ii) the institution to which a donation was made;

222 (iii) the date of the donation; and

223 (iv) an attestation that the donation was for a scholastic scholarship.

224 (c) The state auditor may audit each institution to verify that the moneys collected by
225 the institutions from contributors are used for scholastic scholarships.

226 (d) After an applicant has been issued collegiate license plates or renewal decals, the
227 commission shall charge the institution whose plate was issued, a fee determined in accordance
228 with Section 63-38-3.2 for management and administrative expenses incurred in issuing and
229 renewing the collegiate license plates.

230 (e) If the contribution is made at the time of application, the contribution shall be
231 collected, treated, and deposited as provided under Subsection (3).

232 (3) (a) An applicant for original or renewal support special group license plates under
233 this section must be a contributor to the sponsoring organization associated with the license
234 plate.

235 (b) This contribution shall be:

236 (i) unless collected by the named institution under Subsection (2), collected by the
237 division;

238 (ii) considered a voluntary contribution for the funding of the activities specified under
239 this section and not a motor vehicle registration fee; and

240 (iii) deposited into the appropriate account less actual administrative costs associated
241 with issuing the license plates.

242 (c) The donation described in Subsection (1)(a) must be made in the 12 months prior to
243 registration or renewal of registration.

244 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to
245 the division when issuing original:

246 (i) snowmobile license plates; or

247 (ii) soil conservation license plates.

248 (4) Veterans' license plates shall display one of the symbols representing the Army,
249 Navy, Air Force, Marines, Coast Guard, or American Legion.

250 Section 5. Section **53-3-205** is amended to read:

251 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**

252 **Expiration dates of licenses and endorsements -- Information required -- Previous**

253 **licenses surrendered -- Driving record transferred from other states -- Reinstatement --**

254 **Fee required -- License agreement.**

255 (1) An application for any original license, provisional license, or endorsement shall
256 be:

- 257 (a) made upon a form furnished by the division; and
- 258 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

259 (2) An application and fee for an original provisional class D license or an original
260 class D license entitle the applicant to:

- 261 (a) not more than three attempts to pass both the knowledge and the skills tests for a
262 class D license within six months of the date of the application;
- 263 (b) a learner permit if needed pending completion of the application and testing
264 process; and
- 265 (c) an original class D license and license certificate after all tests are passed.

266 (3) An application and fee for an original class M license entitle the applicant to:

- 267 (a) not more than three attempts to pass both the knowledge and skills tests for a class
268 M license within six months of the date of the application;
- 269 (b) a motorcycle learner permit if needed after the knowledge test is passed; and
- 270 (c) an original class M license and license certificate after all tests are passed.

271 (4) An application and fee for a motorcycle or taxicab endorsement entitle the
272 applicant to:

- 273 (a) not more than three attempts to pass both the knowledge and skills tests within six
274 months of the date of the application;
- 275 (b) a motorcycle learner permit if needed after the motorcycle knowledge test is
276 passed; and
- 277 (c) a motorcycle or taxicab endorsement when all tests are passed.

278 (5) An application and fees for a commercial class A, B, or C license entitle the
279 applicant to:

- 280 (a) not more than two attempts to pass a knowledge test and not more than two
281 attempts to pass a skills test within six months of the date of the application;

282 (b) a commercial driver instruction permit if needed after the knowledge test is passed;
283 and

284 (c) an original commercial class A, B, or C license and license certificate when all
285 applicable tests are passed.

286 (6) An application and fee for a CDL endorsement entitle the applicant to:

287 (a) not more than two attempts to pass a knowledge test and not more than two
288 attempts to pass a skills test within six months of the date of the application; and

289 (b) a CDL endorsement when all tests are passed.

290 (7) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
291 test within the number of attempts provided in Subsection (5) or (6), each test may be taken
292 two additional times within the six months for the fee provided in Section 53-3-105.

293 (8) (a) Except as provided under Subsections (8)(f), (g), and (h), an original license
294 expires on the birth date of the applicant in the fifth year following the year the license
295 certificate was issued.

296 (b) Except as provided under Subsections (8)(f), (g), and (h), a renewal or an extension
297 to a license expires on the birth date of the licensee in the fifth year following the expiration
298 date of the license certificate renewed or extended.

