

TITLE 71A - VETERANS AND MILITARY AFFAIRS

2023 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill restructures, reorganizes, and rewrites provisions of Title 71, Veterans, and creates Title 71A, Veterans and Military Affairs.

Highlighted Provisions:

This bill:

- ▶ restructures, reorganizes, and rewrites some of the provisions of Title 71, Veterans into Title 71A, Veterans and Military Affairs;
- ▶ outlines the new title as follows:
 - Chapter 1, Veterans and Military Affairs;
 - Chapter 2, Veterans Preference;
 - Chapter 3, Veterans Service Organizations Assistance Contracts;
 - Chapter 4, Veterans Benefits Application Assistance Act;
 - Chapter 5, Veterans Assistance Registry;
 - Chapter 6, State Veterans Nursing Home;
 - Chapter 7, Veterans Memorials and Cemeteries; and
 - Chapter 8, Employees in Military Service;
- ▶ provides definitions;
- ▶ removes outdated language;
- ▶ removes requirement that the Veterans Advisory Council be consulted on the awarding of grants;
- ▶ removes the requirement that deputy directors be veterans;
- ▶ clarifies eligibility for veterans preference;
- ▶ clarifies job retention for public officers called to serve in the armed forces; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **34-50-102**, as last amended by Laws of Utah 2016, Chapter 230

37 **34-50-103**, as last amended by Laws of Utah 2020, Chapter 333

38 ENACTS:

39 **71A-1-201**, Utah Code Annotated 1953

40 **71A-1-202**, Utah Code Annotated 1953

41 **71A-1-302**, Utah Code Annotated 1953

42 RENUMBERS AND AMENDS:

43 **71A-1-101**, (Renumbered from 71-8-1, as last amended by Laws of Utah 2018, Chapter
44 39)

45 **71A-1-301**, (Renumbered from 71-8-4, as last amended by Laws of Utah 2018, Chapter
46 39)

47 **71A-2-101**, (Renumbered from 71-10-1, as last amended by Laws of Utah 2016,
48 Chapter 230)

49 **71A-2-102**, (Renumbered from 71-10-2, as last amended by Laws of Utah 2018,
50 Chapter 39)

51 **71A-2-103**, (Renumbered from 71-10-3, as last amended by Laws of Utah 2018,
52 Chapter 148)

53 **71A-3-101**, (Renumbered from 71-9-1, as last amended by Laws of Utah 2018, Chapter
54 39)

55 **71A-3-102**, (Renumbered from 71-9-2, as last amended by Laws of Utah 2018, Chapter
56 39)

57 **71A-3-103**, (Renumbered from 71-9-5, as enacted by Laws of Utah 1981, Chapter 282)

58 **71A-4-101**, (Renumbered from 71-13-102, as last amended by Laws of Utah 2018,
59 Chapter 39)

60 **71A-4-102**, (Renumbered from 71-13-103, as enacted by Laws of Utah 2015, Chapter
61 123)

62 **71A-4-103**, (Renumbered from 71-13-104, as enacted by Laws of Utah 2015, Chapter
63 123)

- 64 **71A-4-104**, (Renumbered from 71-13-105, as last amended by Laws of Utah 2018,
65 Chapter 39)
- 66 **71A-4-105**, (Renumbered from 71-13-106, as enacted by Laws of Utah 2015, Chapter
67 123)
- 68 **71A-5-101**, (Renumbered from 71-12-102, as last amended by Laws of Utah 2018,
69 Chapter 39)
- 70 **71A-5-102**, (Renumbered from 71-12-103, as last amended by Laws of Utah 2018,
71 Chapter 39)
- 72 **71A-5-103**, (Renumbered from 71-12-104, as enacted by Laws of Utah 2014, Chapter
73 91)
- 74 **71A-6-101**, (Renumbered from 71-11-2, as last amended by Laws of Utah 2018,
75 Chapter 39)
- 76 **71A-6-102**, (Renumbered from 71-11-3, as last amended by Laws of Utah 2018,
77 Chapter 39)
- 78 **71A-6-103**, (Renumbered from 71-11-5, as last amended by Laws of Utah 2018,
79 Chapter 39)
- 80 **71A-6-104**, (Renumbered from 71-11-6, as last amended by Laws of Utah 2016,
81 Chapter 230)
- 82 **71A-6-105**, (Renumbered from 71-11-7, as last amended by Laws of Utah 2018,
83 Chapter 39)
- 84 **71A-6-106**, (Renumbered from 71-11-8, as last amended by Laws of Utah 2018,
85 Chapter 39)
- 86 **71A-6-107**, (Renumbered from 71-11-9, as last amended by Laws of Utah 2005, First
87 Special Session, Chapter 7)
- 88 **71A-6-108**, (Renumbered from 71-11-10, as last amended by Laws of Utah 2007,
89 Chapter 173)
- 90 **71A-7-101**, (Renumbered from 71-2-1, Utah Code Annotated 1953)
- 91 **71A-7-102**, (Renumbered from 71-2-2, as last amended by Laws of Utah 2001, Chapter
92 30)
- 93 **71A-7-103**, (Renumbered from 71-2-3, as last amended by Laws of Utah 1993, Chapter

