

# HB0122S06 compared with HB0122S05

{Omitted text} shows text that was in HB0122S05 but was omitted in HB0122S06  
inserted text shows text that was not in HB0122S05 but was inserted into HB0122S06

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## Military Affairs Amendments

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jefferson S. Burton**

Senate Sponsor: Todd Weiler

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### 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;

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- 21       ▶ enacts provisions related to the Great Salt Lake Sentinel Landscape;
- 22       ▶ repeals Title 63M, Chapter 6, Military Base Easements Act, and enacts sections in Title 71A, Veterans and Military Affairs, covering the provisions previously found in Title 63M, Chapter 6, Military Base Easements Act; and
- 25       ▶ makes technical and conforming changes.

### 26 **Money Appropriated in this Bill:**

27       None

28       None

### 31 **AMENDS:**

32       **53B-8-102** , as last amended by Laws of Utah 2024, Chapters 144, 378 and 481 , as last amended by Laws of Utah 2024, Chapters 144, 378 and 481

33       **53E-3-915** , as renumbered and amended by Laws of Utah 2018, Chapter 1 , as renumbered and amended by Laws of Utah 2018, Chapter 1

34       ~~**{63I-2-239** , as enacted by Laws of Utah 2024, Third Special Session, Chapter 5 , as enacted by Laws of Utah 2024, Third Special Session, Chapter 5}~~

34       **71A-1-101** , as last amended by Laws of Utah 2023, Chapter 16 and renumbered and amended by Laws of Utah 2023, Chapter 44 , as last amended by Laws of Utah 2023, Chapter 16 and renumbered and amended by Laws of Utah 2023, Chapter 44

36       **71A-1-201** , as enacted by Laws of Utah 2023, Chapter 44 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 154 , as enacted by Laws of Utah 2023, Chapter 44 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 154

38       **71A-1-202** , as last amended by Laws of Utah 2024, Chapter 334 , as last amended by Laws of Utah 2024, Chapter 334

### 39 **ENACTS:**

40       **71A-9-101** , Utah Code Annotated 1953 , Utah Code Annotated 1953

41       **71A-9-102** , Utah Code Annotated 1953 , Utah Code Annotated 1953

42       **71A-9-201** , Utah Code Annotated 1953 , Utah Code Annotated 1953

43       **71A-9-202** , Utah Code Annotated 1953 , Utah Code Annotated 1953

44       **71A-9-203** , Utah Code Annotated 1953 , Utah Code Annotated 1953

45       **71A-9-301** , Utah Code Annotated 1953 , Utah Code Annotated 1953

46       **71A-9-302** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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47        **71A-9-303** , Utah Code Annotated 1953 , Utah Code Annotated 1953

48 REPEALS:

49        **63M-6-101** , as enacted by Laws of Utah 2008, Chapter 382 , as enacted by Laws of Utah 2008,  
Chapter 382

50        **63M-6-201** , as last amended by Laws of Utah 2021, Chapter 282 , as last amended by Laws of Utah  
2021, Chapter 282

51        **63M-6-202** , as last amended by Laws of Utah 2021, Chapter 282 , as last amended by Laws of Utah  
2021, Chapter 282

52        **63M-6-203** , as last amended by Laws of Utah 2021, Chapter 282 , as last amended by Laws of Utah  
2021, Chapter 282

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

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

56        **53B-8-102. Definitions -- Resident student status -- Exceptions.**

57 (1) As used in this section:

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

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

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

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

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

64 (ii) is a member of a reserve component of the United States Armed Forces assigned 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 outside of Utah  
67 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 subject of  
72 domicile, except as provided in this section.

