

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; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

29 **53E-3-915**, as renumbered and amended by Laws of Utah 2018, Chapter 1
30 **71A-1-101**, as last amended by Laws of Utah 2023, Chapter 16 and renumbered and
31 amended by Laws of Utah 2023, Chapter 44
32 **71A-1-201**, as enacted by Laws of Utah 2023, Chapter 44 and last amended by
33 Coordination Clause, Laws of Utah 2023, Chapter 154
34 **71A-1-202**, as last amended by Laws of Utah 2024, Chapter 334

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

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

38 **53B-8-102 . Definitions -- Resident student status -- Exceptions.**

39 (1) As used in this section:

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

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

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

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

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

47 (ii) is a member of a reserve component of the United States Armed Forces assigned
48 in Utah;

49 (iii) is a member of the [~~Utah~~]National Guard; or

50 (iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned
51 outside of Utah pursuant to federal permanent change of station orders.

52 (e) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.

53 (f) "National Guard" means the same as that term is defined in Section 39A-1-102.

54 [~~(f)~~] (g) "Parent" means a student's biological or adoptive parent.

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

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

61 (i) has maintained continuous Utah residency status for one full year;

62 (ii) has signed a written declaration that the student has relinquished residency in any

- 63 other state; and
- 64 (iii) has submitted objective evidence that the student has taken overt steps to
65 establish permanent residency in Utah and that the student does not maintain a
66 residence elsewhere.
- 67 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 68 (i) a Utah high school transcript issued in the past year confirming attendance at a
69 Utah high school in the past 12 months;
- 70 (ii) a Utah voter registration dated a reasonable period prior to application;
- 71 (iii) a Utah driver license or identification card with an original date of issue or a
72 renewal date several months prior to application;
- 73 (iv) a Utah vehicle registration dated a reasonable period prior to application;
- 74 (v) evidence of employment in Utah for a reasonable period prior to application;
- 75 (vi) proof of payment of Utah resident income taxes for the previous year;
- 76 (vii) a rental agreement showing the student's name and Utah address for at least 12
77 months prior to application; and
- 78 (viii) utility bills showing the student's name and Utah address for at least 12 months
79 prior to application.
- 80 (c) A student who is claimed as a dependent on the tax returns of a person who is not a
81 resident of Utah is not eligible to apply for resident student status.
- 82 (4) Except as provided in Subsection (8), an institution within the state system of higher
83 education may establish stricter criteria for determining resident student status.
- 84 (5) If an institution does not have a minimum credit-hour requirement, that institution shall
85 honor the decision of another institution within the state system of higher education to
86 grant a student resident student status, unless:
- 87 (a) the student obtained resident student status under false pretenses; or
- 88 (b) the facts existing at the time of the granting of resident student status have changed.
- 89 (6) Within the limits established in Chapter 8, Tuition Waiver and Scholarships, each
90 institution within the state system of higher education may, regardless of its policy on
91 obtaining resident student status, waive nonresident tuition either in whole or in part, but
92 not other fees.
- 93 (7) In addition to the waivers of nonresident tuition under Subsection (6), each institution
94 may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the
95 maximum number allowed by the appropriate athletic conference as recommended by
96 the president of each institution.