94 227)
 95 **71A-7-201**, (Renumbered from 71-7-1, as enacted by Laws of Utah 1961, Chapter 21)
 96 **71A-7-202**, (Renumbered from 71-7-2, as last amended by Laws of Utah 2018, Chapter
 97 39)
 98 **71A-7-203**, (Renumbered from 71-7-5, as last amended by Laws of Utah 2018, Chapter
 99 39)
 100 **71A-7-301**, (Renumbered from 71-7-3, as last amended by Laws of Utah 2020, Chapter
 101 154)
 102 **71A-8-101**, (Renumbered from 39-3-1, as repealed and reenacted by Laws of Utah
 103 1991, Chapter 65)
 104 **71A-8-102**, (Renumbered from 39-3-2, as last amended by Laws of Utah 2003, Chapter
 105 217)
 106 **71A-8-103**, (Renumbered from 39-1-64, as enacted by Laws of Utah 2004, Chapter 82)
 107 **71A-8-104**, (Renumbered from 39-7-118, as enacted by Laws of Utah 1997, Chapter
 108 306)

109 REPEALS:

110 **39-1-36**, as last amended by Laws of Utah 1989, Chapter 15
 111 **71-3-1**, as last amended by Laws of Utah 2018, Chapter 39
 112 **71-8-2**, as last amended by Laws of Utah 2020, Chapter 409
 113 **71-8-3**, as last amended by Laws of Utah 2018, Chapter 39
 114 **71-8-5**, as last amended by Laws of Utah 2018, Chapter 39
 115 **71-8-6**, as last amended by Laws of Utah 2018, Chapter 39
 116 **71-8-7**, as last amended by Laws of Utah 2018, Chapter 39
 117 **71-8-8**, as enacted by Laws of Utah 2013, Chapter 308
 118 **71-11-1**, as last amended by Laws of Utah 2018, Chapter 39
 119 **71-11-4**, as last amended by Laws of Utah 2018, Chapter 39
 120 **71-12-101**, as last amended by Laws of Utah 2018, Chapter 39
 121 **71-13-101**, as enacted by Laws of Utah 2015, Chapter 123

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

124 Section 1. Section **34-50-102** is amended to read:

125 **34-50-102. Definitions.**

126 As used in this chapter:

127 (1) "Department" means the ~~[same as that term is defined in Section 71-11-2]~~128 Department of Veterans and Military Affairs, created in Section 71A-1-201.129 (2) "Discharge document" means a document received by a servicemember upon
130 separation from military service, including:131 (a) a DD 214, United States Department of Defense Certificate of Release or Discharge
132 from Active Duty;

133 (b) a DD 256, United States Department of Defense Honorable Discharge Certificate;

134 (c) a DD 257, United States General Discharge Certificate; or

135 (d) an NGB 22, Utah National Guard Certificate of Release or Discharge.

136 (3) "Preference eligible" means the same as that term is defined in Section ~~[71-10-1]~~
137 71A-2-101.

138 (4) "Private employer" means the same as that term is defined in Section 63G-12-102.