299 (c) Except as provided under Subsections (8)(f) and (g), a duplicate license expires on
300 the same date as the last license certificate issued.

301 (d) An endorsement to a license expires on the same date as the license certificate
302 regardless of the date the endorsement was granted.

303 (e) A license and any endorsement to the license held by a person ordered to active
304 duty and stationed outside Utah in any of the armed forces of the United States, which expires
305 during the time period the person is stationed outside of the state, is valid until 90 days after the
306 person has been discharged or has left the service, unless:

307 (i) the license is suspended, disqualified, denied, or has been cancelled or revoked by
308 the division; or

309 (ii) the licensee updates the information or photograph on the license certificate.

310 (f) An original license or a renewal to an original license obtained using proof under
311 Subsection (9)(a)(i)(E)(III) expires on the date of the expiration of the applicant's foreign visa,
312 permit, or other document granting legal presence in the United States or on the date provided
313 under this Subsection (8), whichever is sooner.

314 (g) (i) An original license or a renewal or a duplicate to an original license expires on
315 the next birth date of the applicant or licensee beginning on July 1, 2005 if:

316 (A) the license was obtained without using a Social Security number as required under
317 Subsection (9); and

318 (B) the license certificate or driving privilege card is not clearly distinguished as
319 required under Subsection 53-3-207(6).

320 (ii) A driving privilege card issued or renewed under Section 53-3-207 expires on the
321 birth date of the applicant in the first year following the year that the driving privilege card was
322 issued or renewed.

323 (iii) The expiration dates provided under Subsections (8)(g)(i) and (ii) do not apply to
324 an original license or driving privilege card or to the renewal of an original license or driving
325 privilege card with an expiration date provided under Subsection (8)(f).

326 (h) An original license or a renewal to an original license expires on the birth date of
327 the applicant in the first year following the year that the license was issued if the applicant is
328 required to register as a sex offender under Section 77-27-21.5.

329 (9) (a) In addition to the information required by Title 63, Chapter 46b, Administrative
330 Procedures Act, for requests for agency action, each applicant shall:

331 (i) provide the applicant's:

332 (A) full legal name;

333 (B) birth date;

334 (C) gender;

335 (D) between July 1, 2002 and July 1, 2007, race in accordance with the categories
336 established by the United States Census Bureau;

337 (E) (I) Social Security number;

338 (II) temporary identification number (ITIN) issued by the Internal Revenue Service for
339 a person who does not qualify for a Social Security number; or

340 (III) (Aa) proof that the applicant is a citizen of a country other than the United States;

341 (Bb) proof that the applicant does not qualify for a Social Security number; and

342 (Cc) proof of legal presence in the United States, as authorized under federal law; and

343 (F) Utah residence address as documented by a form acceptable under rules made by
344 the division under Section 53-3-104, unless the application is for a temporary CDL issued
345 under Subsection 53-3-407(2)(b);

346 (ii) provide a description of the applicant;

347 (iii) state whether the applicant has previously been licensed to drive a motor vehicle
348 and, if so, when and by what state or country;

349 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,
350 disqualified, or denied in the last six years, or whether the applicant has ever had any license
351 application refused, and if so, the date of and reason for the suspension, cancellation,
352 revocation, disqualification, denial, or refusal;

353 (v) state whether the applicant intends to make an anatomical gift under Title 26,
354 Chapter 28, Uniform Anatomical Gift Act, in compliance with Subsection (16);

355 (vi) state whether the applicant is required to register as a sex offender under Section
356 77-27-21.5;

357 (vii) state whether the applicant is a military veteran and does or does not authorize
358 sharing the information with the state [~~Division~~ Department of Veterans' Affairs;

359 (viii) provide all other information the division requires; and

360 (ix) sign the application which signature may include an electronic signature as defined
361 in Section 46-4-102.

362 (b) Each applicant shall have a Utah residence address, unless the application is for a
363 temporary CDL issued under Subsection 53-3-407(2)(b).

364 (c) The division shall maintain on its computerized records an applicant's:

365 (i) (A) Social Security number;

366 (B) temporary identification number (ITIN); or
367 (C) other number assigned by the division if Subsection (9)(a)(i)(E)(III) applies; and
368 (ii) indication whether the applicant is required to register as a sex offender under
369 Section 77-27-21.5.