73 (3)

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- . (a) Institutions within the state system of higher education may grant resident student status to any student who has come to Utah and established residency for the purpose of attending an institution of higher education, and who, prior to registration as a resident student:
- 80 (i) has maintained continuous Utah residency status for one full year;
- 81 (ii) has signed a written declaration that the student has relinquished residency in any other state;  
and
- 83 (iii) has submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere.
- 86 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 87 (i) a Utah high school transcript issued in the past year confirming attendance at a Utah high school in the past 12 months;
- 89 (ii) a Utah voter registration dated a reasonable period prior to application;
- 90 (iii) a Utah driver license or identification card with an original date of issue or a renewal date several months prior to application;
- 92 (iv) a Utah vehicle registration dated a reasonable period prior to application;
- 93 (v) evidence of employment in Utah for a reasonable period prior to application;
- 94 (vi) proof of payment of Utah resident income taxes for the previous year;
- 95 (vii) a rental agreement showing the student's name and Utah address for at least 12 months prior to application; and
- 97 (viii) utility bills showing the student's name and Utah address for at least 12 months prior to application.
- 99 (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.
- 101 (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.
- 103 (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:
- 106 (a) the student obtained resident student status under false pretenses; or
- 107 (b) the facts existing at the time of the granting of resident student status have changed.
- 108

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- (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.
- 112 (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.
- 116 (8) Notwithstanding Subsection (3), an institution within the state system of higher education shall grant resident student status for tuition purposes to:
- 118 (a) a military service member, if the military service member provides:
- 119 (i) the military service member's current United States military identification card; and
- 121 (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
- 123 (B) evidence that the military service member is domiciled in Utah, as described in Subsection (9)(a);
- 125 (b) a military service member's immediate family member, if the military service member's immediate family member provides:
- 127 (i)
- . (A) the military service member's current United States military identification card; or
- 129 (B) the immediate family member's current United States military identification card; and
- 131 (ii)
- . (A) a statement from the military service member's current commander, or equivalent, stating that the military service member is assigned in Utah;
- 133 (B) evidence that the military service member is domiciled in Utah, as described in Subsection (9)(a); or
- 135 (C) evidence that the immediate family member completed at least one year of grades 9 through 12 at a local education agency, as defined in Section 53E-1-102, within the state while the military service member was assigned in Utah, regardless of the service member's current assignment.
- 139 (c) a military veteran, regardless of whether the military veteran served in Utah, if the military veteran provides:
- 141 (i) evidence of an honorable or general discharge;
- 142 (ii) a signed written declaration that the military veteran has relinquished residency in any other state and does not maintain a residence elsewhere;

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- 144 (iii) objective evidence that the military veteran has demonstrated an intent to establish residency in  
Utah, which may include any one of the following:
- 146 (A) a Utah voter registration card;
- 147 (B) a Utah driver license or identification card;
- 148 (C) a Utah vehicle registration;
- 149 (D) evidence of employment in Utah;
- 150 (E) a rental agreement showing the military veteran's name and Utah address; or
- 151 (F) utility bills showing the military veteran's name and Utah address;
- 152 (d) a military veteran's immediate family member, regardless of whether the military veteran served in  
Utah, if the military veteran's immediate family member provides:
- 154 (i) evidence of the military veteran's honorable or general discharge;
- 155 (ii) a signed written declaration that the military veteran's immediate family member has relinquished  
residency in any other state and does not maintain a residence elsewhere; and
- 158 (iii) objective evidence that the military veteran's immediate family member has demonstrated an intent  
to establish residency in Utah, which may include one of the items described in Subsection (8)(c)  
(iii);
- 161 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who is either:
- 163 (i) domiciled in Utah, recognizing the individual may not be physically present in the state due to an  
assignment; or
- 165 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 166 (A) evidence of the foreign service member's status;
- 167 (B) a statement from the foreign service member's current commander, or equivalent, stating that the  
foreign service member is assigned in Utah; or
- 169 (C) evidence that the foreign service member is domiciled in Utah;
- 170 (f) a foreign service member's immediate family member if the foreign service member is either:
- 172 (i) domiciled in Utah, recognizing the individual may not be physically present in the state due to an  
assignment; or
- 174 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 175 (A) evidence of the foreign service member's status;
- 176 (B) a statement from the foreign service member's current commander, or equivalent, stating that the  
foreign service member is assigned in Utah; or