- 97 (8) Notwithstanding Subsection (3), an institution within the state system of higher
98 education shall grant resident student status for tuition purposes to:
- 99 (a) a military service member, if the military service member provides:
- 100 (i) the military service member's current United States military identification card;
101 and
- 102 (ii)(A) a statement from the military service member's current commander, or
103 equivalent, stating that the military service member is assigned in Utah; or
104 (B) evidence that the military service member is domiciled in Utah, as described
105 in Subsection (9)(a);
- 106 (b) a military service member's immediate family member, if the military service
107 member's immediate family member provides:
- 108 (i)(A) the military service member's current United States military identification
109 card; or
110 (B) the immediate family member's current United States military identification
111 card; and
- 112 (ii)(A) a statement from the military service member's current commander, or
113 equivalent, stating that the military service member is assigned in Utah;
114 (B) evidence that the military service member is domiciled in Utah, as described
115 in Subsection (9)(a); or
116 (C) evidence that the immediate family member completed at least one year of
117 grades 9 through 12 at a local education agency, as defined in Section
118 53E-1-102, within the state while the military service member was assigned in
119 Utah, regardless of the service member's current assignment.
- 120 (c) a military veteran, regardless of whether the military veteran served in Utah, if the
121 military veteran provides:
- 122 (i) evidence of an honorable or general discharge;
- 123 (ii) a signed written declaration that the military veteran has relinquished residency in
124 any other state and does not maintain a residence elsewhere;
- 125 (iii) objective evidence that the military veteran has demonstrated an intent to
126 establish residency in Utah, which may include any one of the following:
- 127 (A) a Utah voter registration card;
- 128 (B) a Utah driver license or identification card;
- 129 (C) a Utah vehicle registration;
- 130 (D) evidence of employment in Utah;

- 131 (E) a rental agreement showing the military veteran's name and Utah address; or
 132 (F) utility bills showing the military veteran's name and Utah address;
- 133 (d) a military veteran's immediate family member, regardless of whether the military
 134 veteran served in Utah, if the military veteran's immediate family member provides:
 135 (i) evidence of the military veteran's honorable or general discharge;
 136 (ii) a signed written declaration that the military veteran's immediate family member
 137 has relinquished residency in any other state and does not maintain a residence
 138 elsewhere; and
 139 (iii) objective evidence that the military veteran's immediate family member has
 140 demonstrated an intent to establish residency in Utah, which may include one of
 141 the items described in Subsection (8)(c)(iii);
- 142 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who
 143 is either:
 144 (i) domiciled in Utah, recognizing the individual may not be physically present in the
 145 state due to an assignment; or
 146 (ii) assigned to a duty station in Utah if the foreign service member provides:
 147 (A) evidence of the foreign service member's status;
 148 (B) a statement from the foreign service member's current commander, or
 149 equivalent, stating that the foreign service member is assigned in Utah; or
 150 (C) evidence that the foreign service member is domiciled in Utah;
- 151 (f) a foreign service member's immediate family member if the foreign service member
 152 is either:
 153 (i) domiciled in Utah, recognizing the individual may not be physically present in the
 154 state due to an assignment; or
 155 (ii) assigned to a duty station in Utah if the foreign service member provides:
 156 (A) evidence of the foreign service member's status;
 157 (B) a statement from the foreign service member's current commander, or
 158 equivalent, stating that the foreign service member is assigned in Utah; or
 159 (C) evidence that the foreign service member is domiciled in Utah;
- 160 (g) an eligible person who provides:
 161 (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits; and
 162 (ii) a signed written declaration that the eligible person will use the Veteran Benefits
 163 under Title 38 U.S.C.;~~and~~
 164 [~~(iii) objective evidence that the eligible person has demonstrated an intent to~~