139 (5) "Servicemember" means the same as that term in defined in Section 71A-1-101.140 ~~[(5)] (6) "Veteran" means the same as that term is defined in Section 68-3-12.5.~~141 Section 2. Section **34-50-103** is amended to read:142 **34-50-103. Voluntary veterans preference employment policy -- Private**
143 **employment -- Antidiscrimination requirements.**144 (1) A private sector employer may create a veterans employment preference policy
145 ~~[that may also apply to a veteran's spouse].~~146 (2) ~~[The]~~ A veterans employment preference policy shall be:

147 (a) in writing; and

148 (b) applied uniformly to employment decisions regarding hiring, promotion, or
149 retention including during a reduction in force.150 (3) A private employer may require a ~~[veteran]~~ preference eligible individual to submit
151 a discharge document form or proof of current service in the armed forces to be eligible for the
152 preference. If the applicant is the spouse of a veteran or servicemember, the employer may
153 require that the spouse submit the veteran's discharge document or proof of current service in
154 the armed forces.

155 (4) A private employer's veterans employment preference policy shall be publicly

156 posted by the employer at the place of employment or on the Internet if the employer has a
 157 website or uses the Internet to advertise employment opportunities.

158 Section 3. Section **71A-1-101**, which is renumbered from Section 71-8-1 is
 159 renumbered and amended to read:

160 **TITLE 71A. VETERANS AND MILITARY AFFAIRS**
 161 **CHAPTER 1. VETERANS AND MILITARY AFFAIRS**
 162 **Part 1. General Provisions**

163 ~~[71-8-1]~~ **71A-1-101. Veterans and Military Affairs -- Definitions.**

164 As used in this title:

165 (1) "Armed forces" means the same as that term is defined in Section 68-3-12.5

166 (2) "Contractor" means a person who is or may be awarded a government entity
 167 contract.

168 ~~[(2)]~~ (3) "Council" means the Veterans Advisory Council.

169 ~~[(3)]~~ (4) "Department" means the Department of Veterans and Military Affairs.

170 ~~[(4)]~~ (5) "Executive director" means the executive director of the Department of
 171 Veterans and Military Affairs.

172 ~~[(5)]~~ (6) "Government entity" means the state and any county, municipality, local
 173 district, special service district, and any other political subdivision or administrative unit of the
 174 state, including state institutions of education.

175 ~~[(6)]~~ ~~"Specialist" means a full-time employee of a government entity who is tasked with~~
 176 ~~responding to, and assisting, veterans who are employed by the entity or come to the entity for~~
 177 ~~assistance.]~~

178 (7) "Uniformed services" means the same as that term is defined in Section 68-3-12.5.

179 (8) "VA" means the United States Department of Veterans Affairs.

180 (9) "Veteran" ~~[has]~~ means the same ~~[meaning]~~ as that term is defined in Section
 181 68-3-12.5.

182 (10) "Veterans Service Organization" means an organization or individual accredited
 183 by the VA Office of General Counsel or recognized by the department whose purpose is to
 184 serve servicemembers and veterans, their spouses, surviving spouses, and children.

185 Section 4. 71A-1-201 is enacted to read:

186 **Part 2. Department of Veterans and Military Affairs**

- 187 **71A-1-201. Department of Veterans and Military Affairs -- Creation --**
188 **Appointment of executive director -- Department responsibilities.**
- 189 (1) There is created the Department of Veterans and Military Affairs.
190 (2) The governor shall appoint an executive director for the department who is subject
191 to Senate confirmation.
- 192 (3) The executive director shall be a veteran.
193 (4) The department shall:
- 194 (a) conduct and supervise all veteran and military affairs activities as provided in this
195 title;
- 196 (b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
197 Rulemaking Act, to carry out the provisions of this title;
- 198 (c) in accordance with Section 41-1a-418:
- 199 (i) determine which campaign or combat theater awards are eligible for a special group
200 license plate;
- 201 (ii) verify that an applicant for a campaign or combat theater award special group
202 license plate is qualified to receive it; and
- 203 (iii) provide an applicant that qualifies a form indicating the campaign or combat
204 theater award special group license plate for which the applicant qualifies;
- 205 (d) maintain liaison with local, state, and federal veterans agencies and with Utah
206 veterans organizations;
- 207 (e) provide current information to veterans, servicemembers, their surviving spouses
208 and family members, and Utah veterans and military organizations on benefits they are entitled
209 to;
- 210 (f) assist veterans, servicemembers, and their families in applying for benefits and
211 services;
- 212 (g) cooperate with other state entities in the receipt of information to create and
213 maintain a record of veterans in Utah;
- 214 (h) create and administer a veterans assistance registry in accordance with Chapter 5,
215 Veterans Assistance Registry, with recommendations from the council, that provides contact
216 information to the qualified donors of materials and labor for certain qualified recipients;
- 217 (i) identify military-related issues, challenges, and opportunities, and develop plans for

218 addressing them;

219 (j) develop, coordinate, and maintain relationships with military leaders of Utah

220 military installations, including the Utah National Guard; and

221 (k) develop and maintain relationships with military-related organizations in Utah.

