

National Guard and Military Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson S. Burton

LONG TITLE**General Description:**

This bill makes changes to the code addressing the military and Utah National Guard.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to the appointment of the adjutant general;
- ▶ clarifies what electronic means the State Armory Board may use in conducting meetings and taking official action;
- ▶ exempts the Utah National Guard, in limited circumstances, from:
 - the Open and Public Meetings Act; and
 - the procurement code;
- ▶ allows for the Utah National Guard to repay student loans for active members of the Utah National Guard;
- ▶ addresses the appointment and responsibilities of certain judge advocates;
- ▶ addresses the use of force by a military service member or a member of the National Guard in certain circumstances;
- ▶ 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;
- ▶ enacts provisions related to the Great Salt Lake Sentinel Landscape;
- ▶ repeals Title 63M Chapter 6, Military Base Easements Act;
- ▶ enacts sections in Title 71A, Veterans and Military Affairs, dealing with military base

32 easements;

33 ▸ provides that a military chaplain may solemnize a marriage; and

34 ▸ makes technical and conforming changes.

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 None

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **39A-1-201**, as last amended by Laws of Utah 2024, Chapter 334

42 **39A-2-101**, as last amended by Laws of Utah 2022, Chapter 421 and renumbered and
43 amended by Laws of Utah 2022, Chapter 373

44 **39A-2-102**, as last amended by Laws of Utah 2024, Chapter 268

45 **39A-3-201**, as last amended by Laws of Utah 2024, Chapter 28

46 **39A-5-103**, as renumbered and amended by Laws of Utah 2022, Chapter 373

47 **39A-9-101**, as enacted by Laws of Utah 2024, Chapter 334

48 **53E-3-915**, as renumbered and amended by Laws of Utah 2018, Chapter 1

49 **63G-6a-107.6**, as last amended by Laws of Utah 2024, Chapters 291, 522

50 **63I-2-239**, as enacted by Laws of Utah 2024, Third Special Session, Chapter 5

51 **71A-1-201**, as enacted by Laws of Utah 2023, Chapter 44 and last amended by
52 Coordination Clause, Laws of Utah 2023, Chapter 154

53 **71A-1-202**, as last amended by Laws of Utah 2024, Chapter 334

54 **81-2-301**, as enacted by Laws of Utah 2024, Chapter 366

55 **81-2-305**, as renumbered and amended by Laws of Utah 2024, Chapter 366

56 ENACTS:

57 **39A-2-105**, Utah Code Annotated 1953

58 **39A-3-112**, Utah Code Annotated 1953

59 **39A-5-114.5**, Utah Code Annotated 1953

60 **71A-9-101**, Utah Code Annotated 1953

61 **71A-9-102**, Utah Code Annotated 1953

62 **71A-9-201**, Utah Code Annotated 1953

63 **71A-9-202**, Utah Code Annotated 1953

64 **71A-9-203**, Utah Code Annotated 1953

65 **71A-9-301**, Utah Code Annotated 1953

66 **71A-9-302**, Utah Code Annotated 1953

67 **71A-9-303**, Utah Code Annotated 1953

68 REPEALS:

69 **63M-6-101**, as enacted by Laws of Utah 2008, Chapter 382

70 **63M-6-201**, as last amended by Laws of Utah 2021, Chapter 282

71 **63M-6-202**, as last amended by Laws of Utah 2021, Chapter 282

72 **63M-6-203**, as last amended by Laws of Utah 2021, Chapter 282

73

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

75 Section 1. Section **39A-1-201** is amended to read:

76 **39A-1-201 . Adjutant general -- Appointment -- Term -- Qualifications.**

77 (1) There shall be one adjutant general of the [~~Utah~~]National Guard[~~-appointed by~~] .

78 (2)(a) Beginning in the calendar year of 2027 and in every fourth year after 2027, the
 79 governor shall, in the month of January, appoint an individual who meets the
 80 qualifications under this section to serve a four-year term as the adjutant general.

81 (b) The four-year term for the adjutant general appointed under Subsection (2)(a) shall
 82 begin on the day of the adjutant general's appointment.

83 (c) If an individual appointed to serve as the adjutant general for a four-year term under
 84 Subsection (2)(a) is removed, resigns, or otherwise vacates the position of adjutant
 85 general, the governor may appoint another individual to serve as the adjutant general
 86 for the remainder of the unexpired four-year term.

87 (d)(i) If a vacancy in the position of adjutant general occurs before the year of 2027,
 88 the governor shall appoint an individual who meets the qualifications under this
 89 section to serve as the adjutant general.

90 (ii) An adjutant general appointed under Subsection (2)(d)(i) shall serve a term that
 91 begins on the day of the adjutant general's appointment and ends when the
 92 governor appoints an adjutant general to a four-year term in January of 2027, as
 93 described in Subsection (2)(a).

94 [~~2~~] (3) The adjutant general is the commanding general of the [~~Utah~~]National Guard and
 95 the Utah State Defense Force and serves at the pleasure of the governor.

