

Jefferson S. Burton proposes the following substitute bill:

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;

▶ amends resident student status eligibility for veterans who use veteran benefits to pay for

30 tuition;

31 ▸ enacts provisions related to the Great Salt Lake Sentinel Landscape;

32 ▸ repeals Title 63M Chapter 6, Military Base Easements Act;

33 ▸ enacts sections in Title 71A, Veterans and Military Affairs, dealing with military base
34 easements;

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

36 ▸ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38 None

39 **Other Special Clauses:**

40 None

41 **Utah Code Sections Affected:**

42 AMENDS:

43 **39A-1-201**, as last amended by Laws of Utah 2024, Chapter 334

44 **39A-2-101**, as last amended by Laws of Utah 2022, Chapter 421 and renumbered and
45 amended by Laws of Utah 2022, Chapter 373

46 **39A-2-102**, as last amended by Laws of Utah 2024, Chapter 268

47 **39A-3-201**, as last amended by Laws of Utah 2024, Chapter 28

48 **39A-5-103**, as renumbered and amended by Laws of Utah 2022, Chapter 373

49 **39A-9-101**, as enacted by Laws of Utah 2024, Chapter 334

50 **53B-8-102**, as last amended by Laws of Utah 2024, Chapters 144, 378 and 481

51 **53E-3-915**, as renumbered and amended by Laws of Utah 2018, Chapter 1

52 **63G-6a-107.6**, as last amended by Laws of Utah 2024, Chapters 291, 522

53 **63I-2-239**, as enacted by Laws of Utah 2024, Third Special Session, Chapter 5

54 **71A-1-201**, as enacted by Laws of Utah 2023, Chapter 44 and last amended by
55 Coordination Clause, Laws of Utah 2023, Chapter 154

56 **71A-1-202**, as last amended by Laws of Utah 2024, Chapter 334

57 **81-2-301**, as enacted by Laws of Utah 2024, Chapter 366

58 **81-2-305**, as renumbered and amended by Laws of Utah 2024, Chapter 366

59 ENACTS:

60 **39A-2-105**, Utah Code Annotated 1953

61 **39A-3-112**, Utah Code Annotated 1953

62 **39A-5-114.5**, Utah Code Annotated 1953

63 **71A-9-101**, Utah Code Annotated 1953

64 **71A-9-102**, Utah Code Annotated 1953
 65 **71A-9-201**, Utah Code Annotated 1953
 66 **71A-9-202**, Utah Code Annotated 1953
 67 **71A-9-203**, Utah Code Annotated 1953
 68 **71A-9-301**, Utah Code Annotated 1953
 69 **71A-9-302**, Utah Code Annotated 1953
 70 **71A-9-303**, Utah Code Annotated 1953

71 REPEALS:

72 **63M-6-101**, as enacted by Laws of Utah 2008, Chapter 382
 73 **63M-6-201**, as last amended by Laws of Utah 2021, Chapter 282
 74 **63M-6-202**, as last amended by Laws of Utah 2021, Chapter 282
 75 **63M-6-203**, as last amended by Laws of Utah 2021, Chapter 282

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

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

79 **39A-1-201 . Adjutant general -- Appointment -- Term -- Qualifications.**

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

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

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

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

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

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

97 [~~(2)~~] (3) The adjutant general is the commanding general of the [~~Utah~~]National Guard and

98 the Utah State Defense Force and serves at the pleasure of the governor.

99 ~~[(3)]~~ (4) The individual appointed to the office shall:

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

102 (b) be a federally recognized commissioned officer, with the rank of colonel or higher,
103 of the Army National Guard or the Air National Guard with no fewer than five years
104 commissioned service in the ~~[Utah]~~ National Guard; and

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

107 ~~[(4)]~~ (5) Active service in the armed forces of the United States may be included in the
108 requirement in Subsection ~~[(3)(b)]~~ (4)(b), if the officer was a member of the ~~[Utah]~~
109 National Guard when the officer entered that service.

110 ~~[(5)]~~ (6) The adjutant general shall establish a succession plan consistent with Section
111 53-2a-804 to ensure the continuity of command.

112 ~~[(6)]~~ (7) An officer is no longer eligible to hold the office of adjutant general ~~[after attaining~~
113 ~~the age of 64 years]~~ if the officer is 64 years old or older.

114 ~~[(7)]~~ (8) The adjutant general shall ensure the readiness, training, discipline, and operations
115 of the ~~[Utah]~~ National Guard.