370 (d) An applicant may not be denied a license for refusing to provide race information
371 required under Subsection (9)(a)(i)(D).

372 (10) The division shall require proof of every applicant's name, birthdate, and
373 birthplace by at least one of the following means:

374 (a) current license certificate;

375 (b) birth certificate;

376 (c) Selective Service registration; or

377 (d) other proof, including church records, family Bible notations, school records, or
378 other evidence considered acceptable by the division.

379 (11) When an applicant receives a license in another class, all previous license
380 certificates shall be surrendered and canceled. However, a disqualified commercial license may
381 not be canceled unless it expires before the new license certificate is issued.

382 (12) (a) When an application is received from a person previously licensed in another
383 state to drive a motor vehicle, the division shall request a copy of the driver's record from the
384 other state.

385 (b) When received, the driver's record becomes part of the driver's record in this state
386 with the same effect as though entered originally on the driver's record in this state.

387 (13) An application for reinstatement of a license after the suspension, cancellation,
388 disqualification, denial, or revocation of a previous license shall be accompanied by the
389 additional fee or fees specified in Section 53-3-105.

390 (14) A person who has an appointment with the division for testing and fails to keep
391 the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee
392 under Section 53-3-105.

393 (15) A person who applies for an original license or renewal of a license agrees that the

394 person's license is subject to any suspension or revocation authorized under this title or Title
395 41, Motor Vehicles.

396 (16) (a) The indication of intent under Subsection (9)(a)(v) shall be authenticated by
397 the licensee in accordance with division rule.

398 (b) (i) Notwithstanding Title 63, Chapter 2, Government Records Access and
399 Management Act, the division may, upon request, release to an organ procurement
400 organization, as defined in Section 26-28-2, the names and addresses of all persons who under
401 Subsection (9)(a)(v) indicate that they intend to make an anatomical gift.

402 (ii) An organ procurement organization may use released information only to:

403 (A) obtain additional information for an anatomical gift registry; and

404 (B) inform licensees of anatomical gift options, procedures, and benefits.

405 (17) Notwithstanding Title 63, Chapter 2, Government Records Access and
406 Management Act, the division may release to the [~~Division~~] Department of Veterans' Affairs
407 the names and addresses of all persons who indicate their status as a veteran under Subsection
408 (9)(a)(vii).

409 (18) The division and its employees are not liable, as a result of false or inaccurate
410 information provided under Subsection (9)(a)(v) or (vii), for direct or indirect:

411 (a) loss;

412 (b) detriment; or

413 (c) injury.

414 (19) A person who knowingly fails to provide the information required under
415 Subsection (9)(a)(vi) is guilty of a class A misdemeanor.

416 Section 6. Section **53-3-804** is amended to read:

417 **53-3-804. Application for identification card -- Required information -- Release**
418 **of anatomical gift information.**

419 (1) To apply for an identification card, the applicant shall:

420 (a) be a Utah resident;

421 (b) have a Utah residence address; and

- 422 (c) appear in person at any license examining station.
- 423 (2) The applicant shall provide the following information to the division:
- 424 (a) true and full legal name and Utah residence address;
- 425 (b) date of birth as set forth in a certified copy of the applicant's birth certificate, or
- 426 other satisfactory evidence of birth, which shall be attached to the application;
- 427 (c) Social Security number;
- 428 (d) place of birth;
- 429 (e) height and weight;
- 430 (f) color of eyes and hair;
- 431 (g) between July 1, 2002 and July 1, 2007, race in accordance with the categories
- 432 established by the United States Census Bureau;
- 433 (h) signature;
- 434 (i) photograph;
- 435 (j) an indication whether the applicant intends to make an anatomical gift under Title
- 436 26, Chapter 28, Uniform Anatomical Gift Act;
- 437 (k) an indication whether the applicant is required to register as a sex offender under
- 438 Section 77-27-21.5; and
- 439 (l) an indication whether the applicant is a military veteran and does or does not
- 440 authorize sharing the information with the state [~~Division~~] Department of Veterans' Affairs.
- 441 (3) The requirements of Section 53-3-234 apply to this section for each person, age 16
- 442 and older, applying for an identification card. Refusal to consent to the release of information
- 443 shall result in the denial of the identification card.
- 444 (4) An applicant may not be denied an identification card for refusing to provide race
- 445 information required under Subsection (2)(g).
- 446 (5) A person who knowingly fails to provide the information required under Subsection
- 447 (2)(k) is guilty of a class A misdemeanor.
- 448 Section 7. Section **53-3-805** is amended to read:
- 449 **53-3-805. Identification card -- Contents -- Specifications.**