96 [~~3~~] (4) The individual appointed to the office shall:

97 (a) be a citizen of Utah and meet the requirements provided in Title 32, United States
 98 Code;

99 (b) be a federally recognized commissioned officer, with the rank of colonel or higher,

100 of the Army National Guard or the Air National Guard with no fewer than five years
 101 commissioned service in the [~~Utah~~]National Guard; and

102 (c) as determined by the governor, have sufficient knowledge and experience to
 103 command the [~~Utah~~]National Guard.

104 [~~(4)~~] (5) Active service in the armed forces of the United States may be included in the
 105 requirement in Subsection [~~(3)(b)~~] (4)(b), if the officer was a member of the [~~Utah~~]
 106 National Guard when the officer entered that service.

107 [~~(5)~~] (6) The adjutant general shall establish a succession plan consistent with Section
 108 53-2a-804 to ensure the continuity of command.

109 [~~(6)~~] (7) An officer is no longer eligible to hold the office of adjutant general [~~after attaining~~
 110 ~~the age of 64 years~~] if the officer is 64 years old or older.

111 [~~(7)~~] (8) The adjutant general shall ensure the readiness, training, discipline, and operations
 112 of the [~~Utah~~]National Guard.

113 (9) An individual who otherwise meets the qualifications under this section to serve as the
 114 adjutant general may serve multiple terms as the adjutant general if appointed by the
 115 governor under Subsection (2).

116 Section 2. Section **39A-2-101** is amended to read:

117 **39A-2-101 . State Armory Board -- Creation -- Members -- A body corporate --**
 118 **Powers -- Expenses.**

119 (1) There is created a three member State Armory Board with the following members:

120 (a) the governor;

121 (b) the executive director of the Department of Government Operations; and

122 (c) the adjutant general of the [~~Utah~~]National Guard, appointed in accordance with
 123 Section 39A-3-102.

124 (2) The board is a body corporate with perpetual succession and the board's property is
 125 exempt from all taxes and assessments.

126 (3) The board may:

127 (a) have and use a common seal;

128 (b) sue and be sued;

129 (c) contract and be contracted with;

130 (d) take and hold by purchase, gift, devise, grant, or bequest real and personal property
 131 required for the board's use; and

132 (e) convert property received by gift, devise, or bequest, and not suitable for the board's
 133 uses, into other property as available, or into money.

- 134 (4) The board may:
- 135 (a) borrow money for the purpose of providing facilities, ranges, and training lands upon
136 the sole credit of the real property to which the board has legal title; and
- 137 (b) secure loans described in Subsection (4)(a) by mortgage upon property to which the
138 State Armory Board has legal title.
- 139 (5)(a) Property mortgaged for a loan as provided in Subsection (4)(b) shall be the sole
140 security for the loan.
- 141 (b) A deficiency judgment may not be made, rendered, or entered against the board upon
142 the foreclosure of a mortgage under Subsection (4)(b).
- 143 (c) The board may not mortgage property in one city for the purpose of obtaining money
144 for the erection of armories in any other place.
- 145 (6) A member may not receive compensation or benefits for the member's service, but may
146 receive per diem and travel expenses in accordance with:
- 147 (a) Section 63A-3-106;
- 148 (b) Section 63A-3-107; and
- 149 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
150 63A-3-107.
- 151 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
152 National Guard shall make rules governing the management and operational needs of the
153 board established under this section including rules for the appointment, duties, and
154 responsibilities of the board's secretary.
- 155 Section 3. Section **39A-2-102** is amended to read:
- 156 **39A-2-102 . Responsibilities of State Armory Board.**
- 157 (1) The board shall supervise and control all facilities, ranges, training lands, and all real
158 property held or acquired for the military purposes of the state.
- 159 (2) The board may:
- 160 (a) provide suitable facilities, ranges, and training lands for the different organizations of
161 the National Guard;
- 162 (b) lease real property throughout the state wherever necessary for the use of
163 organizations of the National Guard and for the storage of state and government
164 property at a rental that the board considers reasonable;
- 165 (c) erect facilities and ranges at places within the state that it considers necessary upon
166 lands to which it has acquired the legal title;
- 167 (d) expend military funds to acquire legal title to lands and to construct facilities and

- 168 ranges;
- 169 (e) sell and lease property that the board holds under Subsection (1) for purposes
170 consistent with the mission of the [~~Utah~~]National Guard; and
- 171 (f) conduct meetings and take official action in person or as necessary via electronic
172 means, including electronic mail, electronic messaging, telephone[-or] , video
173 teleconferencing, or a combination of these methods.
- 174 (3)(a) Subject to Subsection (3)(b), the board may take options for the purchase of any
175 premises under lease to the state for National Guard purposes:
- 176 (i) at any time during the life of the lease; and
177 (ii) when the purchase is in the state's interest.
- 178 (b) An option is not binding upon the board until it is approved by the Legislature.
- 179 (4)(a) Before legally binding the state to sell or lease any real property owned by the
180 National Guard, the board shall submit a description of the proposed sale to the
181 Legislative Management Committee for [~~its~~] the Legislative Management Committee's
182 review and recommendations.
- 183 (b) Before legally binding the state to purchase any interest in real property, the board
184 shall submit a description of the proposed sale to the Legislative Management
185 Committee for [~~its~~] the Legislative Management Committee's review and
186 recommendations.
- 187 (c) The Legislative Management Committee shall review each proposal and may
188 approve or disapprove the sale.
- 189 (5)(a) There is created an expendable special revenue fund known as the "State Armory
190 Fund."
- 191 (b) The State Armory Fund shall consist of:
- 192 (i) proceeds from the sales and leases of real property authorized by this section;
193 (ii) appropriations by the Legislature; and
194 (iii) interest earned on the fund.
- 195 (c) Subject to the Legislative Management Committee's review and recommendation,
196 the State Armory Board may expend money in the State Armory Fund to pay for the
197 acquisition and sale of real property and the construction of new armories.
- 198 Section 4. Section **39A-2-105** is enacted to read:
- 199 **39A-2-105 . Exemptions from the Open and Public Meetings Act.**
- 200 (1) A meeting held by the board in accordance with the board's responsibilities described in
201 Subsection 39A-2-102(f) are exempt from the requirements in Title 52, Chapter 4, Open