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

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

120 **39A-2-101 . State Armory Board -- Creation -- Members -- A body corporate --**
121 **Powers -- Expenses.**

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

123 (a) the governor;

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

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

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

129 (3) The board may:

130 (a) have and use a common seal;

131 (b) sue and be sued;

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

- 166 organizations of the National Guard and for the storage of state and government
167 property at a rental that the board considers reasonable;
- 168 (c) erect facilities and ranges at places within the state that it considers necessary upon
169 lands to which it has acquired the legal title;
- 170 (d) expend military funds to acquire legal title to lands and to construct facilities and
171 ranges;
- 172 (e) sell and lease property that the board holds under Subsection (1) for purposes
173 consistent with the mission of the [~~Utah~~]National Guard; and
- 174 (f) conduct meetings and take official action in person or as necessary via electronic
175 means, including electronic mail, electronic messaging, telephone[-or] , video
176 teleconferencing, or a combination of these methods.
- 177 (3)(a) Subject to Subsection (3)(b), the board may take options for the purchase of any
178 premises under lease to the state for National Guard purposes:
- 179 (i) at any time during the life of the lease; and
180 (ii) when the purchase is in the state's interest.
- 181 (b) An option is not binding upon the board until it is approved by the Legislature.
- 182 (4)(a) Before legally binding the state to sell or lease any real property owned by the
183 National Guard, the board shall submit a description of the proposed sale to the
184 Legislative Management Committee for [~~its~~] the Legislative Management Committee's
185 review and recommendations.
- 186 (b) Before legally binding the state to purchase any interest in real property, the board
187 shall submit a description of the proposed sale to the Legislative Management
188 Committee for [~~its~~] the Legislative Management Committee's review and
189 recommendations.
- 190 (c) The Legislative Management Committee shall review each proposal and may
191 approve or disapprove the sale.
- 192 (5)(a) There is created an expendable special revenue fund known as the "State Armory
193 Fund."
- 194 (b) The State Armory Fund shall consist of:
- 195 (i) proceeds from the sales and leases of real property authorized by this section;
196 (ii) appropriations by the Legislature; and
197 (iii) interest earned on the fund.
- 198 (c) Subject to the Legislative Management Committee's review and recommendation,
199 the State Armory Board may expend money in the State Armory Fund to pay for the

200 acquisition and sale of real property and the construction of new armories.

201 Section 4. Section **39A-2-105** is enacted to read:

202 **39A-2-105 . Exemptions from the Open and Public Meetings Act.**

203 (1) A meeting held by the board in accordance with the board's responsibilities described in
 204 Subsection 39A-2-102(f) are exempt from the requirements in Title 52, Chapter 4, Open
 205 and Public Meetings Act, if the meeting:

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

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

211 (2) If a meeting described in Subsection (1) results in the acquisition or sale of real property
 212 or a contract for the construction of a new armory, any information regarding the
 213 acquisition, sale, or construction shall be posted on the board's public website for at least
 214 30 days from the day on which the board finalized the board's decision to acquire or sell
 215 the real property or construct the new armory.

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

217 **39A-3-112 . Exemptions from the procurement code.**

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

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

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

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

224 (ii) an operation related to disaster recovery.

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

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

228 **39A-3-201 . Tuition and fees assistance for Utah National Guard members -- Use**
 229 **and allocation -- Appropriation.**

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

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

233 (ii) required to be paid by a student to engage in a course of study at the institution of

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

268 Subsection (6) in accordance with policies and procedures established by the adjutant
 269 general, including:

270 (i) additional eligibility requirements;

271 (ii) repayment limits; and

272 (iii) any other condition the adjutant general determines is appropriate.

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

274 **39A-5-103 . State staff judge advocate -- Appointment -- Qualifications -- Duties**
 275 **-- Assistants.**

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

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

278 (i) an officer of the National Guard;

279 (ii) a member of the Utah State Bar; and

280 (iii) designated as a state staff judge advocate officer.

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

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

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

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

288 ~~(b) The [offieer] state judge advocate appointed under Subsection (2)(a) shall be:~~

289 ~~(i) an officer of the National Guard;~~

290 ~~(ii) [-]a member of the Utah State Bar[-, a United States federal court, branch~~
 291 ~~qualified, and] ; and~~

292 ~~(iii) [-]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 staff judge advocates for the individual services
 300 of the National Guard.

301 (b) A service 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; and
 304 (iii) designated as a staff judge advocate officer.
- 305 (c) A service staff judge advocate appointed under Subsection (3)(a):
 306 (i) is responsible for the provision of military justice legal advice to the service
 307 assistant adjutant general of the branch state staff judge advocate; and
 308 (ii) shall provide oversight to subordinate assistant staff judge advocates.
- 309 ~~[(3)]~~ (4)(a) The adjutant general may appoint assistant state judge advocates~~[as~~
 310 considered necessary].
- 311 (b) ~~[-AH]~~ An assistant state judge ~~[advocates]~~ advocate appointed under Subsection (4)(a)
 312 shall be:
- 313 (i) ~~[-officers]~~ an officer of the National Guard~~;~~ ;
 314 (ii) ~~[-members]~~ a member of the Utah State Bar~~[-branch qualified, and]~~ ; and
 315 (iii) ~~[-]~~ designated as a staff judge advocate ~~[officers]~~ officer.
- 316 ~~[(4)]~~ (5)(a) The [SJA] state judge advocate or [an assistant SJA] service staff judge
 317 advocate shall make frequent inspections of military units throughout the state to
 318 supervise the administration of military justice.
- 319 (b) The duty described in Subsection (5)(a) may be delegated to an assistant state judge
 320 advocate.
- 321 ~~[(5)]~~ (6)(a) The convening authority shall review directly with [the SJA] the convening
 322 authority's staff judge advocate all matters relating to the administration of military
 323 justice and administrative actions.
- 324 (b) ~~[-]~~ The assistant state judge advocate or legal officer of any command may
 325 communicate directly with the assistant state judge advocate or legal officer of a
 326 superior or subordinate command, or with the [SJA] state staff judge advocate.
- 327 ~~[(6)]~~ (7) An individual who has acted as a member, military judge, trial counsel, assistant
 328 trial counsel, defense counsel, assistant defense counsel, or investigating officer, or who
 329 has been a witness for either the prosecution or defense, may not subsequently act as
 330 assistant state judge advocate, [SJA] state judge advocate, state staff judge advocate,
 331 service staff judge advocate, or legal officer to any reviewing authority upon the same
 332 case.