450 (1) (a) The division shall issue an identification card that bears:
451 (i) the distinguishing number assigned to the person by the division;
452 (ii) the name, birth date, and Utah residence address of the person;
453 (iii) a brief description of the person for the purpose of identification;
454 (iv) a photograph of the person;
455 (v) a photograph or other facsimile of the person's signature; and
456 (vi) an indication whether the person intends to make an anatomical gift under Title 26,
457 Chapter 28, Uniform Anatomical Gift Act.
458 (b) An identification card issued by the division may not bear the person's Social
459 Security number or place of birth.
460 (2) (a) The card shall be of an impervious material, resistant to wear, damage, and
461 alteration.
462 (b) Except as provided under Section 53-3-806, the size, form, and color of the card is
463 prescribed by the commissioner.
464 (3) At the applicant's request, the card may include a statement that the applicant has a
465 special medical problem or allergies to certain drugs, for the purpose of medical treatment.
466 (4) (a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated
467 by the applicant in accordance with division rule.
468 (b) (i) Notwithstanding Title 63, Chapter 2, Government Records Access and
469 Management Act, the division may, upon request, release to an organ procurement
470 organization, as defined in Section 26-28-2, the names and addresses of all persons who under
471 Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.
472 (ii) An organ procurement organization may use released information only to:
473 (A) obtain additional information for an anatomical gift registry; and
474 (B) inform applicants of anatomical gift options, procedures, and benefits.
475 (5) Notwithstanding Title 63, Chapter 2, Government Records Access and
476 Management Act, the division may release to the [~~Division~~] Department of Veterans' Affairs
477 the names and addresses of all persons who indicate their status as a veteran under Subsection

478 53-3-804(2)(l).

479 (6) The division and its employees are not liable, as a result of false or inaccurate
480 information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:

481 (a) loss;

482 (b) detriment; or

483 (c) injury.

484 Section 8. Section **53B-8e-103** is amended to read:

485 **53B-8e-103. Tuition waivers for Purple Heart recipients -- Qualifications --**
486 **Limitations.**

487 (1) Beginning in the 2004-05 academic year, a state institution of higher education
488 shall waive undergraduate tuition for each Purple Heart recipient who:

489 (a) is admitted as a full-time, part-time, or summer school student in an undergraduate
490 program of study leading to a degree or certificate;

491 (b) is a resident student of the state as determined under Section 53B-8-102; and

492 (c) submits verification as provided in Subsection (2) that the student is a Purple Heart
493 recipient.

494 (2) A Purple Heart recipient seeking a tuition waiver shall request the [~~Division~~]
495 Department of Veterans' Affairs to provide the verification required by Subsection (1)(c). The
496 [~~Division~~] Department of Veterans' Affairs shall provide the verification upon obtaining
497 evidence satisfactory to the division that the student is a Purple Heart recipient.

498 Section 9. Section **61-2c-105** is amended to read:

499 **61-2c-105. Scope of chapter.**

500 (1) (a) This chapter applies to a closed-end residential mortgage loan secured by a first
501 lien or equivalent security interest on a one to four unit dwelling.

502 (b) This chapter does not apply to a transaction covered by Title 70C, Utah Consumer
503 Credit Code.