202 and Public Meetings Act, if the meeting:

203 (a) is related to the purchase, exchange, or lease of real property, including of a water
 204 right or water share; or

205 (b) is for the discussion of a proposed property development agreement, property
 206 development project proposal, or a financing proposal related to the development of
 207 land owned by the board.

208 (2) If a meeting described in Subsection (1) results in the acquisition or sale of real property
 209 or a contract for the construction of a new armory, any information regarding the
 210 acquisition, sale, or construction shall be posted on the board's public website for at least
 211 30 days from the day on which the board finalized the board's decision to acquire or sell
 212 the real property or construct the new armory.

213 Section 5. Section **39A-3-112** is enacted to read:

214 **39A-3-112 . Exemptions from the procurement code.**

215 (1) The National Guard is exempt from the requirements of Title 63G, Chapter 6a, Utah
 216 Procurement Code, not including Title 63G, Chapter 6a, Part 24, Unlawful Conduct and
 217 Penalties, for:

218 (a) a purchase made by the National Guard of \$100,000 or less; or

219 (b) a purchase related to assisting the National Guard in:

220 (i) responding to a current or imminent emergency; or

221 (ii) an operation related to disaster recovery.

222 (2) The National Guard is subject to Title 63G, Chapter 6a, Utah Procurement Code, for a
 223 purchase other than a purchase described in Subsection (1).

224 Section 6. Section **39A-3-201** is amended to read:

225 **39A-3-201 . Tuition and fees assistance for Utah National Guard members -- Use**
 226 **and allocation -- Appropriation.**

227 (1)(a) As used in this section, "fees" means general course fees, in addition to tuition,
 228 that are:

229 (i) imposed by an institution of higher education; and

230 (ii) required to be paid by a student to engage in a course of study at the institution of
 231 higher education.

232 (b) "Fees" includes:

233 (i) a special course fee; and

234 (ii) expenses for required:

235 (A) text books; and

- 236 (B) course related materials.
- 237 (2) The ~~[Utah]~~National Guard may provide tuition and fees assistance to a member of the [~~Utah]~~National Guard for study at an institution of higher education, subject to the
 238 ~~Utah]~~National Guard for study at an institution of higher education, subject to the
 239 following requirements:
- 240 (a) the individual shall be, at the time the individual receives the assistance, an active
 241 member of the ~~[Utah]~~National Guard; and
- 242 (b) the assistance is for tuition and fees only and may not be more than the resident
 243 tuition and fees for the actual course of postsecondary study engaged in by the
 244 individual.
- 245 (3)(a) Tuition and fees assistance shall be awarded as the adjutant general considers
 246 necessary.
- 247 (b) An individual may apply to the adjutant general ~~[of the state]~~for assistance for each
 248 year during which the individual is an active member of the ~~[Utah]~~National Guard.
- 249 (c) The adjutant general may recoup funds if a recipient fails to meet the requirements of
 250 the program.
- 251 (4) The adjutant general ~~[of the state]~~shall:
- 252 (a) ~~[-]~~pay tuition and fees assistance directly to the institution of higher education from
 253 the funds appropriated~~[-]~~ ; and
- 254 ~~[(5)]~~ (b) ~~[The adjutant general of the state shall]~~establish regulations, procedures, forms,
 255 and reports necessary to administer the allocation of assistance and payment of funds
 256 under this section.
- 257 ~~[(6)]~~ (5) The adjutant general may ~~[use no more]~~ not use more than 10% of the funds for
 258 administration of the program as the adjutant general considers necessary.
- 259 (6)(a) Subject to Subsections (6)(b) and (c), the adjutant general may allocate funds for
 260 the repayment of student loans for members of the National Guard.
- 261 (b) In addition to the requirements described in Subsection (6)(c), a member of the
 262 National Guard qualifies for the repayment of the member's student loans if the
 263 member is currently an active member of the National Guard.
- 264 (c) The adjutant general shall administer the loan repayment option described in this
 265 Subsection (6) in accordance with policies and procedures established by the adjutant
 266 general, including:
- 267 (i) additional eligibility requirements;
- 268 (ii) repayment limits; and
- 269 (iii) any other condition the adjutant general determines is appropriate.

