

Military Affairs Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson S. Burton

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill makes changes to the code addressing military affairs.

Highlighted Provisions:

This bill:

- defines terms;
- amends resident student status eligibility for veterans who use veteran benefits to pay for tuition;
- amends how much money the Interstate Commission on Educational Opportunity for Military Children may assess, levy, or collect from Utah legislative appropriations;
- clarifies that the Department of Veterans and Military Affairs:
 - is required to provide service benefits to service members, veterans, and the families of service members and veterans; and
 - serves as the State Approving Agency for Utah under United States Code, Title 38, Veterans Benefits;
- allows the Department of Veterans and Military Affairs to receive gifts, contributions, and donations to support service members, veterans, and the families of service members and veterans;
- allows the Department of Veterans and Military Affairs to enter into an intergovernmental support agreement with a military installation or entity, including the National Guard, to provide support services to the military installation or entity;
- repeals Title 63M, Chapter 6, Military Base Easements Act, and enacts sections in Title 71A, Veterans and Military Affairs, related to easements; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53B-8-102, as last amended by Laws of Utah 2024, Chapters 144, 378 and 481

53E-3-915, as renumbered and amended by Laws of Utah 2018, Chapter 1

71A-1-101, as last amended by Laws of Utah 2023, Chapter 16 and renumbered and amended by Laws of Utah 2023, Chapter 44

71A-1-201, as enacted by Laws of Utah 2023, Chapter 44 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 154

71A-1-202, as last amended by Laws of Utah 2024, Chapter 334

ENACTS:

71A-9-101, Utah Code Annotated 1953

71A-9-102, Utah Code Annotated 1953

71A-9-301, Utah Code Annotated 1953

71A-9-302, Utah Code Annotated 1953

71A-9-303, Utah Code Annotated 1953

REPEALS:

63M-6-101, as enacted by Laws of Utah 2008, Chapter 382

63M-6-201, as last amended by Laws of Utah 2021, Chapter 282

63M-6-202, as last amended by Laws of Utah 2021, Chapter 282

63M-6-203, as last amended by Laws of Utah 2021, Chapter 282

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

Section 1. Section **53B-8-102** is amended to read:

53B-8-102 . Definitions -- Resident student status -- Exceptions.

(1) As used in this section:

(a) "Eligible person" means an individual who is entitled to post-secondary educational benefits under Title 38 U.S.C., Veterans' Benefits.

(b) "Immediate family member" means an individual's spouse or dependent child.

(c) "Inmate" means the same as that term is defined in Section 64-13-1.

(d) "Military service member" means an individual who:

(i) is serving on active duty in the United States Armed Forces within the state of

- 62 Utah;
- 63 (ii) is a member of a reserve component of the United States Armed Forces assigned
- 64 in Utah;
- 65 (iii) is a member of the [~~Utah~~]National Guard; or
- 66 (iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned
- 67 outside of Utah pursuant to federal permanent change of station orders.
- 68 (e) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.
- 69 (f) "National Guard" means the same as that term is defined in Section 39A-1-102.
- 70 [~~(f)~~] (g) "Parent" means a student's biological or adoptive parent.
- 71 (2) The meaning of "resident student" is determined by reference to the general law on the
- 72 subject of domicile, except as provided in this section.
- 73 (3)(a) Institutions within the state system of higher education may grant resident student
- 74 status to any student who has come to Utah and established residency for the purpose
- 75 of attending an institution of higher education, and who, prior to registration as a
- 76 resident student:
- 77 (i) has maintained continuous Utah residency status for one full year;
- 78 (ii) has signed a written declaration that the student has relinquished residency in any
- 79 other state; and
- 80 (iii) has submitted objective evidence that the student has taken overt steps to
- 81 establish permanent residency in Utah and that the student does not maintain a
- 82 residence elsewhere.
- 83 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 84 (i) a Utah high school transcript issued in the past year confirming attendance at a
- 85 Utah high school in the past 12 months;
- 86 (ii) a Utah voter registration dated a reasonable period prior to application;
- 87 (iii) a Utah driver license or identification card with an original date of issue or a
- 88 renewal date several months prior to application;
- 89 (iv) a Utah vehicle registration dated a reasonable period prior to application;
- 90 (v) evidence of employment in Utah for a reasonable period prior to application;
- 91 (vi) proof of payment of Utah resident income taxes for the previous year;
- 92 (vii) a rental agreement showing the student's name and Utah address for at least 12
- 93 months prior to application; and
- 94 (viii) utility bills showing the student's name and Utah address for at least 12 months
- 95 prior to application.