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

334 **39A-5-114.5 . Use of force in defense of equipment and personnel of the National**
 335 **Guard or military.**

- 336 (1) As used in this section, "deadly force" means the same as that term is defined Section
 337 76-2-404.
- 338 (2) A military service member or a member of the National Guard may use force, including
 339 deadly force, to defend military or National Guard equipment or personnel, if:
- 340 (a) the member is on official duty to defend equipment or personnel of the military or
 341 National Guard; and
- 342 (b) the use of force is used in accordance with the military or National Guard regulations
 343 and doctrine regarding the appropriate use of force in the defense of equipment or
 344 personnel.
- 345 (3)(a) Before a military service member or a member of the National Guard is assigned
 346 to official duty to defend equipment or personnel, the servicing staff judge advocate
 347 shall provide a briefing to the member on the rules for the use of force under this
 348 section and in accordance with military or National Guard regulations and doctrine.
- 349 (b) A military service member or a member of the National Guard who does not receive
 350 the briefing described in Subsection (3)(a) may still claim the privilege described in
 351 Subsection (2) if the member is not at fault for not receiving the briefing.

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

353 **39A-9-101 . Acceptance of gifts.**

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

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

375 Section 10. Section **53B-8-102** is amended to read:

376 **53B-8-102 . Definitions -- Resident student status -- Exceptions.**

377 (1) As used in this section:

- 378 (a) "Eligible person" means an individual who is entitled to post-secondary educational
379 benefits under Title 38 U.S.C., Veterans' Benefits.
380 (b) "Immediate family member" means an individual's spouse or dependent child.
381 (c) "Inmate" means the same as that term is defined in Section 64-13-1.
382 (d) "Military service member" means an individual who:
383 (i) is serving on active duty in the United States Armed Forces within the state of
384 Utah;
385 (ii) is a member of a reserve component of the United States Armed Forces assigned
386 in Utah;
387 (iii) is a member of the Utah National Guard; or
388 (iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned
389 outside of Utah pursuant to federal permanent change of station orders.
390 (e) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.
391 (f) "Parent" means a student's biological or adoptive parent.

392 (2) The meaning of "resident student" is determined by reference to the general law on the
393 subject of domicile, except as provided in this section.

394 (3)(a) Institutions within the state system of higher education may grant resident student
395 status to any student who has come to Utah and established residency for the purpose
396 of attending an institution of higher education, and who, prior to registration as a
397 resident student:

- 398 (i) has maintained continuous Utah residency status for one full year;
399 (ii) has signed a written declaration that the student has relinquished residency in any
400 other state; and
401 (iii) has submitted objective evidence that the student has taken overt steps to
402 establish permanent residency in Utah and that the student does not maintain a
403 residence elsewhere.

- 404 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 405 (i) a Utah high school transcript issued in the past year confirming attendance at a
- 406 Utah high school in the past 12 months;
- 407 (ii) a Utah voter registration dated a reasonable period prior to application;
- 408 (iii) a Utah driver license or identification card with an original date of issue or a
- 409 renewal date several months prior to application;
- 410 (iv) a Utah vehicle registration dated a reasonable period prior to application;
- 411 (v) evidence of employment in Utah for a reasonable period prior to application;
- 412 (vi) proof of payment of Utah resident income taxes for the previous year;
- 413 (vii) a rental agreement showing the student's name and Utah address for at least 12
- 414 months prior to application; and
- 415 (viii) utility bills showing the student's name and Utah address for at least 12 months
- 416 prior to application.
- 417 (c) A student who is claimed as a dependent on the tax returns of a person who is not a
- 418 resident of Utah is not eligible to apply for resident student status.
- 419 (4) Except as provided in Subsection (8), an institution within the state system of higher
- 420 education may establish stricter criteria for determining resident student status.
- 421 (5) If an institution does not have a minimum credit-hour requirement, that institution shall
- 422 honor the decision of another institution within the state system of higher education to
- 423 grant a student resident student status, unless:
- 424 (a) the student obtained resident student status under false pretenses; or
- 425 (b) the facts existing at the time of the granting of resident student status have changed.
- 426 (6) Within the limits established in Chapter 8, Tuition Waiver and Scholarships, each
- 427 institution within the state system of higher education may, regardless of its policy on
- 428 obtaining resident student status, waive nonresident tuition either in whole or in part, but
- 429 not other fees.
- 430 (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution
- 431 may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the
- 432 maximum number allowed by the appropriate athletic conference as recommended by
- 433 the president of each institution.
- 434 (8) Notwithstanding Subsection (3), an institution within the state system of higher
- 435 education shall grant resident student status for tuition purposes to:
- 436 (a) a military service member, if the military service member provides:
- 437 (i) the military service member's current United States military identification card;

