

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

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

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

39 ENACTS:

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

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

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

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

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

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

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

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

48 REPEALS:

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

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

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

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

53

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

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

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

57 (1) As used in this section:

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

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

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

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

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

97 prior to application.

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

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

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

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

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

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

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

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

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

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

119 and

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

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

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

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

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

130 (ii)(A) a statement from the military service member's current commander, or

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

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

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

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

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

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

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

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

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

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

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

300 **53E-3-915 . Article XIV -- Financing of the Interstate Commission.**

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

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

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

324 As used in this title:

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

335 accordance with Utah Constitution Article XV.
 336 [~~7~~] (8) "Service member" means a currently serving member of the armed forces.
 337 [~~8~~] (9) "Uniformed services" means the same as that term is defined in Section 68-3-12.5.
 338 [~~9~~] (10) "VA" means the United States Department of Veterans Affairs.
 339 [~~10~~] (11) "Veteran" means the same as that term is defined in Section 68-3-12.5.
 340 [~~11~~] (12) "Veterans service organization" means an organization or individual accredited
 341 by the VA Office of General Counsel or recognized by the department whose purpose is
 342 to serve service members and veterans, their spouses, surviving spouses, and children.

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

344 **71A-1-201 . Department of Veterans and Military Affairs -- Creation --**

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

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

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

403 and families of service members and veterans, including tangible objects and real
 404 property, if the department uses the gifts, contributions, and donations for the
 405 benefit of, or in connection with, service members, veterans, or families of service
 406 members and veterans; and

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

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

413 ~~[(6)]~~ (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 414 department may make rules related to:

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

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

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

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

423 **71A-1-202 . Department of Veterans and Military Affairs -- Executive director --**
 424 **Responsibilities.**

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

426 (2) The executive director is responsible for:

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

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

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

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

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

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

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

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

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

437 throughout the state, including active duty service members, reserve duty service
438 members, veterans, and their families;

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

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

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

446 [~~3~~] (4) The executive director may appoint deputy directors to assist the executive director
447 in carrying out the department's responsibilities.

448 [~~4~~] (5) A deputy director, described in Subsection (3), of veterans' services shall be a
449 veteran.

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

451 **CHAPTER 9. MILITARY INSTALLATIONS**

452 **Part 1. General Provisions**

453 **71A-9-101 . Definitions.**

454 As used in this chapter:

455 (1) "Great Salt Lake Sentinel Landscape" means the area surrounding Hill Air Force Base,
456 Camp Williams, Tooele Army Depot, the United States Air Force Little Mountain Test
457 Facility that is designated to:

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

459 (b) implement solutions on military installations in the state, in communities, and in
460 ecosystems throughout the area; and

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

465 (2) "State institution of higher education" means an institution described in Section
466 53B-2-101 or any other university or college that is established and maintained by the
467 state.

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

469 **71A-9-102 . Military installation ability to enter into an intergovernmental**

470 **support agreement.**

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

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

476 Section 8. Section **71A-9-201** is enacted to read:

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

478 **71A-9-201 . Definitions.**

479 As used in this part:

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

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

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

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

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

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

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

499 **71A-9-202 . Department responsibilities related to the Great Salt Lake Sentinel**
500 **Landscape.**

501 (1) The department shall:

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

503 (b) in cooperation with the partnership, identify lands to be included in the Great Salt

- 504 Lake Sentinel Landscape and develop strategies and recommendations to encourage
 505 landowners within the Great Salt Lake Sentinel Landscape to voluntarily participate
 506 in the partnership;
- 507 (c) in designating additional land to the Great Salt Lake Sentinel Landscape, and in
 508 cooperation with the partnership, include all working or natural lands that the
 509 partnership believes contribute to the long-term sustainability of the military missions
 510 in the sentinel landscape area; and
- 511 (d) determine, in cooperation with the partnership, the appropriate level of state
 512 resources required to adequately protect military missions within the sentinel
 513 landscape area.
- 514 (2) The department may:
- 515 (a) receive gifts, contributions, and donations to support the Great Salt Lake Sentinel
 516 Landscape, including tangible objects and real property, if the department uses the
 517 gifts, contributions, and donations for the benefit of, or in connection with, the Great
 518 Salt Lake Sentinel Landscape;
- 519 (b) apply for grants to aid in securing state resources described in Subsection (1)(d) to
 520 adequately protect military missions within the Great Salt Lake Sentinel Landscape;
 521 and
- 522 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 523 make rules to administer the provisions of this chapter.
- 524 (3) The executive director is the acceptance authority for any gifts, contributions, or
 525 donations received under Subsection (2)(a) and shall ensure compliance with the
 526 restrictions and limitations contained in Section 63G-6a-2404.
- 527 (4) A gift, grant, or donation described in this section will not revert to the General Fund
 528 and is considered non-lapsing funds.

529 Section 10. Section **71A-9-203** is enacted to read:

530 **71A-9-203 . State and local governmental entities.**

531 State and local governmental entities:

- 532 (1) are encouraged to cooperate with the partnership by providing access to studies, data,
 533 plans, and other relevant resources at the partnership's request; and
- 534 (2) shall consider having representation from the partnership in all committees, councils,
 535 working groups, seminars, and conferences within the Great Salt Lake Sentinel
 536 Landscape that pertain to:
- 537 (a) urban development within 5,000 feet of military installations;

- 538 (b) wildland fire management;
 539 (c) water sustainability;
 540 (d) the ecosystem of the Great Salt Lake; or
 541 (e) wildlife habitat.

542 Section 11. Section **71A-9-301** is enacted to read:

543 **Part 3. Military Installation Easements**

544 **71A-9-301 . Definitions.**

545 Reserved.

546 Section 12. Section **71A-9-302** is enacted to read:

547 **71A-9-302 . Acquisition of easements -- Restrictions -- Resale.**

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

- 551 (a) within the Great Salt Lake Sentinel Landscape;
 552 (b) near the Utah Test and Training Range;
 553 (c) near Dugway Proving Ground; or
 554 (d) near a National Guard facility.

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

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

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

- 562 (i) purchase a business; or
 563 (ii) require a person to relocate or move.

564 (d) To calculate the purchase price for an easement described in Subsection (1)(a), the
 565 department shall use the fair market value of the real property.

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

- 567 (i) notify by certified mail each current owner of any property to which an easement
 568 is attached near the military installation that the owner may purchase the easement
 569 for the same price that the state originally paid for the easement or for the market
 570 value of the easement at the time of the owner's buyback, whichever is less; and
 571 (ii) sell the easement to an owner notified under Subsection (2)(e)(i) if the owner

572 tenders the purchase price described in Subsection (2)(e)(i).

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

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

576 Section 13. Section **71A-9-303** is enacted to read:

577 **71A-9-303 . Certain improvements, alterations, and expansions prohibited.**

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

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

586 Section 14. **Repealer.**

587 This bill repeals:

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

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

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

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

592 Section 15. **Effective Date.**

593 This bill takes effect on May 7, 2025.