222 (5) (a) The department may award grants for the purpose of supporting veteran and

223 military outreach, employment, education, healthcare, homelessness prevention, and

224 recognition events.

225 (b) The department may award a grant described in Subsection (4)(a) to:

226 (i) an institution of higher education listed in Section 53B-1-102;

227 (ii) a nonprofit organization involved in veterans or military-related activities; or

228 (iii) a political subdivision of the state.

229 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

230 department shall make rules for the administration of grants, including establishing:

231 (i) the form and process for submitting an application to the department;

232 (ii) the method and criteria for selecting a grant recipient;

233 (iii) the method and formula for determining a grant amount; and

234 (iv) the reporting requirements of a grant recipient.

235 (6) Nothing in this chapter shall be construed as altering or preempting any provisions

236 of Title 39A, National Guard and Militia Act, as specifically related to the Utah National

237 Guard.

238 Section 5. Section **71A-1-202** is enacted to read:

239 **71A-1-202. Department of Veterans and Military Affairs -- Executive director --**

240 **Responsibilities.**

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

242 (2) The executive director is responsible for:

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

244 (b) the coordination of policies and program activities conducted through the

245 department;

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

247 (d) preparing an annual report for presentation not later than November 30 of each year

248 to the Government Operations Interim Committee which covers:

- 249 (i) services provided to veterans, servicemembers and their families;
 250 (ii) services provided by third parties through the Veterans Assistance Registry;
 251 (iii) coordination of veterans services by government entities with the department; and
 252 (iv) the status of military missions within the state;
 253 (e) advising the governor on matters pertaining to veterans and military affairs
 254 throughout the state, including active duty servicemembers, reserve duty servicemembers,
 255 veterans, and their families;
 256 (f) developing, coordinating, and maintaining relationships with Utah's congressional
 257 delegation and appropriate federal agencies; and
 258 (g) entering into grants, contracts, agreements, and interagency transfers necessary to
 259 support the department's programs.
 260 (3) The executive director may appoint deputy directors to assist the executive director
 261 in carrying out the department's responsibilities.

262 Section 6. Section **71A-1-301**, which is renumbered from Section 71-8-4 is
 263 renumbered and amended to read:

264 **Part 3. Veterans Advisory Council**

265 **~~[71-8-4]~~ 71A-1-301. Veterans Advisory Council -- Membership -- Duties and**
 266 **responsibilities -- Per diem and travel expenses.**

267 (1) There is created a Veterans Advisory Council whose purpose is to advise the
 268 executive director of the Department of Veterans and Military Affairs on issues relating to
 269 veterans.

270 (2) The council shall consist of the following 14 members:

271 (a) 11 voting members to serve four-year terms:

272 (i) seven veterans at large appointed by the governor;

273 (ii) the commander or the commander's designee, whose terms shall last for as long as
 274 ~~[they hold]~~ the commander holds that office, from each of the following organizations:

275 (A) Veterans of Foreign Wars;

276 (B) American Legion; and

277 (C) Disabled American Veterans; and

278 (iii) a representative from the Office of the Governor; and

279 (b) three nonvoting members:

280 (i) the executive director [~~of the Department of Veterans and Military Affairs~~];
281 (ii) the director of the VA Health Care System or [~~his~~] the director's designee; and
282 (iii) the director of the VA Benefits Administration Regional Office in Salt Lake City,
283 or [~~his~~] the director's designee.

284 (3) (a) Except as required by Subsection (3)(b), as terms of current council members
285 expire, the governor shall appoint each new or reappointed member to a four-year term
286 commencing on July 1.

287 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
288 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
289 council members are staggered so that approximately half of the members appointed by the
290 governor are appointed every two years.

291 (4) When a vacancy occurs in the membership for any reason, the governor shall
292 appoint a replacement for the unexpired term within 60 days of receiving notice.

293 (5) Members appointed by the governor may not serve more than three consecutive
294 terms.

295 (6) (a) Any veterans group or veteran may provide the executive director with a list of
296 recommendations for members on the council.

