

Jefferson S. Burton proposes the following substitute bill:

Military Affairs Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson S. Burton

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill makes changes to the code addressing military affairs.

Highlighted Provisions:

This bill:

- defines terms;
- amends resident student status eligibility for veterans who use veteran benefits to pay for tuition;
- amends how much money the Interstate Commission on Educational Opportunity for Military Children may assess, levy, or collect from Utah legislative appropriations;
- clarifies that the Department of Veterans and Military Affairs:
 - is required to provide service benefits to service members, veterans, and the families of service members and veterans; and
 - serves as the State Approving Agency for Utah under United States Code, Title 38, Veterans Benefits;
- allows the Department of Veterans and Military Affairs to receive gifts, contributions, and donations to support service members, veterans, and the families of service members and veterans;
- enacts provisions related to the Great Salt Lake Sentinel Landscape;
- repeals Title 63M, Chapter 6, Military Base Easements Act, and enacts sections in Title 71A, Veterans and Military Affairs, covering the provisions previously found in Title 63M, Chapter 6, Military Base Easements Act; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

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

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

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

35 **71A-1-101**, as last amended by Laws of Utah 2023, Chapter 16 and renumbered and
36 amended by Laws of Utah 2023, Chapter 44

37 **71A-1-201**, as enacted by Laws of Utah 2023, Chapter 44 and last amended by
38 Coordination Clause, Laws of Utah 2023, Chapter 154

39 **71A-1-202**, as last amended by Laws of Utah 2024, Chapter 334

40 ENACTS:

41 **71A-9-101**, Utah Code Annotated 1953

42 **71A-9-102**, Utah Code Annotated 1953

43 **71A-9-201**, Utah Code Annotated 1953

44 **71A-9-202**, Utah Code Annotated 1953

45 **71A-9-203**, Utah Code Annotated 1953

46 **71A-9-301**, Utah Code Annotated 1953

47 **71A-9-302**, Utah Code Annotated 1953

48 **71A-9-303**, Utah Code Annotated 1953

49 REPEALS:

50 **63M-6-101**, as enacted by Laws of Utah 2008, Chapter 382

51 **63M-6-201**, as last amended by Laws of Utah 2021, Chapter 282

52 **63M-6-202**, as last amended by Laws of Utah 2021, Chapter 282

53 **63M-6-203**, as last amended by Laws of Utah 2021, Chapter 282

54

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

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

57 **53B-8-102 . Definitions -- Resident student status -- Exceptions.**

58 (1) As used in this section:

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

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

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

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

97 (viii) utility bills showing the student's name and Utah address for at least 12 months
98 prior to application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 233 faith, based on an employer requested transfer to Utah, recruitment by a Utah
234 employer, or a comparable work-related move for full-time permanent employment
235 in Utah.
- 236 (b) All relevant evidence concerning the motivation for the move shall be considered,
237 including:
- 238 (i) the person's employment and educational history;
- 239 (ii) the dates when Utah employment was first considered, offered, and accepted;
- 240 (iii) when the person moved to Utah;
- 241 (iv) the dates when the person applied for admission, was admitted, and was enrolled
242 as a postsecondary student;
- 243 (v) whether the person applied for admission to an institution of higher education
244 sooner than four months from the date of moving to Utah;
- 245 (vi) evidence that the person is an independent person who is:
- 246 (A) at least 24 years old; or
- 247 (B) not claimed as a dependent on someone else's tax returns; and
- 248 (vii) any other factors related to abandonment of a former domicile and establishment
249 of a new domicile in Utah for purposes other than to attend an institution of higher
250 education.
- 251 (15)(a) A person who is in residence in Utah to participate in a United States Olympic
252 athlete training program, at a facility in Utah, approved by the governing body for the
253 athlete's Olympic sport, shall be entitled to resident status for tuition purposes.
- 254 (b) Upon the termination of the athlete's participation in the training program, the athlete
255 shall be subject to the same residency standards applicable to other persons under this
256 section.
- 257 (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah
258 counts for Utah residency for tuition purposes upon termination of the athlete's
259 participation in a Utah Olympic athlete training program.
- 260 (16)(a) A person who has established domicile in Utah for reasons related to divorce, the
261 death of a spouse, or long-term health care responsibilities for an immediate family
262 member, including the person's spouse, parent, sibling, or child, may rebut the
263 presumption of a nonresident classification by providing substantial evidence that the
264 reason for the individual's move to Utah was, in good faith, based on the long-term
265 health care responsibilities.
- 266 (b) All relevant evidence concerning the motivation for the move shall be considered,

267 including:

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

269 (ii) the dates when the long-term health care responsibilities in Utah were first

270 considered, offered, and accepted;

271 (iii) when the person moved to Utah;

272 (iv) the dates when the person applied for admission, was admitted, and was enrolled

273 as a postsecondary student;

274 (v) whether the person applied for admission to an institution of higher education

275 sooner than four months from the date of moving to Utah;

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

277 (A) at least 24 years old; or

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

279 (vii) any other factors related to abandonment of a former domicile and establishment

280 of a new domicile in Utah for purposes other than to attend an institution of higher

281 education.