504 (2) The following are exempt from this chapter:

505 (a) the federal government;

- 506 (b) a state;
- 507 (c) a political subdivision of a state;
- 508 (d) an agency of or entity created by a governmental entity described in Subsections
- 509 (2)(a) through (c) including:
- 510 (i) the Utah Housing Corporation created in Title 9, Chapter 4, Part 9, Utah Housing
- 511 Corporation Act;
- 512 (ii) the Federal National Mortgage Corporation;
- 513 (iii) the Federal Home Loan Mortgage Corporation;
- 514 (iv) the Federal Deposit Insurance Corporation;
- 515 (v) the Resolution Trust Corporation;
- 516 (vi) the Government National Mortgage Association;
- 517 (vii) the Federal Housing Administration;
- 518 (viii) the National Credit Union Administration;
- 519 (ix) the Farmers Home Administration; and
- 520 (x) the United States Department of Veterans Affairs;
- 521 (e) a depository institution;
- 522 (f) an affiliate of a depository institution;
- 523 (g) an employee or agent of an entity described in Subsections (2)(a) through (f) when
- 524 that person acts on behalf of the entity described in Subsections (2)(a) through (f);
- 525 (h) an individual or entity:
- 526 (i) that makes a loan:
- 527 (A) secured by an interest in real property;
- 528 (B) with the individual's or the entity's own money; and
- 529 (C) for the individual's or entity's own investment; and
- 530 (ii) that does not engage in the business of making loans secured by an interest in real
- 531 property;
- 532 (i) an individual or entity who receives a mortgage, deed of trust, or lien interest on real
- 533 property if the individual or entity:

- 534 (i) is the seller of real property; and
- 535 (ii) receives the mortgage, deed of trust, or lien interest on real property as security for
- 536 a separate money obligation;
- 537 (j) an individual or entity who receives a mortgage, deed of trust, or lien interest on real
- 538 property if:
- 539 (i) the individual or entity receives the mortgage, deed of trust, or lien interest as
- 540 security for an obligation payable on an installment or deferred payment basis;
- 541 (ii) the obligation described in Subsection (2)(j)(i) arises from an individual or entity
- 542 providing materials or services used in the improvement of the real property that is the subject
- 543 of the mortgage, deed of trust, or lien interest; and
- 544 (iii) the mortgage, deed of trust, or lien interest was created without the consent of the
- 545 owner of the real property that is the subject of the mortgage, deed of trust, or lien interest;
- 546 (k) a nonprofit corporation that:
- 547 (i) is exempt from paying federal income taxes;
- 548 (ii) is certified by the United States Small Business Administration as a small business
- 549 investment company;
- 550 (iii) is organized to promote economic development in this state; and
- 551 (iv) has as its primary activity providing financing for business expansion;
- 552 (l) a court appointed fiduciary; or
- 553 (m) an attorney admitted to practice law in this state:
- 554 (i) if the attorney is not principally engaged in the business of negotiating residential
- 555 mortgage loans; and
- 556 (ii) when the attorney renders services in the course of the attorney's practice as an
- 557 attorney.
- 558 (3) (a) Notwithstanding Subsection (2)(m), an attorney exempt from this chapter may
- 559 not engage in conduct described in Section 61-2c-301 when transacting business of residential
- 560 mortgage loans.
- 561 (b) If an attorney exempt from this chapter violates Subsection (3)(a), the attorney:

562 (i) is not subject to enforcement by the division under Part 4, Enforcement; and

563 (ii) is subject to disciplinary action generally applicable to an attorney admitted to
564 practice law in this state.

565 (c) If the division receives a complaint alleging an attorney exempt from this chapter is
566 in violation of Subsection (3)(a), the division shall forward the complaint to the Utah State Bar
567 for disciplinary action.

568 (4) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
569 the division shall, by rule, determine a date, on or after December 31, 2004, after which an
570 individual who is exempt under Subsection (2) may voluntarily obtain a license pursuant to
571 Subsection (4)(b).

572 (b) (i) After the date described in Subsection (4)(a), an individual who is exempt under
573 Subsection (2) may voluntarily obtain a license under this chapter by complying with Part 2,
574 Licensure.

575 (ii) An individual who voluntarily obtains a license pursuant to this Subsection (4)(b)
576 shall comply with all the provisions of this chapter.

577 Section 10. Section **63-13-5.6** is amended to read:

578 **63-13-5.6. Commemorative days.**

579 (1) The following days shall be commemorated yearly:

580 (a) Bill of Rights Day, on December 15;

581 (b) Constitution Day, on September 17;

582 (c) Yellow Ribbon Day, on the third Monday in May, in honor of men and women who
583 are serving or have served in the U.S. armed forces around the world in defense of freedom;
584 [~~and~~]

585 (d) POW/MIA Recognition Day, on the third Friday in September[~~;~~]; and

586 (e) Indigenous People Day, the Monday immediately preceding Thanksgiving.

