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Military Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson S. Burton

Senate Sponsor:

2

LONG TITLE

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General Description:

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This bill amends provisions related to the military.

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Highlighted Provisions:

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This bill:

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- ▶ adjusts the membership of the Veterans and Military Affairs Commission;
- ▶ amends when the adjutant general of the National Guard is allowed to accept donations;

and

- ▶ makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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36-28-102 (Effective 05/06/26) (Repealed 01/01/30), as last amended by Laws of Utah 2024, Chapters 320, 378

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39A-9-101 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 257

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

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Section 1. Section **36-28-102** is amended to read:

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36-28-102 (Effective 05/06/26) (Repealed 01/01/30). Veterans and Military Affairs Commission -- Creation -- Membership -- Chairs -- Terms -- Per diem and expenses.

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(1) There is created the Veterans and Military Affairs Commission.

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(2) The commission membership is composed of [18] 17 permanent members, but may not exceed 23 members, and is as follows:

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(a) five legislative members to be appointed as follows:

- (i) three members from the House of Representatives, whom the speaker of the House of Representatives appoints, no more than two of whom may be from the same political party; and
- (ii) two members from the Senate, whom the president of the Senate appoints, no more than one of whom may be from the same political party;
- (b) the executive director of the Department of Veterans and Military Affairs or the director's designee;
- (c) the chair of the Utah Veterans Advisory Council;
- (d) the executive director of the Department of Workforce Services or the director's designee;
- (e) the executive director of the Department of Health and Human Services or the director's designee;
- (f) the adjutant general of the Utah National Guard or the adjutant general's designee;
- (g) the Guard and Reserve Transition Assistance Advisor;
- (h) a designee of the Utah Board of Higher Education, whom the commissioner of higher education selects, under the direction of the board;
- (i) three representatives of veteran service organizations whom the Veterans Advisory Council recommends and the commission confirms;
- (j) one member of the Executive Committee of the Utah Defense Alliance; and
- [~~(k) one military affairs representative from a chamber of commerce member, the Utah State Chamber of Commerce appoints; and]~~
- [~~(l)~~ (k) a representative from the Veterans Health Administration.

The commission may appoint by majority vote of the entire commission up to ~~five~~ six pro tempore members, representing:

- (a) state or local government agencies;
- (b) interest groups concerned with veterans issues; or
- (c) the general public.

- (a) The president of the Senate shall designate a member of the Senate appointed under Subsection (2)(a) as a cochair of the commission.
- (b) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (2)(a) as a cochair of the commission.

A majority of the members of the commission shall constitute a quorum. The action of a majority of a quorum constitutes the action of the commission.

The term for each pro tempore member appointed in accordance with Subsection (3)

65 shall be two years from July 1 of the year of appointment. A pro tempore member may
66 not serve more than three terms.

67 (7) If a member leaves office or is unable to serve, the vacancy shall be filled as it was
68 originally appointed. A person appointed to fill a vacancy under Subsection (6) serves
69 the remaining unexpired term of the member being replaced. If the remaining unexpired
70 term is less than six months, the newly appointed member shall be reappointed on July
71 1. The time served until July 1 is not counted in the restriction set forth in Subsection (6).

72 (8) A member may not receive compensation or benefits for the member's service but may
73 receive per diem and travel expenses in accordance with:
74 (a) Section 63A-3-106;
75 (b) Section 63A-3-107; and
76 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
77 63A-3-107.

78 (9) Salaries and expenses of the members of the commission who are legislators shall be
79 paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3,
80 Legislator Compensation.

81 Section 2. Section **39A-9-101** is amended to read:

82 **39A-9-101 (Effective 05/06/26). Acceptance of gifts.**

83 (1) The National Guard is authorized to receive gifts, contributions, and donations of all
84 kinds, including tangible objects and real property made on the condition that the
85 National Guard uses the gifts, contributions, and donations for the benefit of, or in
86 connection with, the National Guard and National Guard members, employees, or
87 members' or employees' dependents.

88 (2) The adjutant general is the acceptance authority for gifts described in Subsection (1).

89 (3) The adjutant general may also accept gifts donated to[benefit a state military museum
90 or to create a memorial within the state honoring the activities of the National Guard.]:

91 (a) benefit a state military museum;
92 (b) benefit the State Partnership Program;
93 (c) benefit humanitarian programs;
94 (d) benefit disaster or emergency response; or
95 (e) create a memorial within the state honoring the activities of the National Guard.

96 (4) A gift, grant, or donation described in this section will not revert to the General Fund
97 and shall be considered non-lapsing funds.

98 (5) Acceptance authorities will ensure compliance with the restrictions and limitations

99 contained in Section 63G-6a-2404.

100 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
101 National Guard shall make rules for the acceptance of gifts, including establishing:
102 (a) delegation of gift acceptance authority;
103 (b) the method and criteria for accepting gifts;
104 (c) identification of existing accounts for gift proceeds to be deposited into;
105 (d) use and purpose of gifts;
106 (e) prohibitions; and
107 (f) exceptions to the policy.

108 **Section 3. Effective Date.**

109 This bill takes effect on May 6, 2026.