- 165 ~~establish residency in Utah, which may include one of the items described in~~
166 ~~Subsection (8)(e)(iii);]~~
- 167 (h) an alien who provides:
- 168 (i) evidence that the alien is a special immigrant visa recipient;
- 169 (ii) evidence that the alien has been granted refugee status, humanitarian parole,
- 170 temporary protected status, or asylum; or
- 171 (iii) evidence that the alien has submitted in good faith an application for refugee
- 172 status, humanitarian parole, temporary protected status, or asylum under United
- 173 States immigration law; or
- 174 (i) an inmate:
- 175 (i) during the time the inmate is enrolled in the course; and
- 176 (ii) for one year after the day on which the inmate is released from a correctional
- 177 facility as defined in Section 64-13-1.
- 178 (9)(a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:
- 179 (i) a current Utah voter registration card;
- 180 (ii) a valid Utah driver license or identification card;
- 181 (iii) a current Utah vehicle registration;
- 182 (iv) a copy of a Utah income tax return, in the military service member's or military
- 183 service member's spouse's name, filed as a resident in accordance with Section
- 184 59-10-502; or
- 185 (v) proof that the military service member or military service member's spouse owns
- 186 a home in Utah, including a property tax notice for property owned in Utah.
- 187 (b) Aliens who are present in the United States on visitor, student, or other visas not
- 188 listed in Subsection (8)(h) or (9)(c), which authorize only temporary presence in this
- 189 country, do not have the capacity to intend to reside in Utah for an indefinite period
- 190 and therefore are classified as nonresidents.
- 191 (c) Aliens who have been granted or have applied for permanent resident status in the
- 192 United States are classified for purposes of resident student status according to the
- 193 same criteria applicable to citizens.
- 194 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or
- 195 trust lands lie partly or wholly within Utah or whose border is at any point contiguous
- 196 with the border of Utah, and any American Indian who is a member of a federally
- 197 recognized or known Utah tribe and who has graduated from a high school in Utah, is
- 198 entitled to resident student status.

- 199 (11) A Job Corps student is entitled to resident student status if the student:
- 200 (a) is admitted as a full-time, part-time, or summer school student in a program of study
- 201 leading to a degree or certificate; and
- 202 (b) submits verification that the student is a current Job Corps student.
- 203 (12) A person is entitled to resident student status and may immediately apply for resident
- 204 student status if the person:
- 205 (a) marries a Utah resident eligible to be a resident student under this section; and
- 206 (b) establishes his or her domicile in Utah as demonstrated by objective evidence as
- 207 provided in Subsection (3).
- 208 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent
- 209 who has been domiciled in Utah for at least 12 months prior to the student's application
- 210 is entitled to resident student status.
- 211 (14)(a) A person who has established domicile in Utah for full-time permanent
- 212 employment may rebut the presumption of a nonresident classification by providing
- 213 substantial evidence that the reason for the individual's move to Utah was, in good
- 214 faith, based on an employer requested transfer to Utah, recruitment by a Utah
- 215 employer, or a comparable work-related move for full-time permanent employment
- 216 in Utah.
- 217 (b) All relevant evidence concerning the motivation for the move shall be considered,
- 218 including:
- 219 (i) the person's employment and educational history;
- 220 (ii) the dates when Utah employment was first considered, offered, and accepted;
- 221 (iii) when the person moved to Utah;
- 222 (iv) the dates when the person applied for admission, was admitted, and was enrolled
- 223 as a postsecondary student;
- 224 (v) whether the person applied for admission to an institution of higher education
- 225 sooner than four months from the date of moving to Utah;
- 226 (vi) evidence that the person is an independent person who is:
- 227 (A) at least 24 years old; or
- 228 (B) not claimed as a dependent on someone else's tax returns; and
- 229 (vii) any other factors related to abandonment of a former domicile and establishment
- 230 of a new domicile in Utah for purposes other than to attend an institution of higher
- 231 education.
- 232 (15)(a) A person who is in residence in Utah to participate in a United States Olympic

233 athlete training program, at a facility in Utah, approved by the governing body for the
234 athlete's Olympic sport, shall be entitled to resident status for tuition purposes.

235 (b) Upon the termination of the athlete's participation in the training program, the athlete
236 shall be subject to the same residency standards applicable to other persons under this
237 section.

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

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

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

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

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

252 (iii) when the person moved to Utah;

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

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

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

258 (A) at least 24 years old; or

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

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

263 (17) A foreign service member or the foreign service member's immediate family member
264 deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the
265 eligibility for resident student status if the foreign service member or immediate family
266 member maintains continuous enrollment even in the case of a change in domicile or

267 duty station.