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- 178 (C) evidence that the foreign service member is domiciled in Utah;
- 179 (g) an eligible person who provides:
- 180 (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits; and
- 181 (ii) a signed written declaration that the eligible person will use the Veteran Benefits under Title 38  
U.S.C.;~~[-and]~~
- 183 [~~(iii) objective evidence that the eligible person has demonstrated an intent to establish residency in  
Utah, which may include one of the items described in Subsection (8)(c)(iii);]~~
- 186 (h) an alien who provides:
- 187 (i) evidence that the alien is a special immigrant visa recipient;
- 188 (ii) evidence that the alien has been granted refugee status, humanitarian parole, temporary protected  
status, or asylum; or
- 190 (iii) evidence that the alien has submitted in good faith an application for refugee status, humanitarian  
parole, temporary protected status, or asylum under United States immigration law; or
- 193 (i) an inmate:
- 194 (i) during the time the inmate is enrolled in the course; and
- 195 (ii) for one year after the day on which the inmate is released from a correctional facility as defined in  
Section 64-13-1.
- 197 (9)
- . (a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:
- 198 (i) a current Utah voter registration card;
- 199 (ii) a valid Utah driver license or identification card;
- 200 (iii) a current Utah vehicle registration;
- 201 (iv) a copy of a Utah income tax return, in the military service member's or military service  
member's spouse's name, filed as a resident in accordance with Section 59-10-502; or
- 204 (v) proof that the military service member or military service member's spouse owns a home in  
Utah, including a property tax notice for property owned in Utah.
- 206 (b) Aliens who are present in the United States on visitor, student, or other visas not listed in Subsection  
(8)(h) or (9)(c), which authorize only temporary presence in this country, do not have the capacity to  
intend to reside in Utah for an indefinite period and therefore are classified as nonresidents.
- 210 (c) Aliens who have been granted or have applied for permanent resident status in the United States are  
classified for purposes of resident student status according to the same criteria applicable to citizens.

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- 213 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands  
lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah,  
and any American Indian who is a member of a federally recognized or known Utah tribe and who  
has graduated from a high school in Utah, is entitled to resident student status.
- 218 (11) A Job Corps student is entitled to resident student status if the student:
- 219 (a) is admitted as a full-time, part-time, or summer school student in a program of study leading to a  
degree or certificate; and
- 221 (b) submits verification that the student is a current Job Corps student.
- 222 (12) A person is entitled to resident student status and may immediately apply for resident student status  
if the person:
- 224 (a) marries a Utah resident eligible to be a resident student under this section; and
- 225 (b) establishes his or her domicile in Utah as demonstrated by objective evidence as provided in  
Subsection (3).
- 227 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent who has been  
domiciled in Utah for at least 12 months prior to the student's application is entitled to resident  
student status.
- 230 (14)
- . (a) A person who has established domicile in Utah for full-time permanent employment may rebut  
the presumption of a nonresident classification by providing substantial evidence that the reason  
for the individual's move to Utah was, in good faith, based on an employer requested transfer to  
Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent  
employment in Utah.
- 236 (b) All relevant evidence concerning the motivation for the move shall be considered, including:
- 238 (i) the person's employment and educational history;
- 239 (ii) the dates when Utah employment was first considered, offered, and accepted;
- 240 (iii) when the person moved to Utah;
- 241 (iv) the dates when the person applied for admission, was admitted, and was enrolled as a  
postsecondary student;
- 243 (v) whether the person applied for admission to an institution of higher education sooner than four  
months from the date of moving to Utah;
- 245 (vi) evidence that the person is an independent person who is:



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- 246 (A) at least 24 years old; or  
247 (B) not claimed as a dependent on someone else's tax returns; and  
248 (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.
- 251 (15)
- . (a) A person who is in residence in Utah to participate in a United States Olympic athlete training  
program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall  
be entitled to resident status for tuition purposes.
- 254 (b) Upon the termination of the athlete's participation in the training program, the athlete shall be  
subject to the same residency standards applicable to other persons under this section.
- 257 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah counts for Utah  
residency for tuition purposes upon termination of the athlete's participation in a Utah Olympic  
athlete training program.
- 260 (16)
- . (a) A person who has established domicile in Utah for reasons related to divorce, the death of a spouse,  
or long-term health care responsibilities for an immediate family member, including the person's  
spouse, parent, sibling, or child, may rebut the presumption of a nonresident classification by  
providing substantial evidence that the reason for the individual's move to Utah was, in good faith,  
based on the long-term health care responsibilities.
- 266 (b) All relevant evidence concerning the motivation for the move shall be considered, including:
- 268 (i) the person's employment and educational history;
- 269 (ii) the dates when the long-term health care responsibilities in Utah were first considered, offered, and  
accepted;
- 271 (iii) when the person moved to Utah;
- 272 (iv) the dates when the person applied for admission, was admitted, and was enrolled as a  
postsecondary student;
- 274 (v) whether the person applied for admission to an institution of higher education sooner than four  
months from the date of moving to Utah;
- 276 (vi) evidence that the person is an independent person who is:
- 277 (A) at least 24 years old; or  
278 (B) not claimed as a dependent on someone else's tax returns; and

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- 279 (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.
- 282 (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.
- 287 (18) The board, after consultation with the institutions, shall make rules not inconsistent with this  
section:
- 289 (a) concerning the definition of resident and nonresident students;
- 290 (b) establishing procedures for classifying and reclassifying students;
- 291 (c) establishing criteria for determining and judging claims of residency or domicile;
- 292 (d) establishing appeals procedures; and
- 293 (e) other matters related to this section.
- 294 (19) A student shall be exempt from paying the nonresident portion of total tuition if the student:
- 296 (a) is a foreign national legally admitted to the United States;
- 297 (b) attended high school in this state for three or more years; and
- 298 (c) graduated from a high school in this state or received the equivalent of a high school diploma in this  
state.
- 299 Section 2. Section **53E-3-915** is amended to read:
- 300 **53E-3-915. Article XIV -- Financing of the Interstate Commission.**
- 302 (1) The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its  
establishment, organization, and ongoing activities.
- 304 (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.
- 311 (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.

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314 (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.

320 (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.

323 ~~{Section 3. Section 63I-2-239 is amended to read: }~~

324 **63I-2-239. Repeal dates: Title 39A.**

[Reserved]

Subsection 39A-1-201(2)(d), regarding a vacancy in the position of adjutant general that occurs before the year 2027 is repealed January 1, 2027

[Reserved].

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

323 **71A-1-101. Veterans and Military Affairs -- Definitions.**

As used in this title:

330 (1) "Armed forces" means the same as that term is defined in Section 68-3-12.5.

331 (2) "Contractor" means a person who is or may be awarded a government entity contract.

332 (3) "Council" means the Veterans Advisory Council.

333 (4) "Department" means the Department of Veterans and Military Affairs.

334 (5) "Executive director" means the executive director of the Department of Veterans and Military Affairs.

336 (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.

339 (7) "National Guard" means the Utah National Guard created in Section 39A-3-101 and in accordance with Utah Constitution Article XV.

341 [~~(7)~~] (8) "Service member" means a currently serving member of the armed forces.

342 [~~(8)~~] (9) "Uniformed services" means the same as that term is defined in Section 68-3-12.5.