282 (17) A foreign service member or the foreign service member's immediate family member

283 deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the

284 eligibility for resident student status if the foreign service member or immediate family

285 member maintains continuous enrollment even in the case of a change in domicile or

286 duty station.

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

288 with this section:

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

290 (b) establishing procedures for classifying and reclassifying students;

291 (c) establishing criteria for determining and judging claims of residency or domicile;

292 (d) establishing appeals procedures; and

293 (e) other matters related to this section.

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

295 student:

296 (a) is a foreign national legally admitted to the United States;

297 (b) attended high school in this state for three or more years; and

298 (c) graduated from a high school in this state or received the equivalent of a high school

299 diploma in this state.

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

301 **53E-3-915 . Article XIV -- Financing of the Interstate Commission.**

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

323 Section 3. Section **63I-2-239** is amended to read:

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

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

327 Section 4. Section **71A-1-101** is amended to read:

328 **71A-1-101 . Veterans and Military Affairs -- Definitions.**

329 As used in this title:

- 330 (1) "Armed forces" means the same as that term is defined in Section 68-3-12.5.
- 331 (2) "Contractor" means a person who is or may be awarded a government entity contract.
- 332 (3) "Council" means the Veterans Advisory Council.
- 333 (4) "Department" means the Department of Veterans and Military Affairs.
- 334 (5) "Executive director" means the executive director of the Department of Veterans and

335 Military Affairs.

336 (6) "Government entity" means the state and any county, municipality, special district,
337 special service district, and any other political subdivision or administrative unit of the
338 state, including state institutions of education.

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

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

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

343 [~~(9)~~] (10) "VA" means the United States Department of Veterans Affairs.

344 [~~(10)~~] (11) "Veteran" means the same as that term is defined in Section 68-3-12.5.

345 [~~(11)~~] (12) "Veterans service organization" means an organization or individual accredited
346 by the VA Office of General Counsel or recognized by the department whose purpose is
347 to serve service members and veterans, their spouses, surviving spouses, and children.

348 Section 5. Section **71A-1-201** is amended to read:

349 **71A-1-201 . Department of Veterans and Military Affairs -- Creation --**

350 **Appointment of executive director -- Department responsibilities.**

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

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

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

355 (4) The department shall:

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

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

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

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

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

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

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

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

- 403 (ii) the method and criteria for selecting a grant recipient;
- 404 (iii) the method and formula for determining a grant amount; and
- 405 (iv) the reporting requirements of a grant recipient.
- 406 (6)(a) The department may:
- 407 (i) receive gifts, contributions, and donations to support service members, veterans,
- 408 and families of service members and veterans, including tangible objects and real
- 409 property, if the department uses the gifts, contributions, and donations for the
- 410 benefit of, or in connection with, service members, veterans, or families of service
- 411 members and veterans; and
- 412 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 413 make rules related to the administration of gifts, contributions, and donations
- 414 described in Subsection (6)(a).
- 415 (b) A gift, contribution, or donation received by the department as described in
- 416 Subsection (6)(a), does not revert to the General Fund and is considered non-lapsing
- 417 funds.
- 418 [(6)] (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 419 department may make rules related to:
- 420 (a) the consultation with municipalities and counties regarding compatible use plans as
- 421 required in Subsection (4)(1); and
- 422 (b) criteria to evaluate whether a proposed land use is compatible with military
- 423 operations.
- 424 [(7)] (8) Nothing in this chapter [~~shall be construed as altering or preempting~~] alters or
- 425 preempts any provisions of Title 39A, National Guard and Militia Act, as specifically
- 426 related to the [~~Utah~~]National Guard.
- 427 Section 6. Section **71A-1-202** is amended to read:
- 428 **71A-1-202 . Department of Veterans and Military Affairs -- Executive director --**
- 429 **Responsibilities.**
- 430 (1) The executive director is the chief administrative officer of the department.
- 431 (2) The executive director is responsible for:
- 432 (a) the administration and supervision of the department;
- 433 (b) the coordination of policies and program activities conducted through the department;
- 434 (c) the development and approval of the proposed budget of the department;
- 435 (d) preparing an annual report for presentation not later than November 30 of each year
- 436 to the Government Operations Interim Committee which covers:

- 437 (i) services provided to veterans, service members, and their families;
 438 (ii) services provided by third parties through the Veterans Assistance Registry;
 439 (iii) coordination of veterans services by government entities with the department; and
 440 (iv) the status of military missions within the state;
- 441 (e) advising the governor on matters pertaining to veterans and military affairs
 442 throughout the state, including active duty service members, reserve duty service
 443 members, veterans, and their families;
- 444 (f) developing, coordinating, and maintaining relationships with Utah's congressional
 445 delegation and appropriate federal agencies; and
- 446 (g) entering into grants, contracts, agreements, and interagency transfers necessary to
 447 support the department's programs.