270 Section 7. Section **39A-5-103** is amended to read:

271 **39A-5-103 . State staff judge advocate -- Appointment -- Qualifications -- Duties**
 272 **-- Assistants.**

273 (1)(a) The adjutant general shall appoint a state staff judge advocate.

274 (b) The state staff judge advocate appointed under Subsection (1)(a) shall be:

275 (i) an officer of the National Guard;

276 (ii) a member of the Utah State Bar;

277 (iii) admitted to practice before a United States federal court;

278 (iv) branch qualified; and

279 (v) designated as a state staff judge advocate officer.

280 (c) The state staff judge advocate appointed under Subsection (1)(a) is:

281 (i) the senior legal officer for the National Guard and a member of the adjutant
 282 general's special staff; and

283 (ii) shall act as the primary legal advisor to the adjutant general on all matters
 284 involving military justice.

285 ~~[(1)] (2)(a) The adjutant general [shall] may appoint [an officer of the National Guard as~~
 286 ~~the] a state judge advocate.[-]~~

287 ~~(b) The [officer-] state judge advocate appointed under Subsection (2)(a) shall be:~~

288 ~~(i) a member of the National Guard;~~

289 ~~(ii) [-]a member of the Utah State Bar[-] ;~~

290 ~~(iii) [-] admitted to practice before a United States federal court[-] ;~~

291 ~~(iv) [-]branch qualified[-] ; and~~

292 ~~(v) [-]designated as a staff judge advocate officer.~~

293 ~~[(2)] (c) The state judge advocate appointed under Subsection (2)(a) is:~~

294 ~~(i) [-]the principal military legal advisor; and~~

295 ~~(ii) [-]shall, in connection with rendering legal advice to the adjutant general, prepare~~
 296 ~~pretrial advice, a post-trial review, and act, in concert with the state staff judge~~
 297 ~~advocate, as legal advisor to the adjutant general on all matters involving military~~
 298 ~~justice.~~

299 (3)(a) The adjutant general may appoint branch state staff judge advocates for the
 300 individual branches of the National Guard.

301 (b) A branch state staff judge advocate appointed under Subsection (3)(a) shall be:

302 (i) an officer of the National Guard;

303 (ii) a member of the Utah State Bar;

304 (iii) branch qualified; and

305 (iv) designated as a staff judge advocate officer.

306 (c) A branch state staff judge advocate appointed under Subsection (3)(a):

307 (i) is responsible for the provision of military justice legal advice to the superior

308 assistant adjutant general of the branch state staff judge advocate; and

309 (ii) shall provide oversight to subordinate assistant staff judge advocates.

310 ~~[(3)]~~ (4)(a) The adjutant general may appoint assistant state judge advocates~~[as~~

311 considered necessary].

312 (b) ~~[-AH]~~ An assistant state judge ~~[advocates]~~ advocate appointed under Subsection (4)(a)

313 shall be:

314 (i) ~~[-officers]~~ an officer of the National Guard~~[-];~~ ;

315 (ii) ~~[-members]~~ a member of the Utah State Bar~~[-];~~ ;

316 (iii) ~~[-]~~branch qualified~~[-];~~ and

317 (iv) ~~[-]~~designated as a staff judge advocate ~~[officers]~~ officer.

318 ~~[(4)]~~ (5)(a) The [SJA] state judge advocate or [an assistant SJA] a branch state staff judge

319 advocate shall make frequent inspections of military units throughout the state to

320 supervise the administration of military justice.

321 (b) The duty described in Subsection (5)(a) may be delegated to an assistant state judge

322 advocate.

323 ~~[(5)]~~ (6)(a) The convening authority shall review directly with the [SJA] state staff judge

324 advocate all matters relating to the administration of military justice and

325 administrative actions.

326 (b) ~~[-]~~The assistant state judge advocate or legal officer of any command may

327 communicate directly with the assistant state judge advocate or legal officer of a

328 superior or subordinate command, or with the [SJA] state staff judge advocate.

329 ~~[(6)]~~ (7) An individual who has acted as a member, military judge, trial counsel, assistant

330 trial counsel, defense counsel, assistant defense counsel, or investigating officer, or who

331 has been a witness for either the prosecution or defense, may not subsequently act as

332 assistant state judge advocate, [SJA] state judge advocate, state staff judge advocate,

333 branch state staff judge advocate, or legal officer to any reviewing authority upon the

334 same case.

335 Section 8. Section **39A-5-114.5** is enacted to read:

336 **39A-5-114.5 . Use of force in defense of equipment and personnel of the National**

337 **Guard or military.**

- 338 (1) As used in this section, "deadly force" means the same as that term is defined Section
339 76-2-404.
- 340 (2) A military service member or a member of the National Guard may use force, including
341 deadly force, to defend military or National Guard equipment or personnel, if:
- 342 (a) the member is on official duty to defend equipment or personnel of the military or
343 National Guard; and
- 344 (b) the use of force is used in accordance with the military or National Guard regulations
345 and doctrine regarding the appropriate use of force in the defense of equipment or
346 personnel.
- 347 (3)(a) Before a military service member or a member of the National Guard is assigned
348 to official duty to defend equipment or personnel, the servicing staff judge advocate
349 shall provide a briefing to the member on the rules for the use of force under this
350 section and in accordance with military or National Guard regulations and doctrine.
- 351 (b) A military service member or a member of the National Guard who does not receive
352 the briefing described in Subsection (3)(a) may still claim the privilege described in
353 Subsection (2) if the member is not at fault for not receiving the briefing.