- 438 and
- 439 (ii)(A) a statement from the military service member's current commander, or
- 440 equivalent, stating that the military service member is assigned in Utah; or
- 441 (B) evidence that the military service member is domiciled in Utah, as described
- 442 in Subsection (9)(a);
- 443 (b) a military service member's immediate family member, if the military service
- 444 member's immediate family member provides:
- 445 (i)(A) the military service member's current United States military identification
- 446 card; or
- 447 (B) the immediate family member's current United States military identification
- 448 card; and
- 449 (ii)(A) a statement from the military service member's current commander, or
- 450 equivalent, stating that the military service member is assigned in Utah;
- 451 (B) evidence that the military service member is domiciled in Utah, as described
- 452 in Subsection (9)(a); or
- 453 (C) evidence that the immediate family member completed at least one year of
- 454 grades 9 through 12 at a local education agency, as defined in Section
- 455 53E-1-102, within the state while the military service member was assigned in
- 456 Utah, regardless of the service member's current assignment.
- 457 (c) a military veteran, regardless of whether the military veteran served in Utah, if the
- 458 military veteran provides:
- 459 (i) evidence of an honorable or general discharge;
- 460 (ii) a signed written declaration that the military veteran has relinquished residency in
- 461 any other state and does not maintain a residence elsewhere;
- 462 (iii) objective evidence that the military veteran has demonstrated an intent to
- 463 establish residency in Utah, which may include any one of the following:
- 464 (A) a Utah voter registration card;
- 465 (B) a Utah driver license or identification card;
- 466 (C) a Utah vehicle registration;
- 467 (D) evidence of employment in Utah;
- 468 (E) a rental agreement showing the military veteran's name and Utah address; or
- 469 (F) utility bills showing the military veteran's name and Utah address;
- 470 (d) a military veteran's immediate family member, regardless of whether the military
- 471 veteran served in Utah, if the military veteran's immediate family member provides:

- 472 (i) evidence of the military veteran's honorable or general discharge;
- 473 (ii) a signed written declaration that the military veteran's immediate family member
- 474 has relinquished residency in any other state and does not maintain a residence
- 475 elsewhere; and
- 476 (iii) objective evidence that the military veteran's immediate family member has
- 477 demonstrated an intent to establish residency in Utah, which may include one of
- 478 the items described in Subsection (8)(c)(iii);
- 479 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who
- 480 is either:
- 481 (i) domiciled in Utah, recognizing the individual may not be physically present in the
- 482 state due to an assignment; or
- 483 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 484 (A) evidence of the foreign service member's status;
- 485 (B) a statement from the foreign service member's current commander, or
- 486 equivalent, stating that the foreign service member is assigned in Utah; or
- 487 (C) evidence that the foreign service member is domiciled in Utah;
- 488 (f) a foreign service member's immediate family member if the foreign service member
- 489 is either:
- 490 (i) domiciled in Utah, recognizing the individual may not be physically present in the
- 491 state due to an assignment; or
- 492 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 493 (A) evidence of the foreign service member's status;
- 494 (B) a statement from the foreign service member's current commander, or
- 495 equivalent, stating that the foreign service member is assigned in Utah; or
- 496 (C) evidence that the foreign service member is domiciled in Utah;
- 497 (g) an eligible person who provides:
- 498 (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits; and
- 499 (ii) a signed written declaration that the eligible person will use the Veteran Benefits
- 500 under Title 38 U.S.C.;~~[-and]~~
- 501 ~~[(iii) objective evidence that the eligible person has demonstrated an intent to~~
- 502 ~~establish residency in Utah, which may include one of the items described in~~
- 503 ~~Subsection (8)(e)(iii);]~~
- 504 (h) an alien who provides:
- 505 (i) evidence that the alien is a special immigrant visa recipient;

- 506 (ii) evidence that the alien has been granted refugee status, humanitarian parole,
507 temporary protected status, or asylum; or
- 508 (iii) evidence that the alien has submitted in good faith an application for refugee
509 status, humanitarian parole, temporary protected status, or asylum under United
510 States immigration law; or
- 511 (i) an inmate:
- 512 (i) during the time the inmate is enrolled in the course; and
- 513 (ii) for one year after the day on which the inmate is released from a correctional
514 facility as defined in Section 64-13-1.
- 515 (9)(a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:
- 516 (i) a current Utah voter registration card;
- 517 (ii) a valid Utah driver license or identification card;
- 518 (iii) a current Utah vehicle registration;
- 519 (iv) a copy of a Utah income tax return, in the military service member's or military
520 service member's spouse's name, filed as a resident in accordance with Section
521 59-10-502; or
- 522 (v) proof that the military service member or military service member's spouse owns
523 a home in Utah, including a property tax notice for property owned in Utah.
- 524 (b) Aliens who are present in the United States on visitor, student, or other visas not
525 listed in Subsection (8)(h) or (9)(c), which authorize only temporary presence in this
526 country, do not have the capacity to intend to reside in Utah for an indefinite period
527 and therefore are classified as nonresidents.
- 528 (c) Aliens who have been granted or have applied for permanent resident status in the
529 United States are classified for purposes of resident student status according to the
530 same criteria applicable to citizens.
- 531 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or
532 trust lands lie partly or wholly within Utah or whose border is at any point contiguous
533 with the border of Utah, and any American Indian who is a member of a federally
534 recognized or known Utah tribe and who has graduated from a high school in Utah, is
535 entitled to resident student status.
- 536 (11) A Job Corps student is entitled to resident student status if the student:
- 537 (a) is admitted as a full-time, part-time, or summer school student in a program of study
538 leading to a degree or certificate; and
- 539 (b) submits verification that the student is a current Job Corps student.