297 (b) The executive director shall provide the governor with the list of recommendations
298 for members to be appointed to the council.

299 (c) The governor shall make final appointments to the council by June 30 of any year in
300 which appointments are to be made under this chapter.

301 (7) The council shall elect a chair and vice chair from among the council members
302 every two years. The chair and vice chair shall each be [~~an individual who:~~] a veteran.

303 [~~(a) has served on active duty in the armed forces for more than 180 consecutive days;~~]

304 [~~(b) was a member of a reserve component who served in a campaign or expedition for
305 which a campaign medal has been authorized; or]~~

306 [~~(c) incurred an actual service-related injury or disability in the line of duty, whether or
307 not that person completed 180 consecutive days of active duty; and]~~

308 [~~(d) was separated or retired under honorable conditions.]~~

309 (8) (a) The council shall meet at least once every quarter.

310 (b) The executive director [~~of the Department of Veterans and Military Affairs~~] may

311 convene additional meetings, as necessary.

312 (9) The department shall provide staff to the council.

313 (10) Six voting members are a quorum for the transaction of business.

314 ~~[(11) The council shall:]~~

315 ~~[(a) solicit input concerning veterans issues from veterans' groups throughout the~~
316 ~~state;]~~

317 ~~[(b) report issues received to the executive director of the Department of Veterans and~~
318 ~~Military Affairs and make recommendations concerning them;]~~

319 ~~[(c) keep abreast of federal developments that affect veterans locally and advise the~~
320 ~~executive director of them;]~~

321 ~~[(d) approve, by a majority vote, the use of money generated from veterans license~~
322 ~~plates under Section 41-1a-422 for veterans programs; and]~~

323 ~~[(e) assist the director in developing guidelines and qualifications for:]~~

324 ~~[(f) participation by donors and recipients in the Veterans Assistance Registry created~~
325 ~~in Section 71-12-101; and]~~

326 ~~[(g) developing a process for providing contact information between qualified donors~~
327 ~~and recipients.]~~

328 ~~[(12)]~~ (11) A member may not receive compensation or benefits for the member's
329 service, but may receive per diem and travel expenses in accordance with:

330 (a) Section 63A-3-106;

331 (b) Section 63A-3-107; and

332 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
333 63A-3-107.

334 Section 7. Section **71A-1-302** is enacted to read:

335 **71A-1-302. Veterans Advisory Council -- Duties and responsibilities.**

336 The council shall:

337 (1) solicit input concerning veterans issues from veterans groups throughout the state;

338 (2) report issues received to the executive director and make recommendations
339 concerning them;

340 (3) keep abreast of federal developments that affect veterans locally and advise the
341 executive director of them;

342 (4) approve, by a majority vote, the use of money generated from veterans license
 343 plates under Section 41-1a-422 for veterans programs; and

344 (5) assist the director in developing guidelines and qualifications for:

345 (a) participation by donors and recipients in the Veterans Assistance Registry created in
 346 Section 71A-5-102; and

347 (b) the process for providing contact information between qualified donors and
 348 recipients.

349 Section 8. Section **71A-2-101**, which is renumbered from Section 71-10-1 is
 350 renumbered and amended to read:

351 **CHAPTER 2. VETERANS PREFERENCE**

352 ~~[71-10-1]~~ **71A-2-101. Veterans Preference -- Definitions.**

353 (1) As used in this chapter:

354 ~~[(1)]~~ (a) "Active duty" means active military duty and does not include active duty for
 355 training, initial active duty for training, or inactive duty for training.

356 ~~[(2)]~~ (b) "Government entity" means the state, any county, municipality, local district,
 357 special service district, or any other political subdivision or administrative unit of the state,
 358 including state institutions of education.

359 (c) "Individual with a disability" means a veteran or servicemember who has
 360 established the existence of a service-connected disability or is receiving compensation,
 361 disability retirement benefits, or pension because of a public statute administered by the VA or
 362 a military department.