354 Section 9. Section **39A-9-101** is amended to read:

355 **39A-9-101 . Acceptance of gifts.**

- 356 (1) The [~~Utah~~]National Guard is authorized to receive gifts, contributions, and donations of
357 all kinds, including tangible objects and real property made on the condition that the [
358 ~~Utah~~]National Guard uses the gifts, contributions, and donations for the benefit of, or in
359 connection with, the [~~Utah~~]National Guard and [~~Utah~~]National Guard members,
360 employees, or members' or employees' dependents.
- 361 (2) The adjutant general is the acceptance authority for gifts described in Subsection (1).
- 362 (3) The adjutant general may also accept gifts donated to benefit a state military museum or
363 to create a memorial within the state honoring the activities of the [~~Utah~~]National Guard.
- 364 (4) A gift, grant, or donation described in this section will not revert to the General Fund
365 and shall be considered non-lapsing funds.
- 366 (5) Acceptance authorities will ensure compliance with the restrictions and limitations
367 contained in Section 63G-6a-2404.
- 368 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [
369 ~~department~~] National Guard shall make rules for the acceptance of gifts, including
370 establishing:
- 371 (a) delegation of gift acceptance authority;

- 372 (b) the method and criteria for accepting gifts;
 373 (c) identification of existing accounts for gift proceeds to be deposited into;
 374 (d) use and purpose of gifts;
 375 (e) prohibitions; and
 376 (f) exceptions to the policy.

377 Section 10. Section **53E-3-915** is amended to read:

378 **53E-3-915 . Article XIV -- Financing of the Interstate Commission.**

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

400 Section 11. Section **63G-6a-107.6** is amended to read:

401 **63G-6a-107.6 . Exemptions from chapter.**

- 402 (1) Except for this Subsection (1), the provisions of this chapter do not apply to:
 403 (a) a public entity's acquisition of a procurement item from another public entity; or
 404 (b) a public entity that is not a procurement unit, including the Colorado River Authority
 405 of Utah as provided in Section 63M-14-210.

- 406 (2) Unless otherwise provided by statute and except for this Subsection (2), the provisions
 407 of this chapter do not apply to the acquisition or disposal of real property or an interest
 408 in real property.
- 409 (3) Except for this Subsection (3) and Part 24, Unlawful Conduct and Penalties, the
 410 provisions of this chapter do not apply to:
- 411 (a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art
 412 Act;
- 413 (b) a grant;
- 414 (c) medical supplies or medical equipment, including service agreements for medical
 415 equipment, obtained by the University of Utah Hospital or the Department of Health
 416 and Human Services through a purchasing consortium if:
- 417 (i) the consortium uses a competitive procurement process; and
- 418 (ii) the chief administrative officer of the hospital or the executive director of the
 419 Department of Health and Human Services, as the case may be, makes a written
 420 finding that the prices for purchasing medical supplies and medical equipment
 421 through the consortium are competitive with market prices;
- 422 (d) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire,
 423 and State Lands, created in Section 65A-1-4, through the federal General Services
 424 Administration or the National Fire Cache system;
- 425 (e) supplies purchased for resale to the public;
- 426 (f) activities related to the management of investments by a public entity granted
 427 investment authority by law;[-or]
- 428 (g) activities of the Utah water agent appointed under Section 73-10g-702[-] ; or
- 429 (h) activities of the National Guard described in Section 39A-3-112.
- 430 (4) This chapter does not supersede the requirements for retention or withholding of
 431 construction proceeds and release of construction proceeds as provided in Section 13-8-5.
- 432 (5) Except for this Subsection (5), the provisions of this chapter do not apply to a
 433 procurement unit's hiring a mediator, arbitrator, or arbitration panel member to
 434 participate in the procurement unit's dispute resolution efforts.