- 540 (12) A person is entitled to resident student status and may immediately apply for resident
541 student status if the person:
- 542 (a) marries a Utah resident eligible to be a resident student under this section; and
543 (b) establishes his or her domicile in Utah as demonstrated by objective evidence as
544 provided in Subsection (3).
- 545 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent
546 who has been domiciled in Utah for at least 12 months prior to the student's application
547 is entitled to resident student status.
- 548 (14)(a) A person who has established domicile in Utah for full-time permanent
549 employment may rebut the presumption of a nonresident classification by providing
550 substantial evidence that the reason for the individual's move to Utah was, in good
551 faith, based on an employer requested transfer to Utah, recruitment by a Utah
552 employer, or a comparable work-related move for full-time permanent employment
553 in Utah.
- 554 (b) All relevant evidence concerning the motivation for the move shall be considered,
555 including:
- 556 (i) the person's employment and educational history;
557 (ii) the dates when Utah employment was first considered, offered, and accepted;
558 (iii) when the person moved to Utah;
559 (iv) the dates when the person applied for admission, was admitted, and was enrolled
560 as a postsecondary student;
561 (v) whether the person applied for admission to an institution of higher education
562 sooner than four months from the date of moving to Utah;
563 (vi) evidence that the person is an independent person who is:
564 (A) at least 24 years old; or
565 (B) not claimed as a dependent on someone else's tax returns; and
566 (vii) any other factors related to abandonment of a former domicile and establishment
567 of a new domicile in Utah for purposes other than to attend an institution of higher
568 education.
- 569 (15)(a) A person who is in residence in Utah to participate in a United States Olympic
570 athlete training program, at a facility in Utah, approved by the governing body for the
571 athlete's Olympic sport, shall be entitled to resident status for tuition purposes.
- 572 (b) Upon the termination of the athlete's participation in the training program, the athlete
573 shall be subject to the same residency standards applicable to other persons under this

574 section.

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

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

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

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

587 (ii) the dates when the long-term health care responsibilities in Utah were first
588 considered, offered, and accepted;

589 (iii) when the person moved to Utah;

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

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

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

595 (A) at least 24 years old; or

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

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

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

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

607 (a) concerning the definition of resident and nonresident students;

- 608 (b) establishing procedures for classifying and reclassifying students;
- 609 (c) establishing criteria for determining and judging claims of residency or domicile;
- 610 (d) establishing appeals procedures; and
- 611 (e) other matters related to this section.
- 612 (19) A student shall be exempt from paying the nonresident portion of total tuition if the
- 613 student:
- 614 (a) is a foreign national legally admitted to the United States;
- 615 (b) attended high school in this state for three or more years; and
- 616 (c) graduated from a high school in this state or received the equivalent of a high school
- 617 diploma in this state.

618 Section 11. Section **53E-3-915** is amended to read:

619 **53E-3-915 . Article XIV -- Financing of the Interstate Commission.**

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

641 Section 12. Section **63G-6a-107.6** is amended to read:

642 **63G-6a-107.6 . Exemptions from chapter.**

- 643 (1) Except for this Subsection (1), the provisions of this chapter do not apply to:
- 644 (a) a public entity's acquisition of a procurement item from another public entity; or
- 645 (b) a public entity that is not a procurement unit, including the Colorado River Authority
- 646 of Utah as provided in Section 63M-14-210.
- 647 (2) Unless otherwise provided by statute and except for this Subsection (2), the provisions
- 648 of this chapter do not apply to the acquisition or disposal of real property or an interest
- 649 in real property.
- 650 (3) Except for this Subsection (3) and Part 24, Unlawful Conduct and Penalties, the
- 651 provisions of this chapter do not apply to:
- 652 (a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art
- 653 Act;
- 654 (b) a grant;
- 655 (c) medical supplies or medical equipment, including service agreements for medical
- 656 equipment, obtained by the University of Utah Hospital or the Department of Health
- 657 and Human Services through a purchasing consortium if:
- 658 (i) the consortium uses a competitive procurement process; and
- 659 (ii) the chief administrative officer of the hospital or the executive director of the
- 660 Department of Health and Human Services, as the case may be, makes a written
- 661 finding that the prices for purchasing medical supplies and medical equipment
- 662 through the consortium are competitive with market prices;
- 663 (d) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire,
- 664 and State Lands, created in Section 65A-1-4, through the federal General Services
- 665 Administration or the National Fire Cache system;
- 666 (e) supplies purchased for resale to the public;
- 667 (f) activities related to the management of investments by a public entity granted
- 668 investment authority by law;~~[-or]~~
- 669 (g) activities of the Utah water agent appointed under Section 73-10g-702[-] ; or
- 670 (h) activities of the National Guard described in Section 39A-3-112.
- 671 (4) This chapter does not supersede the requirements for retention or withholding of
- 672 construction proceeds and release of construction proceeds as provided in Section 13-8-5.
- 673 (5) Except for this Subsection (5), the provisions of this chapter do not apply to a
- 674 procurement unit's hiring a mediator, arbitrator, or arbitration panel member to
- 675 participate in the procurement unit's dispute resolution efforts.