363 ~~[(3)]~~ (d) "Preference eligible" means:

364 ~~[(a)]~~ (i) any individual who ~~[has served on active duty in the armed forces for more~~
 365 ~~than 180 consecutive days, or was a member of a reserve component who served in a campaign~~
 366 ~~or expedition for which a campaign medal has been authorized and who has been separated~~
 367 ~~under honorable conditions]~~ is a veteran;

368 ~~[(b)]~~ (ii) ~~[a veteran]~~ an individual with a disability, regardless of the percentage of
 369 disability;

370 ~~[(c)]~~ (iii) the spouse or ~~[unmarried widow or widower]~~ surviving spouse of a veteran;

371 ~~[(d)]~~ (iv) a purple heart recipient; or

372 ~~[(e)]~~ (v) a retired member of the armed forces.

373 ~~[(5) "Veteran with a disability" means an individual who has:]~~
 374 ~~[(a) been separated or retired from the armed forces under honorable conditions; and]~~
 375 ~~[(b) established the existence of a service-connected disability or is receiving~~
 376 ~~compensation, disability retirement benefits, or pension because of a public statute~~
 377 ~~administered by the federal Department of Veterans Affairs or a military department.]~~

378 ~~[(4) "Veteran" means the same as that term is defined in Section 68-3-12.5:]~~

379 (2) Terms defined in Section 71A-1-101 apply to this chapter.

380 Section 9. Section **71A-2-102**, which is renumbered from Section 71-10-2 is
 381 renumbered and amended to read:

382 ~~[71-10-2]~~ 71A-2-102. Veterans preference.

383 (1) Each government entity shall grant a veterans preference upon initial ~~[hiring]~~
 384 application to each preference eligible ~~[veteran or preference eligible spouse]~~ individual
 385 according to the procedures and requirements of this chapter.

386 (2) The personnel or human resource officer of any government entity shall add to the
 387 score of a preference eligible who receives a passing score on an examination, or any rating or
 388 ranking mechanism used in selecting an individual for any career service position with the
 389 government entity:

390 (a) 5% of the total possible score, if the preference eligible is a veteran or
 391 servicemember;

392 (b) 10% of the total possible score, if the preference eligible is a veteran or
 393 servicemember with a disability or a purple heart recipient; or

394 (c) in the case of a preference eligible spouse~~[-widow, or widower,]~~ or surviving
 395 spouse, the same percentage the qualifying veteran or servicemember is, or would have been,
 396 entitled to.

397 (3) A preference eligible who applies for a position that does not require an
 398 examination, or where examination results are other than a numeric score, shall be given
 399 preference in interviewing ~~[and hiring]~~ for the position.

400 (4) Preference eligibility shall be added to a minimum of one step in the process.

401 Section 10. Section **71A-2-103**, which is renumbered from Section 71-10-3 is
 402 renumbered and amended to read:

403 ~~[71-10-3]~~ 71A-2-103. Veterans preference -- Willful failure to give preference a

404 **misdemeanor.**

405 (1) ~~[Any officers, agents, or representatives-]~~ An officer, agent, or representative of a
406 government entity who is charged with employment of people ~~[and who]~~ may not willfully
407 ~~[fails]~~ fail to give preference as provided in this chapter.

408 (2) Willful failure to extend veterans preference to an applicant is ~~[guilty of]~~ a class B
409 misdemeanor.

410 Section 11. Section **71A-3-101**, which is renumbered from Section 71-9-1 is
411 renumbered and amended to read:

412 **CHAPTER 3. VETERANS SERVICE ORGANIZATIONS ASSISTANCE**
413 **CONTRACTS**

414 ~~[71-9-1]~~ **71A-3-101. Veterans Service Organizations Assistance Contracts --**
415 **Contract to provide assistance to servicemembers, veterans and their spouses, surviving**
416 **spouses and children.**

417 The ~~[Department of Veterans and Military Affairs]~~ department is authorized to contract
418 with ~~[the American Legion, the Disabled American Veterans, and the Veterans of Foreign~~
419 ~~Wars of the United States, as]~~ a veterans service organization organized in this state~~;~~ to
420 provide, especially in the outlying areas of the state, assistance to servicemembers, veterans,
421 their ~~[widows]~~ spouses, surviving spouses, and children as follows:

422 (1) ~~[to]~~ disseminate information regarding all laws applicable ~~[to veterans, their~~
423 ~~widows, and children]~~ in the preparation, presentation, and prosecution of claims against the
424 United States arising by reason of service in the ~~[military, naval, or air services]~~ uniformed
425 services;

426 (2) ~~[to]~~ assist ~~[veterans, their widows, and children]~~ in the establishment of all rights
427 and the procurement of all benefits which may accrue to ~~[them]~~ eligible individuals under the
428 laws of this state or of the United States;