587 (2) The [~~Division of Veterans~~] Department of Veterans' Affairs shall coordinate
588 activities, special programs, and promotional information to heighten public awareness and
589 involvement relating to Subsections (1)(c) and (d).

590 (3) The month of November shall be commemorated yearly as American Indian
591 Heritage Month.

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

593 **71-7-3. Development, operation, and maintenance of Utah Veterans' Cemetery**
594 **and Memorial Park -- Responsibilities of Department of Veterans' Affairs -- Costs --**
595 **Definition.**

596 (1) The [~~Division~~] Department of Veterans' Affairs, in consultation with the Veterans'
597 Memorial Park Board, shall develop, operate, and maintain a veterans' cemetery and memorial
598 park.

599 (2) To help pay the costs of developing, constructing, operating, and maintaining a
600 veterans' cemetery and memorial park, the [~~Division~~] Department of Veterans' Affairs may:

601 (a) by following the procedures and requirements of Title 63, Chapter 38e, Federal
602 Funds Procedures, receive federal funds, and may receive state funds, contributions from
603 veterans' organizations, and other private donations; and

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

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

608 Section 12. Section 71-7-4 is amended to read:

609 **71-7-4. Veterans' Memorial Park Board -- Members -- Appointment -- Meetings**
610 **-- Per diem.**

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

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

615 (a) one representative recommended by the state commander of the Veterans of
616 Foreign Wars;

617 (b) one representative recommended by the state commander of the American Legion;

618 (c) one representative recommended by the state commander of the Disabled American
619 Veterans;

620 (d) the director of the [~~Division~~] Department of Veterans' Affairs; and

621 (e) one person not affiliated with any of the organizations referred to in this Subsection
622 (2).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

653 Section 13. Section **71-8-1** is amended to read:

654 **71-8-1. Definitions.**

655 As used in this chapter:

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

657 (2) "Department" means the ~~[Utah National Guard]~~ Department of Veterans' Affairs.

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

659 [~~(4) "Division" means the Division of Veterans' Affairs.]~~

660 [~~(5)] (3) "Executive director" means the ~~[adjutant general of the Utah National Guard]~~
661 executive director of the Department of Veterans' Affairs.~~

662 [~~(6)] (4) "Government entity" means the state and any county, municipality, special
663 district, and any other political subdivision or administrative unit of the state, including state
664 institutions of education.~~

665 [~~(7)] (5) "Veteran" means:~~

666 (a) an individual who has served on active duty in the armed forces for at least 180
667 consecutive days or was a member of a reserve component, and who has been separated or
668 retired under honorable conditions; or

669 (b) any individual incurring an actual service-related injury or disability in the line of
670 duty whether or not that person completed 180 days of active duty.

671 Section 14. Section **71-8-2** is amended to read:

672 **71-8-2. Department of Veterans' Affairs created -- Appointment of executive**
673 **director -- Department responsibilities.**

674 (1) There is created [~~within the Utah National Guard~~] the [~~Division~~] Department of
675 Veterans' Affairs.

676 (2) The governor shall [~~select a~~] appoint an executive director for the [~~division~~]
677 department, subject to Senate confirmation, from a list of qualified veterans provided by the
678 Veterans' Advisory Council. Any veteran or veteran's group may submit names to the council
679 for consideration.

680 (3) The [~~division~~] department shall:

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

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

684 Section 15. Section **71-8-3** is amended to read:

685 **71-8-3. Duties of executive director -- Services to veterans.**

686 The executive director shall:

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

689 (a) [~~beginning July 1, 2002,~~] Utah State Veterans' Nursing [~~Home~~] Homes and
690 Programs;

691 (b) [~~beginning July 1, 2001,~~] Utah State Veterans' Cemetery and Memorial Park;

692 (c) [~~Veterans'~~] Title 71, Chapter 10, Veteran's Preference [~~Law as defined in Section~~
693 ~~71-10-1~~];

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

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

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

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

701 (4) reach out and assist veterans and their families in applying for benefits and

702 services;

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

705 (6) cooperate with other state entities in the receipt of information to create and
706 maintain a record of veterans in Utah.