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

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

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

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

273 (d) establishing appeals procedures; and

274 (e) other matters related to this section.

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

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

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

279 (c) graduated from a high school in this state or received the equivalent of a high school
280 diploma in this state.

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

282 **53E-3-915 . Article XIV -- Financing of the Interstate Commission.**

283 (1) The Interstate Commission shall pay or provide for the payment of the reasonable
284 expenses of its establishment, organization, and ongoing activities.

285 (2) In accordance with the funding limit established in Subsection (5), the Interstate
286 Commission may levy and collect an annual assessment from each member state to
287 cover the cost of the operations and activities of the Interstate Commission and its staff
288 which shall be in a total amount sufficient to cover the Interstate Commission's annual
289 budget as approved each year. The aggregate annual assessment amount shall be
290 allocated based upon a formula to be determined by the Interstate Commission, which
291 shall promulgate a rule binding upon all member states.

292 (3) The Interstate Commission may not incur obligations of any kind prior to securing the
293 funds adequate to meet the same; nor shall the Interstate Commission pledge the credit
294 of any of the member states, except by and with the authority of the member state.

295 (4) The Interstate Commission shall keep accurate accounts of all receipts and
296 disbursements. The receipts and disbursements of the Interstate Commission shall be
297 subject to the audit and accounting procedures established under its bylaws. However,
298 all receipts and disbursements of funds handled by the Interstate Commission shall be
299 audited yearly by a certified or licensed public accountant and the report of the audit
300 shall be included in and become part of the annual report of the Interstate Commission.

301 (5) The Interstate Commission may not assess, levy, or collect more than [~~\$5,000~~] \$10,000
 302 per year from Utah legislative appropriations. Other funding sources may be accepted
 303 and used to offset expenses related to the state's participation in the compact.

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

305 **71A-1-101 . Veterans and Military Affairs -- Definitions.**

306 As used in this title:

- 307 (1) "Armed forces" means the same as that term is defined in Section 68-3-12.5.
 308 (2) "Contractor" means a person who is or may be awarded a government entity contract.
 309 (3) "Council" means the Veterans Advisory Council.
 310 (4) "Department" means the Department of Veterans and Military Affairs.
 311 (5) "Executive director" means the executive director of the Department of Veterans and
 312 Military Affairs.
 313 (6) "Government entity" means the state and any county, municipality, special district,
 314 special service district, and any other political subdivision or administrative unit of the
 315 state, including state institutions of education.
 316 (7) "National Guard" means the Utah National Guard created in Section 39A-3-101 and in
 317 accordance with Utah Constitution Article XV.
 318 [~~(7)~~] (8) "Service member" means a currently serving member of the armed forces.
 319 [~~(8)~~] (9) "Uniformed services" means the same as that term is defined in Section 68-3-12.5.
 320 [~~(9)~~] (10) "VA" means the United States Department of Veterans Affairs.
 321 [~~(10)~~] (11) "Veteran" means the same as that term is defined in Section 68-3-12.5.
 322 [~~(11)~~] (12) "Veterans service organization" means an organization or individual accredited
 323 by the VA Office of General Counsel or recognized by the department whose purpose is
 324 to serve service members and veterans, their spouses, surviving spouses, and children.

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

326 **71A-1-201 . Department of Veterans and Military Affairs -- Creation --**

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

- 328 (1) There is created the Department of Veterans and Military Affairs.
 329 (2) The governor shall appoint an executive director for the department who is subject to
 330 Senate confirmation.
 331 (3) The executive director shall be a veteran.
 332 (4) The department shall:
 333 (a) conduct and supervise all veteran and military affairs activities as provided in this
 334 title;