676 Section 13. Section **63I-2-239** is amended to read:

677 **63I-2-239 . Repeal dates: Title 39A.**

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

680 Section 14. Section **71A-1-201** is amended to read:

681 **71A-1-201 . Department of Veterans and Military Affairs -- Creation --**
682 **Appointment of executive director -- Department responsibilities.**

683 (1) There is created the Department of Veterans and Military Affairs.

684 (2) The governor shall appoint an executive director for the department who is subject to
685 Senate confirmation.

686 (3) The executive director shall be a veteran.

687 (4) The department shall:

688 (a) conduct and supervise all veteran and military affairs activities as provided in this
689 title;

690 (b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
691 Rulemaking Act, to carry out the provisions of this title;

692 (c) in accordance with Section 41-1a-418:

693 (i) determine which campaign or combat theater awards are eligible for a special
694 group license plate;

695 (ii) verify that an applicant for a campaign or combat theater award special group
696 license plate is qualified to receive it; and

697 (iii) provide an applicant that qualifies a form indicating the campaign or combat
698 theater award special group license plate for which the applicant qualifies;

699 (d) maintain liaison with local, state, and federal veterans agencies and with Utah
700 veterans organizations;

701 (e) provide current information to veterans, service members, their surviving spouses
702 and family members, and Utah veterans and military organizations on benefits they
703 are entitled to;

704 (f) assist veterans, service members, and their families in applying for benefits and
705 services;

706 (g) cooperate with other state entities in the receipt of information to create and maintain
707 a record of veterans in Utah;

708 (h) create and administer a veterans assistance registry in accordance with Chapter 5,
709 Veterans Assistance Registry, with recommendations from the council, that provides

- 710 contact information to the qualified donors of materials and labor for certain qualified
711 recipients;
- 712 (i) identify military-related issues, challenges, and opportunities, and develop plans for
713 addressing them;
- 714 (j) develop, coordinate, and maintain relationships with military leaders of Utah military
715 installations, including the Utah National Guard;
- 716 (k) develop and maintain relationships with military-related organizations in Utah; ~~and~~
- 717 (l) consult with municipalities and counties regarding compatible use plans as described
718 in Sections 10-9a-537 and 17-27a-533;
- 719 (m) provide services and benefits directly or indirectly to service members, veterans, and
720 families of service members and veterans, including services and benefits related to
721 claims, health care, employment, education, mental wellness, counseling, business,
722 housing, recognition, camaraderie, and other functions; and
- 723 (n) serve as the State Approving Agency under United States Code, Title 38, Veterans
724 Benefits.
- 725 (5)(a) The department may award grants for the purpose of supporting veteran and
726 military outreach, employment, education, healthcare, homelessness prevention, and
727 recognition events.
- 728 (b) The department may award a grant described in Subsection (5)(a) to:
- 729 (i) an institution of higher education listed in Section 53B-1-102;
- 730 (ii) a nonprofit organization involved in veterans or military-related activities; or
- 731 (iii) a political subdivision of the state.
- 732 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
733 department shall make rules for the administration of grants, including establishing:
- 734 (i) the form and process for submitting an application to the department;
- 735 (ii) the method and criteria for selecting a grant recipient;
- 736 (iii) the method and formula for determining a grant amount; and
- 737 (iv) the reporting requirements of a grant recipient.
- 738 (6)(a) The department may:
- 739 (i) receive gifts, contributions, and donations to support service members, veterans,
740 and families of service members and veterans, including tangible objects and real
741 property, if the department uses the gifts, contributions, and donations for the
742 benefit of, or in connection with, service members, veterans, or families of service
743 members and veterans; and

744 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 745 make rules related to the administration of gifts, contributions, and donations
 746 described in Subsection (6)(a).

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

750 ~~[(6)]~~ (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 751 department may make rules related to:

752 (a) the consultation with municipalities and counties regarding compatible use plans as
 753 required in Subsection (4)(1); and

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

756 ~~[(7)]~~ (8) Nothing in this chapter ~~[shall be construed as altering or preempting]~~ alters or
 757 preempts any provisions of Title 39A, National Guard and Militia Act, as specifically
 758 related to the Utah National Guard.

759 Section 15. Section **71A-1-202** is amended to read:

760 **71A-1-202 . Department of Veterans and Military Affairs -- Executive director --**
 761 **Responsibilities.**

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

763 (2) The executive director is responsible for:

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

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

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

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

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

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

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

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

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

774 throughout the state, including active duty service members, reserve duty service
 775 members, veterans, and their families;

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

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

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

783 [(3)] (4) The executive director may appoint deputy directors to assist the executive director
784 in carrying out the department's responsibilities.