435 Section 12. Section **63I-2-239** is amended to read:

436 **63I-2-239 . Repeal dates: Title 39A.**

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

439 Section 13. Section **71A-1-201** is amended to read:

- 440 **71A-1-201 . Department of Veterans and Military Affairs -- Creation --**
441 **Appointment of executive director -- Department responsibilities.**
- 442 (1) There is created the Department of Veterans and Military Affairs.
443 (2) The governor shall appoint an executive director for the department who is subject to
444 Senate confirmation.
445 (3) The executive director shall be a veteran.
446 (4) The department shall:
- 447 (a) conduct and supervise all veteran and military affairs activities as provided in this
448 title;
449 (b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
450 Rulemaking Act, to carry out the provisions of this title;
451 (c) in accordance with Section 41-1a-418:
452 (i) determine which campaign or combat theater awards are eligible for a special
453 group license plate;
454 (ii) verify that an applicant for a campaign or combat theater award special group
455 license plate is qualified to receive it; and
456 (iii) provide an applicant that qualifies a form indicating the campaign or combat
457 theater award special group license plate for which the applicant qualifies;
458 (d) maintain liaison with local, state, and federal veterans agencies and with Utah
459 veterans organizations;
460 (e) provide current information to veterans, service members, their surviving spouses
461 and family members, and Utah veterans and military organizations on benefits they
462 are entitled to;
463 (f) assist veterans, service members, and their families in applying for benefits and
464 services;
465 (g) cooperate with other state entities in the receipt of information to create and maintain
466 a record of veterans in Utah;
467 (h) create and administer a veterans assistance registry in accordance with Chapter 5,
468 Veterans Assistance Registry, with recommendations from the council, that provides
469 contact information to the qualified donors of materials and labor for certain qualified
470 recipients;
471 (i) identify military-related issues, challenges, and opportunities, and develop plans for
472 addressing them;
473 (j) develop, coordinate, and maintain relationships with military leaders of Utah military

- 474 installations, including the Utah National Guard;
- 475 (k) develop and maintain relationships with military-related organizations in Utah;[~~and~~]
- 476 (l) consult with municipalities and counties regarding compatible use plans as described
- 477 in Sections 10-9a-537 and 17-27a-533;
- 478 (m) provide services and benefits directly or indirectly to service members, veterans, and
- 479 families of service members and veterans, including services and benefits related to
- 480 claims, health care, employment, education, mental wellness, counseling, business,
- 481 housing, recognition, camaraderie, and other functions; and
- 482 (n) serve as the State Approving Agency under United States Code, Title 38, Veterans
- 483 Benefits.
- 484 (5)(a) The department may award grants for the purpose of supporting veteran and
- 485 military outreach, employment, education, healthcare, homelessness prevention, and
- 486 recognition events.
- 487 (b) The department may award a grant described in Subsection (5)(a) to:
- 488 (i) an institution of higher education listed in Section 53B-1-102;
- 489 (ii) a nonprofit organization involved in veterans or military-related activities; or
- 490 (iii) a political subdivision of the state.
- 491 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 492 department shall make rules for the administration of grants, including establishing:
- 493 (i) the form and process for submitting an application to the department;
- 494 (ii) the method and criteria for selecting a grant recipient;
- 495 (iii) the method and formula for determining a grant amount; and
- 496 (iv) the reporting requirements of a grant recipient.
- 497 (6)(a) The department may:
- 498 (i) receive gifts, contributions, and donations to support service members, veterans,
- 499 and families of service members and veterans, including tangible objects and real
- 500 property, if the department uses the gifts, contributions, and donations for the
- 501 benefit of, or in connection with, service members, veterans, or families of service
- 502 members and veterans; and
- 503 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 504 make rules related to the administration of gifts, contributions, and donations
- 505 described in Subsection (6)(a).
- 506 (b) A gift, contribution, or donation received by the department as described in
- 507 Subsection (6)(a), does not revert to the General Fund and is considered non-lapsing

508 funds.

509 [(6)] (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
510 department may make rules related to:

511 (a) the consultation with municipalities and counties regarding compatible use plans as
512 required in Subsection (4)(l); and

513 (b) criteria to evaluate whether a proposed land use is compatible with military
514 operations.

515 [(7)] (8) Nothing in this chapter [~~shall be construed as altering or preempting~~] alters or
516 preempts any provisions of Title 39A, National Guard and Militia Act, as specifically
517 related to the Utah National Guard.

518 Section 14. Section **71A-1-202** is amended to read:

519 **71A-1-202 . Department of Veterans and Military Affairs -- Executive director --**
520 **Responsibilities.**

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

522 (2) The executive director is responsible for:

523 (a) the administration and supervision of the department;

524 (b) the coordination of policies and program activities conducted through the department;

525 (c) the development and approval of the proposed budget of the department;

526 (d) preparing an annual report for presentation not later than November 30 of each year
527 to the Government Operations Interim Committee which covers:

528 (i) services provided to veterans, service members, and their families;

529 (ii) services provided by third parties through the Veterans Assistance Registry;

530 (iii) coordination of veterans services by government entities with the department; and

531 (iv) the status of military missions within the state;

532 (e) advising the governor on matters pertaining to veterans and military affairs

533 throughout the state, including active duty service members, reserve duty service
534 members, veterans, and their families;

535 (f) developing, coordinating, and maintaining relationships with Utah's congressional
536 delegation and appropriate federal agencies; and

537 (g) entering into grants, contracts, agreements, and interagency transfers necessary to
538 support the department's programs.

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

542 [(3)] (4) The executive director may appoint deputy directors to assist the executive director
543 in carrying out the department's responsibilities.

544 [(4)] (5) A deputy director, described in Subsection (3), of veterans' services shall be a
545 veteran.

546 Section 15. Section **71A-9-101** is enacted to read:

547

CHAPTER 9. Military Installations

548

Part 1. General provisions

549 **71A-9-101 . Definitions.**

550 As used in this chapter:

551 (1) "Federal Coordinating Committee" is comprised of representatives from the United
552 States Department of Agriculture, Natural Resources Conservation Service, the United
553 States Forest Service, the Department of Defense Readiness Environmental Protection
554 Integration Program, United States Department of the Interior, United States Fish and
555 Wildlife Service, and the Federal Emergency Management Agency.