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- 343 [~~9~~] (10) "VA" means the United States Department of Veterans Affairs.
- 344 [~~10~~] (11) "Veteran" means the same as that term is defined in Section 68-3-12.5.
- 345 [~~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.
- 343 Section 4. Section **71A-1-201** is amended to read:
- 344 **71A-1-201. Department of Veterans and Military Affairs -- Creation -- Appointment of  
executive director -- Department responsibilities.**
- 351 (1) There is created the Department of Veterans and Military Affairs.
- 352 (2) The governor shall appoint an executive director for the department who is subject to Senate  
confirmation.
- 354 (3) The executive director shall be a veteran.
- 355 (4) The department shall:
- 356 (a) conduct and supervise all veteran and military affairs activities as provided in this title;
- 358 (b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry  
out the provisions of this title;
- 360 (c) in accordance with Section 41-1a-418:
- 361 (i) determine which campaign or combat theater awards are eligible for a special group license plate;
- 363 (ii) verify that an applicant for a campaign or combat theater award special group license plate is  
qualified to receive it; and
- 365 (iii) provide an applicant that qualifies a form indicating the campaign or combat theater award special  
group license plate for which the applicant qualifies;
- 367 (d) maintain liaison with local, state, and federal veterans agencies and with Utah veterans  
organizations;
- 369 (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;
- 372 (f) assist veterans, service members, and their families in applying for benefits and services;
- 374 (g) cooperate with other state entities in the receipt of information to create and maintain a record of  
veterans in Utah;
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- (h) create and administer a veterans assistance registry in accordance with Chapter 5, Veterans Assistance Registry, with recommendations from the council, that provides contact information to the qualified donors of materials and labor for certain qualified recipients;
- 380 (i) identify military-related issues, challenges, and opportunities, and develop plans for addressing  
382 them;
- 384 (j) develop, coordinate, and maintain relationships with military leaders of Utah military installations,  
including the [~~Utah~~]National Guard;
- 384 (k) develop and maintain relationships with military-related organizations in Utah;[~~and~~]
- 385 (l) consult with municipalities and counties regarding compatible use plans as described in Sections  
10-9a-537 and 17-27a-533;
- 387 (m) provide services and benefits directly or indirectly to service members, veterans, and families  
of service members and veterans, including services and benefits related to claims, health care,  
employment, education, mental wellness, counseling, business, housing, recognition, camaraderie,  
and other functions; and
- 391 (n) serve as the State Approving Agency under United States Code, Title 38, Veterans Benefits.
- 393 (5)
- . (a) The department may award grants for the purpose of supporting veteran and military outreach,  
employment, education, healthcare, homelessness prevention, and recognition events.
- 396 (b) The department may award a grant described in Subsection (5)(a) to:
- 397 (i) an institution of higher education listed in Section 53B-1-102;
- 398 (ii) a nonprofit organization involved in veterans or military-related activities; or
- 399 (iii) a political subdivision of the state.
- 400 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall  
make rules for the administration of grants, including establishing:
- 402 (i) the form and process for submitting an application to the department;
- 403 (ii) the method and criteria for selecting a grant recipient;
- 404 (iii) the method and formula for determining a grant amount; and
- 405 (iv) the reporting requirements of a grant recipient.
- 406 (6)
- . (a) The department may:
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- (i) receive gifts, contributions, and donations to support service members, veterans, and families of service members and veterans, including tangible objects and real property, if the department uses the gifts, contributions, and donations for the benefit of, or in connection with, service members, veterans, or families of service members and veterans; and
- 412 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules related to the administration of gifts, contributions, and donations described in Subsection (6)  
(a).
- 415 (b) A gift, contribution, or donation received by the department as described in Subsection (6)(a), does not revert to the General Fund and is considered non-lapsing funds.
- 418 ~~[(6)]~~ (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules related to:
- 420 (a) the consultation with municipalities and counties regarding compatible use plans as required in Subsection (4)(1); and
- 422 (b) criteria to evaluate whether a proposed land use is compatible with military operations.
- 424 ~~[(7)]~~ (8) Nothing in this chapter ~~[shall be construed as altering or preempting]~~ alters or preempts any provisions of Title 39A, National Guard and Militia Act, as specifically related to the ~~[Utah~~ National Guard.
- 422 Section 5. Section **71A-1-202** is amended to read:
- 423 **71A-1-202. Department of Veterans and Military Affairs -- Executive director --**  
**Responsibilities.**
- 430 (1) The executive director is the chief administrative officer of the department.
- 431 (2) The executive director is responsible for:
- 432 (a) the administration and supervision of the department;
- 433 (b) the coordination of policies and program activities conducted through the department;
- 434 (c) the development and approval of the proposed budget of the department;
- 435 (d) preparing an annual report for presentation not later than November 30 of each year to the Government Operations Interim Committee which covers:
- 437 (i) services provided to veterans, service members, and their families;
- 438 (ii) services provided by third parties through the Veterans Assistance Registry;
- 439 (iii) coordination of veterans services by government entities with the department; and
- 440 (iv) the status of military missions within the state;