785 [(4)] (5) A deputy director, described in Subsection (3), of veterans' services shall be a
786 veteran.

787 Section 16. Section **71A-9-101** is enacted to read:

788 **CHAPTER 9. MILITARY INSTALLATIONS**

789 **Part 1. General Provisions**

790 **71A-9-101 . Definitions.**

791 As used in this chapter:

792 (1) "Federal Coordinating Committee" is comprised of representatives from the Unites
793 States Department of Agriculture, Natural Resources Conservation Service, the United
794 States Forest Service, the Department of Defense Readiness Environmental Protection
795 Integration Program, United States Department of the Interior, United States Fish and
796 Wildlife Service, and the Federal Emergency Management Agency.

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

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

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

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

808 (3) "State institution of higher education" means an institution described in Section
809 53B-2-101 or any other university or college that is established and maintained by the
810 state.

811 Section 17. Section **71A-9-102** is enacted to read:

812 **71A-9-102 . Military installation ability to enter into an intergovernmental**
 813 **support agreement.**

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

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

819 Section 18. Section **71A-9-201** is enacted to read:

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

821 **71A-9-201 . Definitions.**

822 As used in this part:

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

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

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

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

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

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

841 Section 19. Section **71A-9-202** is enacted to read:

842 **71A-9-202 . Department responsibilities related to the Great Salt Lake Sentinel**
 843 **Landscape.**

844 (1) The department shall:

- 845 (a) act as the administrative agent of the partnership;
 846 (b) in cooperation with the partnership, identify lands to be included in the Great Salt
 847 Lake Sentinel Landscape and develop strategies and recommendations to encourage
 848 landowners within the Great Salt Lake Sentinel Landscape to voluntarily participate
 849 in the partnership;
 850 (c) in designating additional land to the Great Salt Lake Sentinel Landscape, and in
 851 cooperation with the partnership, include all working or natural lands that the
 852 partnership believes contribute to the long-term sustainability of the military missions
 853 in the sentinel landscape area; and
 854 (d) determine, in cooperation with the partnership, the appropriate level of state
 855 resources required to adequately protect military missions within the sentinel
 856 landscape area.

857 (2) The department may:

- 858 (a) receive gifts, contributions, and donations to support the Great Salt Lake Sentinel
 859 Landscape, including tangible objects and real property, if the department uses the
 860 gifts, contributions, and donations for the benefit of, or in connection with, the Great
 861 Salt Lake Sentinel Landscape;
 862 (b) apply for grants to aid in securing state resources described in Subsection (1)(d) to
 863 adequately protect military missions within the Great Salt Lake Sentinel Landscape;
 864 and
 865 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 866 make rules to administer the provisions of this chapter.

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

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

872 Section 20. Section **71A-9-203** is enacted to read:

873 **71A-9-203 . State and local governmental entities.**

874 State and local governmental entities:

- 875 (1) are encouraged to cooperate with the partnership by providing access to studies, data,
 876 plans, and other relevant resources at the partnership's request; and
 877 (2) shall consider having representation from the partnership in all committees, councils,
 878 working groups, seminars, and conferences within the Great Salt Lake Sentinel

879 Landscape that pertain to:

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

881 (b) wildland fire management;

882 (c) water sustainability;

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

884 (e) wildlife habitat.

885 Section 21. Section **71A-9-301** is enacted to read:

886 **Part 3. Military Installation Easements**

887 **71A-9-301 . Definitions.**

888 Reserved.

889 Section 22. Section **71A-9-302** is enacted to read:

890 **71A-9-302 . Acquisition of easements -- Restrictions -- Resale.**

891 (1)(a) The department may acquire, by purchase or condemnation, property or easements

892 for the establishment, maintenance, and operation of a restrictive use area for the

893 operation of military missions:

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

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

896 (iii) near Dugway Proving Ground; or

897 (iv) near a Utah National Guard facility.

898 (b) The department may delegate the department's power to purchase or condemn

899 easements or property under Subsection (1)(a) to another state agency if the

900 department ensures that the agency complies with the procedures and requirements of

901 this part.

902 (2)(a) The department shall ensure that the easements described in Subsection (1)(a)

903 place conditions on land use identified in the applicable land use compatibility

904 guidelines study or according to military best practice or recommendations.

905 (b) The department may allow other uses on easements described in Subsection (1)(a)

906 not prohibited by the guidelines described in Subsection (2)(a) if the uses are

907 consistent with the purpose of this part.

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

909 (i) purchase a business; or

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

911 (d) To calculate the purchase price for an easement described in Subsection (1)(a), the

912 department shall subtract the market value of the real property and the real property's

913 improvements after the acquisition of the easement from the market value of the real
914 property and the real property's improvements before the acquisition of the easement.
915 (e) When a military installation has not been used for seven years, the department shall:
916 (i) notify by certified mail each current owner of any property to which an easement
917 is attached near the military installation that the owner may purchase the easement
918 for the same price that the state originally paid for the easement or for the market
919 value of the easement at the time of the owner's buyback, whichever is less; and
920 (ii) sell the easement to an owner notified under Subsection (2)(e)(i) if the owner
921 tenders the purchase price described in Subsection (2)(e)(i).