556 (2) "Great Salt Lake Sentinel Landscape" means the area encompassing Hill Air Force
557 Base, Camp Williams, Tooele Army Depot, the United States Air Force Little Mountain
558 Test Facility, or other area that has been designated by the Federal Coordinating
559 Committee, in coordination with governmental and non-governmental organizations, to:

560 (a) protect military readiness and promote land conservation within the area;

561 (b) implement nature-based solutions to build resiliency in military installations in the
562 state, communities, and ecosystems throughout the area; and

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

567 (3) "State institution of higher education" means an institution described in Section
568 53B-2-101 or any other university or college that is established and maintained by the
569 state.

570 Section 16. Section **71A-9-102** is enacted to read:

571 **71A-9-102 . Military installation ability to enter into an intergovernmental**
572 **support agreement.**

573 (1) A state agency, local municipality, special service district, or state institution of higher
574 education may enter into an intergovernmental support agreement with a military

575 installation or entity, including the Utah National Guard, to provide support services to
 576 the military installation or entity in accordance with the agreement.

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

578 Section 17. Section **71A-9-201** is enacted to read:

579

Part 2. Great Salt Lake Sentinel Landscape

580 **71A-9-201 . Definitions.**

581 As used in this part:

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

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

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

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

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

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

600 Section 18. Section **71A-9-202** is enacted to read:

601 **71A-9-202 . Department responsibilities related to the Great Salt Lake Sentinel**
 602 **Landscape.**

603 (1) The department shall:

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

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

- 608 in the partnership;
- 609 (c) in designating additional land to the Great Salt Lake Sentinel Landscape, and in
- 610 cooperation with the partnership, include all working or natural lands that the
- 611 partnership believes contribute to the long-term sustainability of the military missions
- 612 in the sentinel landscape area; and
- 613 (d) determine, in cooperation with the partnership, the appropriate level of state
- 614 resources required to adequately protect military missions within the sentinel
- 615 landscape area.
- 616 (2) The department may:
- 617 (a) receive gifts, contributions, and donations to support the Great Salt Lake Sentinel
- 618 Landscape, including tangible objects and real property, if the department uses the
- 619 gifts, contributions, and donations for the benefit of, or in connection with, the Great
- 620 Salt Lake Sentinel Landscape;
- 621 (b) apply for grants to aid in securing state resources described in Subsection (1)(d) to
- 622 adequately protect military missions within the Great Salt Lake Sentinel Landscape;
- 623 and
- 624 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 625 make rules to administer the provisions of this chapter.
- 626 (3) The executive director is the acceptance authority for any gifts, contributions, or
- 627 donations received under Subsection (2)(a) and shall ensure compliance with the
- 628 restrictions and limitations contained in Section 63G-6a-2404.
- 629 (4) A gift, grant, or donation described in this section will not revert to the General Fund
- 630 and is considered non-lapsing funds.

631 Section 19. Section **71A-9-203** is enacted to read:

632 **71A-9-203 . State and local governmental entities.**

633 State and local governmental entities:

- 634 (1) are encouraged to cooperate with the partnership by providing access to studies, data,
- 635 plans, and other relevant resources at the partnership's request; and
- 636 (2) shall consider having representation from the partnership in all committees, councils,
- 637 working groups, seminars, and conferences within the Great Salt Lake Sentinel
- 638 Landscape that pertain to:
- 639 (a) urban development within 5,000 feet of military installations;
- 640 (b) wildland fire management;
- 641 (c) water sustainability;

- 642 (d) the ecosystem of the Great Salt Lake; or
 643 (e) wildlife habitat.

644 Section 20. Section **71A-9-301** is enacted to read:

645

Part 3. Military Installations Easements

646 **71A-9-301 . Definitions.**

647 Reserved.

648 Section 21. Section **71A-9-302** is enacted to read:

649 **71A-9-302 . Acquisition of easements -- Restrictions -- Resale.**

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

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

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

655 (iii) near Dugway Proving Ground; or

656 (iv) near a Utah National Guard facility.

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

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

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

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

668 (i) purchase a business; or

669 (ii) require a person to relocate or move.

670 (d) To calculate the purchase price for an easement described in Subsection (1)(a), the
 671 department shall subtract the market value of the real property and the real property's
 672 improvements after the acquisition of the easement from the market value of the real
 673 property and the real property's improvements before the acquisition of the easement.

674 (e) When a military installation has not been used for seven years, the department shall:

- 675 (i) notify by certified mail each current owner of any property to which an easement
 676 is attached near the military installation that the owner may purchase the easement
 677 for the same price that the state originally paid for the easement or for the market
 678 value of the easement at the time of the owner's buyback, whichever is less; and
 679 (ii) sell the easement to an owner notified under Subsection (2)(e)(i) if the owner
 680 tenders the purchase price described in Subsection (2)(e)(i).

681 (3)(a) The department may take action to enforce the provisions of this chapter.

682 (b) The attorney general shall represent the department in an action described in
 683 Subsection (3)(a).