429 (3) ~~[to]~~ cooperate with any and all agencies and instrumentalities of this state or of the
430 United States having to do with ~~[the]~~ employment or reemployment ~~[of veterans];~~

431 (4) ~~[to]~~ cooperate with any and all agencies and instrumentalities of this state or of the
432 United States and make a representative and information available on a rotating basis in the
433 outlying areas of the state;

434 (5) ~~[to]~~ assist ~~[veterans]~~ eligible individuals in obtaining ~~[such]~~ any preference for

435 employment [~~as may be~~] authorized by the laws of this state or of the United States; and

436 (6) [~~to~~] assist [~~veterans, their widows, and children~~] eligible individuals in obtaining
 437 emergency relief, and [~~to that end~~] cooperate with [~~such~~] any agencies and instrumentalities of
 438 this state or of the United States [~~as have been or may be~~] established for the purpose of
 439 extending emergency relief.

440 Section 12. Section **71A-3-102**, which is renumbered from Section 71-9-2 is
 441 renumbered and amended to read:

442 ~~[71-9-2]~~ **71A-3-102. Veterans Service Organizations Assistance Contracts --**
 443 **Contracts subject to appropriation of funds.**

444 Any contract entered into under Section [~~71-9-1~~] 71A-3-101 shall expressly state that it
 445 is subject to the appropriation of sufficient funds by the Legislature to carry out its terms and
 446 that the decision of the executive director [~~of the Department of Veterans and Military Affairs~~]
 447 as to whether an appropriation is sufficient to carry out the terms of the contract is conclusive.

448 Section 13. Section **71A-3-103**, which is renumbered from Section 71-9-5 is
 449 renumbered and amended to read:

450 ~~[71-9-5]~~ **71A-3-103. Veterans Service Organizations Assistance Contracts --**
 451 **Attorney general to represent state concerning contracts.**

452 The attorney general shall represent the state in all proceedings involving any contract
 453 entered into under section [~~71-9-1~~] 71A-3-101, and shall [~~render~~] provide any legal assistance
 454 necessary in carrying out the provisions of that section.

455 Section 14. Section **71A-4-101**, which is renumbered from Section 71-13-102 is
 456 renumbered and amended to read:

457 **CHAPTER 4. VETERANS BENEFITS APPLICATION ASSISTANCE ACT**

458 ~~[71-13-102]~~ **71A-4-101. Veterans Benefits Application Assistance Act --**

459 **Definitions.**

460 (1) As used in this chapter:

461 [~~(1)~~] (a) "Accredited" means a veterans service organization representative, agent, or
 462 attorney to whom authority has been granted by the VA to provide assistance to claimants in
 463 the preparation, presentation, and prosecution of claims for VA benefits.

464 [~~(2)~~] (b) "Assistance" means an accredited individual providing claimant-specific
 465 recommendations or preparing or submitting an application for VA benefits on behalf of a

466 claimant.

467 ~~[(3)]~~ (c) "Certify" means to submit in writing to a veteran or the veteran's dependents
468 certain disclosure forms provided by the department.

469 ~~[(4)]~~ (d) "Claimant" means a person who has filed or has expressed to a service
470 organization representative, agent, or attorney an intention to file a written application for
471 determination of entitlement to benefits provided under United States Code, Title 38, and
472 implementing directives.

473 ~~[(5) "Department" means the Department of Veterans and Military Affairs.]~~

474 ~~[(6) "Executive director" means the executive director of the Department of Veterans
475 and Military Affairs.]~~

476 (7) (e) "Non-compliant referral" means referring a veteran's or a veteran's dependent's
477 original claim for veteran benefits for assistance to an individual who is in violation of the
478 provisions of this chapter.

479 (8) (f) "Referring entity" means an individual, business, or organization licensed in
480 this state who refers or assists a veteran or a veteran's dependents for assistance with an
481 original claim for veteran benefits.

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

483 ~~[(10)]~~ (g) "VA benefits" means any payment, service, commodity, function, or status
484 entitlement which is determined under laws administered by the VA pertaining to veterans,
485 dependents, and survivors as well as other potential beneficiaries under United States Code,
486 Title 38.

487 ~~[(11)]~~ (h) "Veteran" includes all eligible dependents.