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- 441 (e) advising the governor on matters pertaining to veterans and military affairs throughout the state,  
including active duty service members, reserve duty service members, veterans, and their families;
- 444 (f) developing, coordinating, and maintaining relationships with Utah's congressional delegation and  
appropriate federal agencies; and
- 446 (g) entering into grants, contracts, agreements, and interagency transfers necessary to support the  
department's programs.
- 448 (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.
- 451 [~~(3)~~] (4) The executive director may appoint deputy directors to assist the executive director in carrying  
out the department's responsibilities.
- 453 [~~(4)~~] (5) A deputy director, described in Subsection (3), of veterans' services shall be a veteran.
- 450 Section 6. Section 6 is enacted to read:

### CHAPTER 9. MILITARY INSTALLATIONS

#### Part 1. General Provisions

##### **71A-9-101. Definitions.**

As used in this chapter:

- 460 (1) "Federal Coordinating Committee" is comprised of representatives from the United States  
Department of Agriculture, Natural Resources Conservation Service, the United States Forest  
Service, the Department of Defense Readiness Environmental Protection Integration Program,  
United States Department of the Interior, United States Fish and Wildlife Service, and the Federal  
Emergency Management Agency.
- 465 (2) "Great Salt Lake Sentinel Landscape" means the area encompassing Hill Air Force Base, Camp  
Williams, Tooele Army Depot, the United States Air Force Little Mountain Test Facility, or  
other area that has been designated by the Federal Coordinating Committee, in coordination with  
governmental and non-governmental organizations, to:
- 469 (a) protect military readiness and promote land conservation within the area;
- 470 (b) implement nature-based solutions to build resiliency in military installations in the state,  
communities, and ecosystems throughout the area; and

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(c) implement sustainable land management practices with landowners to mitigate the negative impacts of infrastructure development, frequency spectrum conflicts, and other activities that may impede or threaten the armed forces' ability to train or conduct operations.

476 (3) "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.

474 Section 7. Section 7 is enacted to read:

475 **71A-9-102. Military installation ability to enter into an intergovernmental support agreement.**

482 (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.

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

482 Section 8. Section 8 is enacted to read:

488 **Part 2. Great Salt Lake Sentinel Landscape**

484 **71A-9-201. Definitions.**

As used in this part:

491 (1) "Landowner" means a person who owns or is an authorized agent that is willing to work with the partnership in the purchase of property, an easement, land trade, in-kind property donation, or participating in other land management programs within the Great Salt Lake Sentinel Landscape.

495 (2) "Partner organization" means an agency, an institution, a corporation, a foundation, or an association that:

497 (a) has entered into a non-binding agreement to support and participate in the Great Salt Lake Sentinel Landscape; or

499 (b) provides funds, expertise, data, in-kind assistance, and other relevant skills and capabilities that contributes to the partnership's ability to achieve the partnership's goals and objectives.

502 (3) "Partnership" means the organization established by the executive director that is composed of state governmental entities, local governmental entities, federal governmental entities, and private entities selected to manage the Great Salt Lake Sentinel Landscape.

506 (4) "State agency" means a department, division, board, council, committee, institution, office, bureau, or other similar administrative unit housed within the state executive branch.



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504 Section 9. Section **9** is enacted to read:

505 **71A-9-202. Department responsibilities related to the Great Salt Lake Sentinel Landscape.**

512 (1) The department shall:

513 (a) act as the administrative agent of the partnership;

514 (b) in cooperation with the partnership, identify lands to be included in the Great Salt Lake Sentinel Landscape and develop strategies and recommendations to encourage landowners within the Great Salt Lake Sentinel Landscape to voluntarily participate in the partnership;

518 (c) in designating additional land to the Great Salt Lake Sentinel Landscape, and in cooperation with the partnership, include all working or natural lands that the partnership believes contribute to the long-term sustainability of the military missions in the sentinel landscape area; and

522 (d) determine, in cooperation with the partnership, the appropriate level of state resources required to adequately protect military missions within the sentinel landscape area.