707 Section 16. Section **71-8-4** is amended to read:

708 **71-8-4. Veterans' Advisory Council -- Membership -- Duties and responsibilities**
709 **-- Per diem and expenses.**

710 (1) There is created a Veterans' Advisory Council whose purpose is to advise the
711 executive director of the [~~Division~~] Department of Veterans' Affairs on issues relating to
712 veterans.

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

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

716 (i) four veterans at large; and

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

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

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

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

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

725 (f) the executive director shall be a nonvoting member of the council.

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

729 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the

730 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
731 council members are staggered so that approximately half of the members appointed by the
732 governor are appointed every two years.

733 (4) When a vacancy occurs in the membership for any reason, the governor shall
734 appoint a replacement for the unexpired term within 60 days of receiving notice.

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

737 (6) (a) Any veterans' group or veteran may provide the director with a list of
738 recommendations for members on the council.

739 (b) The executive director shall provide the governor with the list of recommendations
740 for members to be appointed to the council.

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

743 (7) The council shall elect a chair from among its members every two years. The chair
744 shall be a veteran.

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

746 (b) The executive director of the [~~Division~~] Department of Veterans' Affairs may
747 convene additional meetings, as necessary.

748 (9) The [~~division~~] department shall provide staff to the council.

749 (10) Six voting members are a quorum for the transaction of business.

750 (11) The council shall:

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

752 (b) report issues received to the executive director of the [~~Division~~] Department of
753 Veterans' Affairs and make recommendations concerning them;

754 (c) keep abreast of federal developments that affect veterans locally and advise the
755 executive director of them; and

756 (d) approve, by a majority vote, the use of monies generated from veterans' license
757 plates under Section 41-1a-422 for veterans' programs.

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

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

762 Section 17. Section **71-9-1** is amended to read:

763 **71-9-1. Contract to provide assistance to veterans and their widows and children.**

764 The [~~adjutant general of the National Guard through the Division~~] Department of
765 Veterans' Affairs is authorized to contract with the American Legion, the Disabled American
766 Veterans, and the Veterans of Foreign Wars of the United States, as organized in this state, to
767 provide, especially in the outlying areas of the state, assistance to veterans, their widows, and
768 children as follows:

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

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

775 (3) to cooperate with any and all agencies and instrumentalities of this state or of the
776 United States having to do with the employment or reemployment of veterans;

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

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

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

785 Section 18. Section **71-9-2** is amended to read:

786 **71-9-2. Contracts subject to appropriation of funds.**

787 Any contract entered into under Section 71-9-1 shall expressly state that it is subject to
788 the appropriation of sufficient funds by the Legislature to carry out its terms and that the
789 decision of the [~~adjutant general of the National Guard in conjunction with the~~] executive
790 director of the [~~Division~~] Department of Veterans' Affairs as to whether an appropriation is
791 sufficient to carry out the terms of the contract is conclusive.

792 Section 19. Section **71-11-2** is amended to read:

793 **71-11-2. Definitions.**

794 As used in this chapter:

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

797 (2) "Board" means any Veterans' Nursing Home Advisory Board.

798 (3) "Department" means the [~~Utah National Guard~~] Department of Veterans' Affairs
799 created in Section 71-8-2.

800 [~~(4) "Division" means the Division of Veterans' Affairs created in Section 71-8-2.]~~

801 [~~(5)~~] (4) "Executive Director" means the [~~adjutant general of the National Guard~~]
802 executive director of the Department of Veterans' Affairs.

803 [~~(6)~~] (5) "Home" means any Utah Veterans' Nursing Home.

804 [~~(7)~~] (6) "Veteran" shall have the same meaning as found in Subsection 71-10-1(5).

805 Section 20. Section **71-11-3** is amended to read:

806 **71-11-3. Establishment and construction -- Compliance with federal**
807 **requirements.**

808 (1) The [~~division~~] department shall administer veterans' nursing homes established by
809 the Legislature.