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

451 ~~[(3)]~~ (4) The executive director may appoint deputy directors to assist the executive director
 452 in carrying out the department's responsibilities.

453 ~~[(4)]~~ (5) A deputy director, described in Subsection (3), of veterans' services shall be a
 454 veteran.

455 Section 7. Section **71A-9-101** is enacted to read:

CHAPTER 9. MILITARY INSTALLATIONS

Part 1. General Provisions

71A-9-101 . Definitions.

459 As used in this chapter:

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

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

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

476 (3) "State institution of higher education" means an institution described in Section
 477 53B-2-101 or any other university or college that is established and maintained by the
 478 state.

479 Section 8. Section **71A-9-102** is enacted to read:

480 **71A-9-102 . Military installation ability to enter into an intergovernmental**
 481 **support agreement.**

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

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

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

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

489 **71A-9-201 . Definitions.**

490 As used in this part:

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

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

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

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

502 (3) "Partnership" means the organization established by the executive director that is
 503 composed of state governmental entities, local governmental entities, federal

504 governmental entities, and private entities selected to manage the Great Salt Lake
505 Sentinel Landscape.

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

509 Section 10. Section **71A-9-202** is enacted to read:

510 **71A-9-202 . Department responsibilities related to the Great Salt Lake Sentinel**
511 **Landscape.**

512 (1) The department shall:

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

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

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

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

525 (2) The department may:

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

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

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

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

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

540 Section 11. Section **71A-9-203** is enacted to read:

541 **71A-9-203 . State and local governmental entities.**

542 State and local governmental entities:

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

545 (2) shall consider having representation from the partnership in all committees, councils,
 546 working groups, seminars, and conferences within the Great Salt Lake Sentinel

547 Landscape that pertain to:

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

549 (b) wildland fire management;

550 (c) water sustainability;

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

552 (e) wildlife habitat.

553 Section 12. Section **71A-9-301** is enacted to read:

554 **Part 3. Military Installation Easements**

555 **71A-9-301 . Definitions.**

556 Reserved.

557 Section 13. Section **71A-9-302** is enacted to read:

558 **71A-9-302 . Acquisition of easements -- Restrictions -- Resale.**

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

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

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

564 (iii) near Dugway Proving Ground; or

565 (iv) near a National Guard facility.

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

570 (2)(a) The department shall ensure that the easements described in Subsection (1)(a)
 571 place conditions on land use identified in the applicable land use compatibility

- 572 guidelines study or according to military best practice or recommendations.
- 573 (b) The department may allow other uses on easements described in Subsection (1)(a)
574 not prohibited by the guidelines described in Subsection (2)(a) if the uses are
575 consistent with the purpose of this part.
- 576 (c) Nothing in this part authorizes the department or any other state agency to:
- 577 (i) purchase a business; or
- 578 (ii) require a person to relocate or move.
- 579 (d) To calculate the purchase price for an easement described in Subsection (1)(a), the
580 department shall subtract the market value of the real property and the real property's
581 improvements after the acquisition of the easement from the market value of the real
582 property and the real property's improvements before the acquisition of the easement.
- 583 (e) When a military installation has not been used for seven years, the department shall:
- 584 (i) notify by certified mail each current owner of any property to which an easement
585 is attached near the military installation that the owner may purchase the easement
586 for the same price that the state originally paid for the easement or for the market
587 value of the easement at the time of the owner's buyback, whichever is less; and
- 588 (ii) sell the easement to an owner notified under Subsection (2)(e)(i) if the owner
589 tenders the purchase price described in Subsection (2)(e)(i).
- 590 (3)(a) The department may take action to enforce the provisions of this chapter.
- 591 (b) The attorney general shall represent the department in an action described in
592 Subsection (3)(a).

593 Section 14. Section **71A-9-303** is enacted to read:

594 **71A-9-303 . Certain improvements, alterations, and expansions prohibited.**

- 595 (1) A person may not begin to develop, or authorize development, on any land identified in
596 Section 71A-9-302 unless the department has affirmatively authorized the development
597 of the land.
- 598 (2) Nothing in this part prohibits a property owner from improving, altering, or expanding
599 an existing residential or commercial use of the property owner's property if the
600 improvement, alteration, or expansion does not materially increase the human density of
601 the property's present use.

602 Section 15. **Repealer.**

603 This bill repeals:

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

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

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

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

608 Section 1. **Effective Date.**

609 This bill takes effect on May 7, 2025.