(c) A student who is claimed as a dependent on the tax returns of a person who is not a resident of Utah is not eligible to apply for resident student status.

(4) Except as provided in Subsection (8), an institution within the state system of higher education may establish stricter criteria for determining resident student status.

(5) If an institution does not have a minimum credit-hour requirement, that institution shall honor the decision of another institution within the state system of higher education to grant a student resident student status, unless:

(a) the student obtained resident student status under false pretenses; or

(b) the facts existing at the time of the granting of resident student status have changed.

(6) Within the limits established in Chapter 8, Tuition Waiver and Scholarships, each institution within the state system of higher education may, regardless of its policy on obtaining resident student status, waive nonresident tuition either in whole or in part, but not other fees.

(7) In addition to the waivers of nonresident tuition under Subsection (6), each institution may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the maximum number allowed by the appropriate athletic conference as recommended by the president of each institution.

(8) Notwithstanding Subsection (3), an institution within the state system of higher education shall grant resident student status for tuition purposes to:

(a) a military service member, if the military service member provides:

(i) the military service member's current United States military identification card;
and

(ii)(A) a statement from the military service member's current commander, or equivalent, stating that the military service member is assigned in Utah; or

(B) evidence that the military service member is domiciled in Utah, as described in Subsection (9)(a);

(b) a military service member's immediate family member, if the military service member's immediate family member provides:

(i)(A) the military service member's current United States military identification card; or

(B) the immediate family member's current United States military identification card; and

(ii)(A) a statement from the military service member's current commander, or equivalent, stating that the military service member is assigned in Utah;

- 130 (B) evidence that the military service member is domiciled in Utah, as described
131 in Subsection (9)(a); or
- 132 (C) evidence that the immediate family member completed at least one year of
133 grades 9 through 12 at a local education agency, as defined in Section
134 53E-1-102, within the state while the military service member was assigned in
135 Utah, regardless of the service member's current assignment.
- 136 (c) a military veteran, regardless of whether the military veteran served in Utah, if the
137 military veteran provides:
- 138 (i) evidence of an honorable or general discharge;
- 139 (ii) a signed written declaration that the military veteran has relinquished residency in
140 any other state and does not maintain a residence elsewhere;
- 141 (iii) objective evidence that the military veteran has demonstrated an intent to
142 establish residency in Utah, which may include any one of the following:
- 143 (A) a Utah voter registration card;
- 144 (B) a Utah driver license or identification card;
- 145 (C) a Utah vehicle registration;
- 146 (D) evidence of employment in Utah;
- 147 (E) a rental agreement showing the military veteran's name and Utah address; or
- 148 (F) utility bills showing the military veteran's name and Utah address;
- 149 (d) a military veteran's immediate family member, regardless of whether the military
150 veteran served in Utah, if the military veteran's immediate family member provides:
- 151 (i) evidence of the military veteran's honorable or general discharge;
- 152 (ii) a signed written declaration that the military veteran's immediate family member
153 has relinquished residency in any other state and does not maintain a residence
154 elsewhere; and
- 155 (iii) objective evidence that the military veteran's immediate family member has
156 demonstrated an intent to establish residency in Utah, which may include one of
157 the items described in Subsection (8)(c)(iii);
- 158 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who
159 is either:
- 160 (i) domiciled in Utah, recognizing the individual may not be physically present in the
161 state due to an assignment; or
- 162 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 163 (A) evidence of the foreign service member's status;