810 (2) Each home shall:

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

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

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

816 Section 21. Section **71-11-4** is amended to read:

817 **71-11-4. Administration by Department of Veterans' Affairs.**

818 The [~~division~~] department shall supervise and operate each veterans' nursing home.

819 Section 22. Section **71-11-5** is amended to read:

820 **71-11-5. Operation of homes -- Rulemaking authority -- Selection of**
821 **administrator.**

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

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

826 (b) establish a schedule of charges for each home in cases where residents have
827 available resources;

828 (c) establish standards for the operation of the homes not inconsistent with standards
829 set by the United States Department of Veterans Affairs;

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

832 (e) ensure that the homes are licensed in accordance with Title 26, Chapter 21, Health
833 Care Facility Licensing and Inspection Act, and 38 U.S.C. Sec. 1742(a).

834 (2) The [~~division~~] department shall, after reviewing recommendations of the board,
835 appoint an administrator for each home.

836 Section 23. Section **71-11-7** is amended to read:

837 **71-11-7. Veterans' Nursing Home Advisory Boards.**

838 (1) (a) Each home shall have a Veterans' Nursing Home Advisory Board to act as a
839 liaison between the residents, members of the public, and the administration of the home.

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

- 842 (2) Each board shall consist of the following seven members:
- 843 (a) one resident of the home appointed by the governor;
- 844 (b) two members of the Veterans' Advisory Council, designated by the governor, one
845 of which shall specifically be designated as the board's representative to the council;
- 846 (c) one veteran from the area in which the home is located appointed by the governor;
- 847 (d) one representative from the VA Health Care System, appointed by its director;
- 848 (e) one representative from the Department of Health, appointed by its executive
849 director; and
- 850 (f) one representative from the United States Department of Veterans Affairs regional
851 office.
- 852 (3) (a) (i) Members shall serve for four-year terms.
- 853 (ii) Except as required by Subsection (3)(b), as terms of current board members expire,
854 the governor shall appoint each new or reappointed member to a four-year term beginning on
855 July 1.
- 856 (b) The governor shall, at the time of appointment or reappointment, adjust the length
857 of terms to ensure that the terms of board members are staggered so that approximately half of
858 the board is appointed every two years.
- 859 (c) The governor shall make final appointments to the board by June 30 of any year in
860 which appointments are to be made under this chapter.
- 861 (4) Vacancies shall be filled by the governor within 60 days of receiving notice of a
862 vacancy, but only for the unexpired term of the vacated member.
- 863 (5) (a) Except as provided in Subsection (5)(b), members may not serve more than two
864 consecutive terms.
- 865 (b) Members appointed by the VA Health Care System and the United States
866 Department of Veterans Affairs are exempt from the term limit requirement.
- 867 (6) Each board shall elect a chair annually from among its members at its first meeting
868 after July 1.
- 869 (7) Each board shall meet at least quarterly.

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

871 (9) Each board shall provide copies of all minutes and an annual report of its activities
872 by June 30 of each year to the [~~adjutant general~~] executive director of the [~~National Guard, the~~
873 ~~Division~~] Department of Veterans' Affairs, and the Veterans' Advisory Council.

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

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

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

883 Section 24. Section **71-11-8** is amended to read:

884 **71-11-8. Utah Veterans' Nursing Home Fund.**

885 (1) There is created a restricted special revenue fund entitled the "Utah Veterans'
886 Nursing Home Fund" to be administered by the [~~division~~] department for the benefit of each
887 home and its residents.

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

890 (3) All funds received by the homes from federal or state agencies, individual
891 insurance reimbursement, or cash payments shall be deposited in the fund.

892 (4) Funds received that are designated for a specific home shall be accounted for
893 separately within the fund.

894 Section 25. Section **71-11-10** is amended to read:

895 **71-11-10. Hobby promotion -- Sales of articles manufactured by residents --**
896 **Proceeds to residents.**

897 (1) Each home shall promote hobbies designed to improve the general welfare and

898 mental condition of the residents.

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

901 (3) The [~~office~~] department may enter into contracts with federal or state agencies or
902 private concerns for the receipt of articles manufactured by residents of the homes.

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

905 Section 26. **Effective date.**

906 This bill takes effect on July 1, 2007.