684 Section 22. Section **71A-9-303** is enacted to read:

685 **71A-9-303 . Certain improvements, alterations, and expansions prohibited.**

686 (1) A person may not begin to develop, or authorize development, on any land identified in
 687 Section 71A-9-302 unless the department has affirmatively authorized the development
 688 of the land.

689 (2) Nothing in this part prohibits a property owner from improving, altering, or expanding
 690 an existing residential or commercial use of the property owner's property if the
 691 improvement, alteration, or expansion does not materially increase the human density of
 692 the property's present use.

693 Section 23. Section **81-2-301** is amended to read:

694 **81-2-301 . Definitions for part.**

695 As used in this part:

696 (1) "County clerk" means:

- 697 (a) the county clerk of the county; or
 698 (b) an employee or designee of the county clerk who is authorized to issue marriage
 699 licenses or solemnize marriages.

700 (2) "Judge or magistrate of the United States" means:

- 701 (a) a justice of the United States Supreme Court;
 702 (b) a judge of a court of appeals;
 703 (c) a judge of a district court;
 704 (d) a judge of any court created by an act of Congress, the judges of which are entitled to
 705 hold office during good behavior;
 706 (e) a judge of a bankruptcy court;
 707 (f) a judge of a tax court; or
 708 (g) a United States magistrate.

- 709 (3) "Minor" means an individual who is 16 or 17 years old.
- 710 (4)(a) "Native American spiritual advisor" means an individual who:
- 711 (i) leads, instructs, or facilitates a Native American religious ceremony or service or
- 712 provides religious counseling; and
- 713 (ii) is recognized as a spiritual advisor by a federally recognized Native American
- 714 tribe.
- 715 (b) "Native American spiritual advisor" includes a sweat lodge leader, medicine person,
- 716 traditional religious practitioner, or holy man or woman.
- 717 (c) "Military chaplain" means an individual who is a commissioned officer of:
- 718 (i) the Chaplain Corps of the United States Army;
- 719 (ii) the Chaplain Corps of the United States Navy, including the United States Coast
- 720 Guard; or
- 721 (iii) the United States Air Force designated for duty as a chaplain.

722 Section 24. Section **81-2-305** is amended to read:

723 **81-2-305 . Who may solemnize marriages -- Certificate.**

- 724 (1) The following individuals may solemnize a marriage:
- 725 (a) an individual 18 years old or older who is authorized by a religious denomination to
- 726 solemnize a marriage;
- 727 (b) a Native American spiritual advisor;
- 728 (c) the governor;
- 729 (d) the lieutenant governor;
- 730 (e) the state attorney general;
- 731 (f) the state treasurer;
- 732 (g) the state auditor;
- 733 (h) a mayor of a municipality or county executive;
- 734 (i) a justice, judge, or commissioner of a court of record;
- 735 (j) a judge of a court not of record of the state;
- 736 (k) a judge or magistrate of the United States;
- 737 (l) the county clerk of any county in the state or the county clerk's designee as authorized
- 738 by Section 17-20-4;
- 739 (m) a senator or representative of the Utah Legislature;
- 740 [~~nn~~] (n) a member of the state's congressional delegation; [~~or~~]
- 741 [~~oo~~] (o) a judge or magistrate who holds office in Utah when retired, under rules set by
- 742 the Supreme Court; or

- 743 (p) a military chaplain.
- 744 (2) An individual authorized under Subsection (1) who solemnizes a marriage shall give to
745 the couple married a certificate of marriage that shows the:
- 746 (a) name of the county from which the license is issued; and
747 (b) date of the license's issuance.
- 748 (3) Except for an individual described in Subsection (1)(l), an individual described in
749 Subsection (1) has discretion to solemnize a marriage.
- 750 (4) Except as provided in Section 17-20-4 and Subsection (1)(l), and notwithstanding any
751 other provision in law, no individual authorized under Subsection (1) to solemnize a
752 marriage may delegate or deputize another individual to perform the function of
753 solemnizing a marriage.
- 754 (5)(a) Within 30 days after the day on which a marriage is solemnized, the individual
755 solemnizing the marriage shall return the marriage license to the county clerk that
756 issued the marriage license with a certificate of the marriage over the individual's
757 signature stating the date and place of solemnization and the names of two or more
758 witnesses present at the marriage.
- 759 (b) An individual described in Subsection (5)(a) who fails to return the license is guilty
760 of an infraction.
- 761 (c) An individual described in Subsection (5)(a) who knowingly or intentionally makes a
762 false statement on a certificate of marriage is guilty of perjury and may be prosecuted
763 and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official
764 Matters.
- 765 (6)(a) An individual is guilty of a third degree felony if the individual knowingly:
766 (i) solemnizes a marriage without a valid marriage license; or
767 (ii) solemnizes a marriage in violation of this section.
- 768 (b) An individual is guilty of a class A misdemeanor if the individual knowingly, with or
769 without a marriage license, solemnizes a marriage between two individuals who are
770 18 years old or older that is prohibited by law.

771 **Section 25. Repealer.**

772 This bill repeals:

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

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

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

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

777 Section 26. **Effective Date.**

778 This bill takes effect on May 7, 2025.