- 164 (B) a statement from the foreign service member's current commander, or
165 equivalent, stating that the foreign service member is assigned in Utah; or
166 (C) evidence that the foreign service member is domiciled in Utah;
- 167 (f) a foreign service member's immediate family member if the foreign service member
168 is either:
- 169 (i) domiciled in Utah, recognizing the individual may not be physically present in the
170 state due to an assignment; or
171 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 172 (A) evidence of the foreign service member's status;
173 (B) a statement from the foreign service member's current commander, or
174 equivalent, stating that the foreign service member is assigned in Utah; or
175 (C) evidence that the foreign service member is domiciled in Utah;
- 176 (g) an eligible person who provides:
- 177 (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits; and
178 (ii) a signed written declaration that the eligible person will use the Veteran Benefits
179 under Title 38 U.S.C.;~~and~~
180 ~~[(iii) objective evidence that the eligible person has demonstrated an intent to~~
181 ~~establish residency in Utah, which may include one of the items described in~~
182 ~~Subsection (8)(e)(iii);]~~
- 183 (h) an alien who provides:
- 184 (i) evidence that the alien is a special immigrant visa recipient;
185 (ii) evidence that the alien has been granted refugee status, humanitarian parole,
186 temporary protected status, or asylum; or
187 (iii) evidence that the alien has submitted in good faith an application for refugee
188 status, humanitarian parole, temporary protected status, or asylum under United
189 States immigration law; or
- 190 (i) an inmate:
- 191 (i) during the time the inmate is enrolled in the course; and
192 (ii) for one year after the day on which the inmate is released from a correctional
193 facility as defined in Section 64-13-1.
- 194 (9)(a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:
- 195 (i) a current Utah voter registration card;
196 (ii) a valid Utah driver license or identification card;
197 (iii) a current Utah vehicle registration;

- 198 (iv) a copy of a Utah income tax return, in the military service member's or military
199 service member's spouse's name, filed as a resident in accordance with Section
200 59-10-502; or
- 201 (v) proof that the military service member or military service member's spouse owns
202 a home in Utah, including a property tax notice for property owned in Utah.
- 203 (b) Aliens who are present in the United States on visitor, student, or other visas not
204 listed in Subsection (8)(h) or (9)(c), which authorize only temporary presence in this
205 country, do not have the capacity to intend to reside in Utah for an indefinite period
206 and therefore are classified as nonresidents.
- 207 (c) Aliens who have been granted or have applied for permanent resident status in the
208 United States are classified for purposes of resident student status according to the
209 same criteria applicable to citizens.
- 210 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or
211 trust lands lie partly or wholly within Utah or whose border is at any point contiguous
212 with the border of Utah, and any American Indian who is a member of a federally
213 recognized or known Utah tribe and who has graduated from a high school in Utah, is
214 entitled to resident student status.
- 215 (11) A Job Corps student is entitled to resident student status if the student:
- 216 (a) is admitted as a full-time, part-time, or summer school student in a program of study
217 leading to a degree or certificate; and
- 218 (b) submits verification that the student is a current Job Corps student.
- 219 (12) A person is entitled to resident student status and may immediately apply for resident
220 student status if the person:
- 221 (a) marries a Utah resident eligible to be a resident student under this section; and
222 (b) establishes his or her domicile in Utah as demonstrated by objective evidence as
223 provided in Subsection (3).
- 224 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent
225 who has been domiciled in Utah for at least 12 months prior to the student's application
226 is entitled to resident student status.
- 227 (14)(a) A person who has established domicile in Utah for full-time permanent
228 employment may rebut the presumption of a nonresident classification by providing
229 substantial evidence that the reason for the individual's move to Utah was, in good
230 faith, based on an employer requested transfer to Utah, recruitment by a Utah
231 employer, or a comparable work-related move for full-time permanent employment

232 in Utah.

233 (b) All relevant evidence concerning the motivation for the move shall be considered,
234 including:

235 (i) the person's employment and educational history;

236 (ii) the dates when Utah employment was first considered, offered, and accepted;

237 (iii) when the person moved to Utah;

238 (iv) the dates when the person applied for admission, was admitted, and was enrolled
239 as a postsecondary student;

240 (v) whether the person applied for admission to an institution of higher education
241 sooner than four months from the date of moving to Utah;

242 (vi) evidence that the person is an independent person who is:

243 (A) at least 24 years old; or

244 (B) not claimed as a dependent on someone else's tax returns; and

245 (vii) any other factors related to abandonment of a former domicile and establishment
246 of a new domicile in Utah for purposes other than to attend an institution of higher
247 education.

248 (15)(a) A person who is in residence in Utah to participate in a United States Olympic
249 athlete training program, at a facility in Utah, approved by the governing body for the
250 athlete's Olympic sport, shall be entitled to resident status for tuition purposes.

251 (b) Upon the termination of the athlete's participation in the training program, the athlete
252 shall be subject to the same residency standards applicable to other persons under this
253 section.

