

Jefferson S. Burton proposes the following substitute bill:

Military Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson S. Burton

Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions related to the military.

Highlighted Provisions:

This bill:

- adjusts the membership of the Veterans and Military Affairs Commission;
- amends when the adjutant general of the National Guard is allowed to accept donations;
- includes the Naval Reserve Industrial Ordinance Plant to the list of land or facilities that municipalities shall coordinate with when determining land use compatibility; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-20-620 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

36-28-102 (Effective 05/06/26) (Repealed 01/01/30), as last amended by Laws of Utah 2024, Chapters 320, 378

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

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

Section 1. Section **10-20-620** is amended to read:

10-20-620 (Effective 05/06/26). Land use compatibility with military use.

(1) As used in this section:

- (a) "Department" means the Department of Veterans and Military Affairs.
- (b) "Military" means a branch of the armed forces of the United States, including the Utah National Guard.
- (c) "Military land" means the following land or facilities:
 - (i) Camp Williams;
 - (ii) Hill Air Force Base;
 - (iii) Dugway Proving Ground;
 - (iv) Tooele Army Depot;
 - (v) Utah Test and Training Range;
 - (vi) Nephi Readiness Center;
 - (vii) Cedar City Alternate Flight Facility;
 - (viii) Naval Reserve Industrial Ordnance Plant; or
 - [~~(viii)~~] (ix) Little Mountain Test Facility.

(a) Except as provided in Subsection (2)(b), on or before July 1, 2025, for any area in a municipality within 5,000 feet of a boundary of military land, a municipality shall, in consultation with the department, develop and maintain a compatible use plan to ensure permitted uses and conditional uses relevant to the military land are compatible with the military operations on military land.

(b) A municipality that has a compatible use plan as of January 1, 2023, is not required to develop a new compatible use plan.

If a municipality receives a land use application related to land within 5,000 feet of a boundary of military land, before the municipality may approve the land use application, the municipality shall notify the department in writing.

(a) If the department receives the notice described in Subsection (3), the executive director of the department shall:

- (i) determine whether the proposed land use is compatible with the military use of the relevant military land; and
- (ii) within 90 days after the receipt of the notice described in Subsection (3), respond in writing to the municipality regarding the determination of compatibility described in Subsection (4)(a)(i).

(b)(i) For a land use application pertaining to a parcel within 5,000 feet of military land that may have an adverse effect on the operations of the military installation, except as provided in Subsection (4)(b)(ii), the municipality shall consider the compatible use plan in processing the land use application.

- (ii) For a land use application pertaining to a parcel within 5,000 feet of military land that may have an adverse effect on the operations of the military installation, if the applicant has a vested right, the municipality is not required to consider the compatible land use plan in consideration of the land use application.
- (5) If the department receives the notice described in Subsection (3) before the municipality has completed the compatible use plan as described in this section, the department shall consult with the municipality and representatives of the relevant military land to determine whether the use proposed in the land use application is a compatible use.

Section 2. Section **36-28-102** is amended to read:

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

- (1) There is created the Veterans and Military Affairs Commission.
- (2) The commission membership is composed of [18] 17 permanent members, but may not exceed 23 members, and is as follows:
 - (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;

97 (j) one member of the Executive Committee of the Utah Defense Alliance; and
98 [~~(k) one military affairs representative from a chamber of commerce member, the Utah~~
99 ~~State Chamber of Commerce~~ appoints; and]
100 [~~(l)~~] (k) a representative from the Veterans Health Administration.

101 (3) The commission may appoint by majority vote of the entire commission up to [five] six
102 pro tempore members, representing:
103 (a) state or local government agencies;
104 (b) interest groups concerned with veterans issues; or
105 (c) the general public.

106 (4)(a) The president of the Senate shall designate a member of the Senate appointed
107 under Subsection (2)(a) as a cochair of the commission.
108 (b) The speaker of the House of Representatives shall designate a member of the House
109 of Representatives appointed under Subsection (2)(a) as a cochair of the commission.

110 (5) A majority of the members of the commission shall constitute a quorum. The action of
111 a majority of a quorum constitutes the action of the commission.

112 (6) The term for each pro tempore member appointed in accordance with Subsection (3)
113 shall be two years from July 1 of the year of appointment. A pro tempore member may
114 not serve more than three terms.

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

120 (8) A member may not receive compensation or benefits for the member's service but may
121 receive per diem and travel expenses in accordance with:
122 (a) Section 63A-3-106;
123 (b) Section 63A-3-107; and
124 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
125 63A-3-107.

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

129 Section 3. Section **39A-9-101** is amended to read:
130 **39A-9-101 (Effective 05/06/26). Acceptance of gifts.**

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

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

137 (3) The adjutant general may also accept gifts donated to[benefit a state military museum
138 or to create a memorial within the state honoring the activities of the National Guard.] :
139 (a) benefit a state military museum;
140 (b) benefit the State Partnership Program;
141 (c) benefit humanitarian programs;
142 (d) benefit disaster or emergency response; or
143 (e) create a memorial within the state honoring the activities of the National Guard.

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

146 (5) Acceptance authorities will ensure compliance with the restrictions and limitations
147 contained in Section 63G-6a-2404.

148 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
149 National Guard shall make rules for the acceptance of gifts, including establishing:
150 (a) delegation of gift acceptance authority;
151 (b) the method and criteria for accepting gifts;
152 (c) identification of existing accounts for gift proceeds to be deposited into;
153 (d) use and purpose of gifts;
154 (e) prohibitions; and
155 (f) exceptions to the policy.

156 **Section 4. Effective Date.**

157 This bill takes effect on May 6, 2026.