- 335 (b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
336 Rulemaking Act, to carry out the provisions of this title;
- 337 (c) in accordance with Section 41-1a-418:
- 338 (i) determine which campaign or combat theater awards are eligible for a special
339 group license plate;
- 340 (ii) verify that an applicant for a campaign or combat theater award special group
341 license plate is qualified to receive it; and
- 342 (iii) provide an applicant that qualifies a form indicating the campaign or combat
343 theater award special group license plate for which the applicant qualifies;
- 344 (d) maintain liaison with local, state, and federal veterans agencies and with Utah
345 veterans organizations;
- 346 (e) provide current information to veterans, service members, their surviving spouses
347 and family members, and Utah veterans and military organizations on benefits they
348 are entitled to;
- 349 (f) assist veterans, service members, and their families in applying for benefits and
350 services;
- 351 (g) cooperate with other state entities in the receipt of information to create and maintain
352 a record of veterans in Utah;
- 353 (h) create and administer a veterans assistance registry in accordance with Chapter 5,
354 Veterans Assistance Registry, with recommendations from the council, that provides
355 contact information to the qualified donors of materials and labor for certain qualified
356 recipients;
- 357 (i) identify military-related issues, challenges, and opportunities, and develop plans for
358 addressing them;
- 359 (j) develop, coordinate, and maintain relationships with military leaders of Utah military
360 installations, including the [~~Utah~~]National Guard;
- 361 (k) develop and maintain relationships with military-related organizations in Utah; [~~and~~]
- 362 (l) consult with municipalities and counties regarding compatible use plans as described
363 in Sections 10-9a-537 and 17-27a-533;
- 364 (m) provide services and benefits directly or indirectly to service members, veterans, and
365 families of service members and veterans, including services and benefits related to
366 claims, health care, employment, education, mental wellness, counseling, business,
367 housing, recognition, camaraderie, and other functions; and
- 368 (n) serve as the State Approving Agency under United States Code, Title 38, Veterans

369 Benefits.

370 (5)(a) The department may award grants for the purpose of supporting veteran and
371 military outreach, employment, education, healthcare, homelessness prevention, and
372 recognition events.

373 (b) The department may award a grant described in Subsection (5)(a) to:

- 374 (i) an institution of higher education listed in Section 53B-1-102;
375 (ii) a nonprofit organization involved in veterans or military-related activities; or
376 (iii) a political subdivision of the state.

377 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
378 department shall make rules for the administration of grants, including establishing:

- 379 (i) the form and process for submitting an application to the department;
380 (ii) the method and criteria for selecting a grant recipient;
381 (iii) the method and formula for determining a grant amount; and
382 (iv) the reporting requirements of a grant recipient.

383 (6)(a) The department may:

384 (i) receive gifts, contributions, and donations to support service members, veterans,
385 and families of service members and veterans, including tangible objects and real
386 property, if the department uses the gifts, contributions, and donations for the
387 benefit of, or in connection with, service members, veterans, or families of service
388 members and veterans; and

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

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

395 ~~[(6)]~~ (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
396 department may make rules related to:

- 397 (a) the consultation with municipalities and counties regarding compatible use plans as
398 required in Subsection (4)(1); and
399 (b) criteria to evaluate whether a proposed land use is compatible with military
400 operations.

401 ~~[(7)]~~ (8) Nothing in this chapter ~~[shall be construed as altering or preempting]~~ alters or
402 preempts any provisions of Title 39A, National Guard and Militia Act, as specifically

403 related to the [Utah]National Guard.

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

405 **71A-1-202 . Department of Veterans and Military Affairs -- Executive director --**
406 **Responsibilities.**

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

408 (2) The executive director is responsible for:

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

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

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

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

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

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

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

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

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

419 throughout the state, including active duty service members, reserve duty service
420 members, veterans, and their families;

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

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

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

428 [~~3~~] (4) The executive director may appoint deputy directors to assist the executive director
429 in carrying out the department's responsibilities.

430 [~~4~~] (5) A deputy director, described in Subsection (3), of veterans' services shall be a
431 veteran.

432 Section 6. **Effective Date.**

433 This bill takes effect on May 7, 2025.