254 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah
255 counts for Utah residency for tuition purposes upon termination of the athlete's
256 participation in a Utah Olympic athlete training program.

257 (16)(a) A person who has established domicile in Utah for reasons related to divorce, the
258 death of a spouse, or long-term health care responsibilities for an immediate family
259 member, including the person's spouse, parent, sibling, or child, may rebut the
260 presumption of a nonresident classification by providing substantial evidence that the
261 reason for the individual's move to Utah was, in good faith, based on the long-term
262 health care responsibilities.

263 (b) All relevant evidence concerning the motivation for the move shall be considered,
264 including:

265 (i) the person's employment and educational history;

- (ii) the dates when the long-term health care responsibilities in Utah were first considered, offered, and accepted;
- (iii) when the person moved to Utah;
- (iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
- (v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;
- (vi) evidence that the person is an independent person who is:
 - (A) at least 24 years old; or
 - (B) not claimed as a dependent on someone else's tax returns; and
- (vii) any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

(17) A foreign service member or the foreign service member's immediate family member deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the eligibility for resident student status if the foreign service member or immediate family member maintains continuous enrollment even in the case of a change in domicile or duty station.

(18) The board, after consultation with the institutions, shall make rules not inconsistent with this section:

- (a) concerning the definition of resident and nonresident students;
- (b) establishing procedures for classifying and reclassifying students;
- (c) establishing criteria for determining and judging claims of residency or domicile;
- (d) establishing appeals procedures; and
- (e) other matters related to this section.

(19) A student shall be exempt from paying the nonresident portion of total tuition if the student:

- (a) is a foreign national legally admitted to the United States;
- (b) attended high school in this state for three or more years; and
- (c) graduated from a high school in this state or received the equivalent of a high school diploma in this state.

Section 2. Section **53E-3-915** is amended to read:

53E-3-915 . Article XIV -- Financing of the Interstate Commission.

(1) The Interstate Commission shall pay or provide for the payment of the reasonable

expenses of its establishment, organization, and ongoing activities.

- (2) In accordance with the funding limit established in Subsection (5), the Interstate Commission may levy and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff which shall be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.
- (3) The Interstate Commission may not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state.
- (4) The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.
- (5) The Interstate Commission may not assess, levy, or collect more than [~~\$5,000~~] \$10,000 per year from Utah legislative appropriations. Other funding sources may be accepted and used to offset expenses related to the state's participation in the compact.

Section 3. Section **71A-1-101** is amended to read:

71A-1-101 . Veterans and Military Affairs -- Definitions.

As used in this title:

- (1) "Armed forces" means the same as that term is defined in Section 68-3-12.5.
- (2) "Contractor" means a person who is or may be awarded a government entity contract.
- (3) "Council" means the Veterans Advisory Council.
- (4) "Department" means the Department of Veterans and Military Affairs.
- (5) "Executive director" means the executive director of the Department of Veterans and Military Affairs.
- (6) "Government entity" means the state and any county, municipality, special district, special service district, and any other political subdivision or administrative unit of the state, including state institutions of education.
- (7) "National Guard" means the Utah National Guard created in Section 39A-3-101 and in accordance with Utah Constitution Article XV.

[<7)] (8) "Service member" means a currently serving member of the armed forces.
[<8)] (9) "Uniformed services" means the same as that term is defined in Section 68-3-12.5.
[<9)] (10) "VA" means the United States Department of Veterans Affairs.
[<10)] (11) "Veteran" means the same as that term is defined in Section 68-3-12.5.
[<11)] (12) "Veterans service organization" means an organization or individual accredited
by the VA Office of General Counsel or recognized by the department whose purpose is
to serve service members and veterans, their spouses, surviving spouses, and children.

Section 4. Section **71A-1-201** is amended to read:

**71A-1-201 . Department of Veterans and Military Affairs -- Creation --
Appointment of executive director -- Department responsibilities.**