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

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

925 Section 23. Section **71A-9-303** is enacted to read:

926 **71A-9-303 . Certain improvements, alterations, and expansions prohibited.**

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

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

934 Section 24. Section **81-2-301** is amended to read:

935 **81-2-301 . Definitions for part.**

936 As used in this part:

937 (1) "County clerk" means:

938 (a) the county clerk of the county; or

939 (b) an employee or designee of the county clerk who is authorized to issue marriage
940 licenses or solemnize marriages.

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

942 (a) a justice of the United States Supreme Court;

943 (b) a judge of a court of appeals;

944 (c) a judge of a district court;

945 (d) a judge of any court created by an act of Congress, the judges of which are entitled to
946 hold office during good behavior;

- 947 (e) a judge of a bankruptcy court;
- 948 (f) a judge of a tax court; or
- 949 (g) a United States magistrate.
- 950 (3) "Minor" means an individual who is 16 or 17 years old.
- 951 (4)(a) "Native American spiritual advisor" means an individual who:
- 952 (i) leads, instructs, or facilitates a Native American religious ceremony or service or
- 953 provides religious counseling; and
- 954 (ii) is recognized as a spiritual advisor by a federally recognized Native American
- 955 tribe.
- 956 (b) "Native American spiritual advisor" includes a sweat lodge leader, medicine person,
- 957 traditional religious practitioner, or holy man or woman.
- 958 (c) "Military chaplain" means an individual who is a commissioned officer of:
- 959 (i) the Chaplain Corps of the United States Army;
- 960 (ii) the Chaplain Corps of the United States Navy, including the United States Coast
- 961 Guard; or
- 962 (iii) the United States Air Force designated for duty as a chaplain.

963 Section 25. Section **81-2-305** is amended to read:

964 **81-2-305 . Who may solemnize marriages -- Certificate.**

- 965 (1) The following individuals may solemnize a marriage:
- 966 (a) an individual 18 years old or older who is authorized by a religious denomination to
- 967 solemnize a marriage;
- 968 (b) a Native American spiritual advisor;
- 969 (c) the governor;
- 970 (d) the lieutenant governor;
- 971 (e) the state attorney general;
- 972 (f) the state treasurer;
- 973 (g) the state auditor;
- 974 (h) a mayor of a municipality or county executive;
- 975 (i) a justice, judge, or commissioner of a court of record;
- 976 (j) a judge of a court not of record of the state;
- 977 (k) a judge or magistrate of the United States;
- 978 (l) the county clerk of any county in the state or the county clerk's designee as authorized
- 979 by Section 17-20-4;
- 980 (m) a senator or representative of the Utah Legislature;

981 ~~[(nn)]~~ (n) a member of the state's congressional delegation;~~[-or]~~
 982 ~~[(oo)]~~ (o) a judge or magistrate who holds office in Utah when retired, under rules set by
 983 the Supreme Court; or
 984 (p) a military chaplain.

985 (2) An individual authorized under Subsection (1) who solemnizes a marriage shall give to
 986 the couple married a certificate of marriage that shows the:

987 (a) name of the county from which the license is issued; and
 988 (b) date of the license's issuance.

989 (3) Except for an individual described in Subsection (1)(l), an individual described in
 990 Subsection (1) has discretion to solemnize a marriage.

991 (4) Except as provided in Section 17-20-4 and Subsection (1)(l), and notwithstanding any
 992 other provision in law, no individual authorized under Subsection (1) to solemnize a
 993 marriage may delegate or deputize another individual to perform the function of
 994 solemnizing a marriage.

995 (5)(a) Within 30 days after the day on which a marriage is solemnized, the individual
 996 solemnizing the marriage shall return the marriage license to the county clerk that
 997 issued the marriage license with a certificate of the marriage over the individual's
 998 signature stating the date and place of solemnization and the names of two or more
 999 witnesses present at the marriage.

1000 (b) An individual described in Subsection (5)(a) who fails to return the license is guilty
 1001 of an infraction.

1002 (c) An individual described in Subsection (5)(a) who knowingly or intentionally makes a
 1003 false statement on a certificate of marriage is guilty of perjury and may be prosecuted
 1004 and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official
 1005 Matters.

1006 (6)(a) An individual is guilty of a third degree felony if the individual knowingly:

1007 (i) solemnizes a marriage without a valid marriage license; or
 1008 (ii) solemnizes a marriage in violation of this section.

1009 (b) An individual is guilty of a class A misdemeanor if the individual knowingly, with or
 1010 without a marriage license, solemnizes a marriage between two individuals who are
 1011 18 years old or older that is prohibited by law.

1012 Section 26. **Repealer.**

1013 This bill repeals:

1014 Section **63M-6-203, Certain improvements, alterations, and expansions prohibited.**

- 1015 Section **63M-6-202, Location of easements.**
- 1016 Section **63M-6-201, Acquisition of easements -- Restrictions -- Resale.**
- 1017 Section **63M-6-101, Title.**
- 1018 Section 27. **Effective Date.**
- 1019 This bill takes effect on May 7, 2025.