525 (2) The department may:

526 (a) receive gifts, contributions, and donations to support the Great Salt Lake Sentinel Landscape, including tangible objects and real property, if the department uses the gifts, contributions, and donations for the benefit of, or in connection with, the Great Salt Lake Sentinel Landscape;

530 (b) apply for grants to aid in securing state resources described in Subsection (1)(d) to adequately protect military missions within the Great Salt Lake Sentinel Landscape; and

533 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to administer the provisions of this chapter.

535 (3) The executive director is the acceptance authority for any gifts, contributions, or donations received under Subsection (2)(a) and shall ensure compliance with the restrictions and limitations contained in Section 63G-6a-2404.

538 (4) A gift, grant, or donation described in this section will not revert to the General Fund and is considered non-lapsing funds.

535 Section 10. Section **10** is enacted to read:

536 **71A-9-203. State and local governmental entities.**

State and local governmental entities:

543 (1) are encouraged to cooperate with the partnership by providing access to studies, data, plans, and other relevant resources at the partnership's request; and

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(2) shall consider having representation from the partnership in all committees, councils, working groups, seminars, and conferences within the Great Salt Lake Sentinel Landscape that pertain to:

548 (a) urban development within 5,000 feet of military installations;

549 (b) wildland fire management;

550 (c) water sustainability;

551 (d) the ecosystem of the Great Salt Lake; or

552 (e) wildlife habitat.

548 Section 11. Section 11 is enacted to read:

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### Part 3. Military Installation Easements

550 **71A-9-301. Definitions.**

Reserved.

552 Section 12. Section 12 is enacted to read:

553 **71A-9-302. Acquisition of easements -- Restrictions -- Resale.**

559 (1)

(a) The department may acquire, by purchase or condemnation, property or easements for the establishment, maintenance, and operation of a restrictive use area for the operation of military missions:

562 (i) within the Great Salt Lake Sentinel Landscape;

563 (ii) near the Utah Test and Training Range;

564 (iii) near Dugway Proving Ground; or

565 (iv) near a National Guard facility.

566 (b) The department may delegate the department's power to purchase or condemn easements or property under Subsection (1)(a) to another state agency if the department ensures that the agency complies with the procedures and requirements of this part.

570 (2)

(a) The department shall ensure that the easements described in Subsection (1)(a) place conditions on land use identified in the applicable land use compatibility guidelines study or according to military best practice or recommendations.

573 (b) The department may allow other uses on easements described in Subsection (1)(a) not prohibited by the guidelines described in Subsection (2)(a) if the uses are consistent with the purpose of this part.

576 (c) Nothing in this part authorizes the department or any other state agency to:

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- 577 (i) purchase a business; or  
578 (ii) require a person to relocate or move.  
579 (d) To calculate the purchase price for an easement described in Subsection (1)(a), the department shall subtract the market value of the real property and the real property's improvements after the acquisition of the easement from the market value of the real property and the real property's improvements before the acquisition of the easement.  
583 (e) When a military installation has not been used for seven years, the department shall:  
584 (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  
588 (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).  
590 (3)  
. (a) The department may take action to enforce the provisions of this chapter.  
591 (b) The attorney general shall represent the department in an action described in Subsection (3)(a).  
588 Section 13. Section **13** is enacted to read:  
589 **71A-9-303. Certain improvements, alterations, and expansions prohibited.**  
595 (1) A person may not begin to develop, or authorize development, on any land identified in Section 71A-9-302 unless the department has affirmatively authorized the development of the land.  
598 (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 materially increase the human density of the property's present use.  
597 Section 14. **Repealer.**  
This Bill Repeals:  
598 This bill repeals:  
599 Section **63M-6-203, Certain improvements, alterations, and expansions prohibited.**  
600 Section **63M-6-202, Location of easements.**  
601 Section **63M-6-201, Acquisition of easements -- Restrictions -- Resale.**  
602 Section **63M-6-101, Title.**  
603 Section 15. **Effective date.**

## **HB0122S05 compared with HB0122S06**

This bill takes effect on May 7, 2025.

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