- (1) There is created the Department of Veterans and Military Affairs.
- (2) The governor shall appoint an executive director for the department who is subject to Senate confirmation.
- (3) The executive director shall be a veteran.
- (4) The department shall:
 - (a) conduct and supervise all veteran and military affairs activities as provided in this title;
 - (b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this title;
 - (c) in accordance with Section 41-1a-418:
 - (i) determine which campaign or combat theater awards are eligible for a special group license plate;
 - (ii) verify that an applicant for a campaign or combat theater award special group license plate is qualified to receive it; and
 - (iii) provide an applicant that qualifies a form indicating the campaign or combat theater award special group license plate for which the applicant qualifies;
 - (d) maintain liaison with local, state, and federal veterans agencies and with Utah veterans organizations;
 - (e) provide current information to veterans, service members, their surviving spouses and family members, and Utah veterans and military organizations on benefits they are entitled to;
 - (f) assist veterans, service members, and their families in applying for benefits and services;
 - (g) cooperate with other state entities in the receipt of information to create and maintain

- 368 a record of veterans in Utah;
- 369 (h) create and administer a veterans assistance registry in accordance with Chapter 5,
370 Veterans Assistance Registry, with recommendations from the council, that provides
371 contact information to the qualified donors of materials and labor for certain qualified
372 recipients;
- 373 (i) identify military-related issues, challenges, and opportunities, and develop plans for
374 addressing them;
- 375 (j) develop, coordinate, and maintain relationships with military leaders of Utah military
376 installations, including the [~~Utah~~]National Guard;
- 377 (k) develop and maintain relationships with military-related organizations in Utah;~~and~~
- 378 (l) consult with municipalities and counties regarding compatible use plans as described
379 in Sections 10-9a-537 and 17-27a-533;
- 380 (m) provide services and benefits directly or indirectly to service members, veterans, and
381 families of service members and veterans, including services and benefits related to
382 claims, health care, employment, education, mental wellness, counseling, business,
383 housing, recognition, camaraderie, and other functions; and
- 384 (n) serve as the State Approving Agency under United States Code, Title 38, Veterans
385 Benefits.
- 386 (5)(a) The department may award grants for the purpose of supporting veteran and
387 military outreach, employment, education, healthcare, homelessness prevention, and
388 recognition events.
- 389 (b) The department may award a grant described in Subsection (5)(a) to:
- 390 (i) an institution of higher education listed in Section 53B-1-102;
- 391 (ii) a nonprofit organization involved in veterans or military-related activities; or
- 392 (iii) a political subdivision of the state.
- 393 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
394 department shall make rules for the administration of grants, including establishing:
- 395 (i) the form and process for submitting an application to the department;
- 396 (ii) the method and criteria for selecting a grant recipient;
- 397 (iii) the method and formula for determining a grant amount; and
- 398 (iv) the reporting requirements of a grant recipient.
- 399 (6)(a) The department may:
- 400 (i) receive gifts, contributions, and donations to support service members, veterans,
401 families of service members and veterans, and military missions, including

402 tangible objects and real property, if the department uses the gifts, contributions,
403 and donations for the benefit of, or in connection with, service members, veterans,
404 families of service members and veterans, or military missions; and
405 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
406 make rules related to the administration of gifts, contributions, and donations
407 described in Subsection (6)(a).

408 (b) A gift, contribution, or donation received by the department as described in
409 Subsection (6)(a), does not revert to the General Fund and is considered non-lapsing
410 funds.

411 ~~[(6)]~~ (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
412 department may make rules related to:

- 413 (a) the consultation with municipalities and counties regarding compatible use plans as
414 required in Subsection (4)(I); and
415 (b) criteria to evaluate whether a proposed land use is compatible with military
416 operations.

417 ~~[(7)]~~ (8) Nothing in this chapter ~~[shall be construed as altering or preempting]~~ alters or
418 preempts any provisions of Title 39A, National Guard and Militia Act, as specifically
419 related to the ~~[Utah-]~~ National Guard.

420 Section 5. Section **71A-1-202** is amended to read:

421 **71A-1-202 . Department of Veterans and Military Affairs -- Executive director --**
422 **Responsibilities.**

423 (1) The executive director is the chief administrative officer of the department.

424 (2) The executive director is responsible for:

- 425 (a) the administration and supervision of the department;
426 (b) the coordination of policies and program activities conducted through the department;
427 (c) the development and approval of the proposed budget of the department;
428 (d) preparing an annual report for presentation not later than November 30 of each year
429 to the Government Operations Interim Committee which covers:
430 (i) services provided to veterans, service members, and their families;
431 (ii) services provided by third parties through the Veterans Assistance Registry;
432 (iii) coordination of veterans services by government entities with the department; and
433 (iv) the status of military missions within the state;
434 (e) advising the governor on matters pertaining to veterans and military affairs
435 throughout the state, including active duty service members, reserve duty service

- members, veterans, and their families;
- (f) developing, coordinating, and maintaining relationships with Utah's congressional delegation and appropriate federal agencies; and
- (g) entering into grants, contracts, agreements, and interagency transfers necessary to support the department's programs.

(3) The executive director is the acceptance authority for any gifts, contributions, or donations received under Subsection 71A-1-201(6) and shall ensure compliance with the restrictions and limitations described in Section 63G-6a-2404.

~~[(3)]~~ (4) The executive director may appoint deputy directors to assist the executive director in carrying out the department's responsibilities.

~~[(4)]~~ (5) A deputy director, described in Subsection (3), of veterans' services shall be a veteran.

Section 6. Section **71A-9-101** is enacted to read:

CHAPTER 9. MILITARY INSTALLATIONS

Part 1. General Provisions

71A-9-101 . Definitions.

As used in this chapter, "state institution of higher education" means an institution described in Section 53B-2-101 or any other university or college that is established and maintained by the state.

Section 7. Section **71A-9-102** is enacted to read:

71A-9-102 . Military installation ability to enter into an intergovernmental support agreement.

(1) A state agency, local municipality, special service district, or state institution of higher education may enter into an intergovernmental support agreement with a military installation or entity, including the National Guard, to provide support services to the military installation or entity in accordance with the agreement.

(2) Copies of the agreement described in Subsection (1) shall be filed with the department.

Section 8. Section **71A-9-301** is enacted to read:

Part 2. Military Installation Easements

71A-9-301 . Definitions.

Reserved.

Section 9. Section **71A-9-302** is enacted to read:

71A-9-302 . Acquisition of easements -- Restrictions -- Resale.

- (1) The department may acquire, by purchase, from landowners voluntarily entering a contract with the department, property or easements for the establishment, maintenance, and operation of a restrictive use area for the operation of military missions adjacent to, or within the boundaries of the approved compatible use plan for:
- (a) Hill Air Force Base;
 - (b) Little Mountain Test Facility;
 - (c) the Utah Test and Training Range;
 - (d) Dugway Proving Ground; or
 - (e) a National Guard facility.
- (2)(a) The department shall ensure that any easements established by voluntary purchase described in Subsection (1) place conditions on land use identified in the applicable land use compatibility guidelines study or according to military best practice or recommendations.
- (b) The department may allow other uses on easements described in Subsection (1) not prohibited by the guidelines described in Subsection (2)(a) if the uses are consistent with the purpose of this part.
- (c) Nothing in this part authorizes the department or any other state agency to:
- (i) purchase a business;
 - (ii) require a landowner to sell property or an easement to the department; or
 - (iii) require a person to relocate or move.
- (d) To calculate the purchase price for an easement described in Subsection (1), the department shall use the fair market value of the real property.
- (e) When a military installation has not been used for seven years, the department shall:
- (i) notify by certified mail each current owner of any property to which an easement is attached near the military installation that the owner may purchase the easement for the same price that the state originally paid for the easement or for the market value of the easement at the time of the owner's buyback, whichever is less; and
 - (ii) sell the easement to an owner notified under Subsection (2)(e)(i) if the owner tenders the purchase price described in Subsection (2)(e)(i).
- (3)(a) The department may take action to enforce the provisions of this chapter.
- (b) The attorney general shall represent the department in an action described in Subsection (3)(a).

Section 10. Section **71A-9-303** is enacted to read:

71A-9-303 . Certain improvements, alterations, and expansions prohibited.

(1) A person may not begin to develop, or authorize development, on any land on which the department or the Governor's Office of Economic Opportunity holds a lawful easement unless the department or the Governor's Office of Economic Opportunity has affirmatively authorized the development of the land.

(2) Nothing in this part prohibits a property owner from improving, altering, or expanding an existing residential or commercial use of the property owner's property if the improvement, alteration, or expansion does not violate any conditions of an easement placed on the property owner's land.

Section 11. **Repealer.**

This bill repeals:

Section **63M-6-203, Certain improvements, alterations, and expansions prohibited.**

Section **63M-6-202, Location of easements.**

Section **63M-6-201, Acquisition of easements -- Restrictions -- Resale.**

Section **63M-6-101, Title.**

Section 12. **Effective Date.**

This bill takes effect on May 7, 2025.