488 (2) Terms defined in Section 71A-1-101 apply to this chapter.

489 Section 15. Section **71A-4-102**, which is renumbered from Section 71-13-103 is
490 renumbered and amended to read:

491 ~~[71-13-103]~~ **71A-4-102. Veterans Benefits Application Assistance Act --**

492 **Disclosure requirement for assisting a claimant.**

493 (1) Each ~~[person]~~ individual offering to assist veterans in applying for benefits shall:

494 (a) be accredited, in compliance with the provisions of C.F.R., Title 38, Pensions,
495 Bonuses, and Veterans' Relief, or, if under the supervision of an accredited attorney meet the
496 provisions of C.F.R., Title 38, pertaining to authorized claim representation under an attorney;

497 and

498 (b) disclose in writing, in a format approved by the department that the claimant can
499 retain, the federal laws, regulations, and rules governing assistance for VA benefits.

500 (2) The disclosure required by Subsection (1)(b) shall specifically include:

501 (a) the individual's:

502 (i) name;

503 ~~(b)~~ (ii) ~~the individual's~~ business address;

504 ~~(c)~~ (iii) ~~the individual's~~ business phone number; and

505 ~~(d)~~ (iv) the ~~individual's~~ registration number from the VA;

506 ~~(e)~~ (b) a statement of the claimant's rights regarding the assistance for VA benefits,
507 including that there is no charge to the claimant or a member of the claimant's family for
508 assistance with the initial benefits application; and

509 ~~(f)~~ (c) a statement that if, as a result of the individual providing assistance for a claim,
510 income is accrued to the assisting individual from the sale of a product or other services to the
511 claimant, the income is both justified and reasonable as compared with income from similar
512 products and services available in the state.

513 (3) No provisions of the form may be struck out or designated as nonapplicable.

514 (4) Disclosure forms, when completed, shall be:

515 (a) signed by both the individual providing assistance and the claimant; and

516 (b) retained for three years by the assisting individual.

517 (5) Copies of the disclosure form shall be provided to:

518 (a) the veteran on the day the form is completed and signed; and

519 (b) the department within five working days.

520 Section 16. Section **71A-4-103**, which is renumbered from Section 71-13-104 is
521 renumbered and amended to read:

522 ~~[71-13-104]~~ **71A-4-103. Veterans Benefits Application Assistance Act -- Education**
523 **requirements.**

524 (1) All individuals and attorneys providing assistance to a veteran shall complete three
525 hours of qualifying education as specified in 38 C.F.R. 14.629(b) during the first 12 month
526 period following the date of initial accreditation~~[-and]~~.

527 (2) ~~[an]~~ An additional three hours of qualifying continuing education shall be

528 completed every two years following the initial 12-month period.

529 Section 17. Section **71A-4-104**, which is renumbered from Section 71-13-105 is
530 renumbered and amended to read:

531 ~~[71-13-105]~~ **71A-4-104. Veterans Benefits Application Assistance Act --**
532 **Department responsibilities -- Notification -- Assistance -- Complaints -- Claimant**
533 **responsibilities.**

534 (1) The [~~Department of Veterans and Military Affairs~~] department shall notify in
535 writing each veteran for whom the department has contact information that any individual or
536 business offering to assist veterans in applying for benefits shall disclose in writing to the
537 veteran the following:

538 (a) 38 C.F.R. 14.629 and 38 C.F.R. 14.630 require that any individual providing
539 assistance be accredited by the VA;

540 (b) federal law restricts charging a veteran a fee for assisting in the initial application
541 for VA benefits; and

542 (c) the department's website has a list with contact information of VA accredited claim
543 representatives.

544 (2) Beginning July 1, 2015, and every three years after the department shall:

545 (a) notify the Insurance Department regarding the federal law governing assistance for
546 VA benefits, and the Insurance Department shall notify all individual producers and
547 consultants licensed by the Insurance Department at the time of initial licensing and upon
548 license renewal of those same federal laws governing assistance for VA benefits;

549 (b) contact the Utah State Bar regarding federal law governing legal assistance for
550 claimants applying for benefits and request that the association provide continuing legal
551 education on federal laws governing assistance; and

552 (c) notify the Department of Health regarding federal law governing the assistance for
553 claimants applying for benefits, and require the Department of Health [~~shall~~] notify all assisted
554 living and nursing care facilities of those federal laws.

555 (3) The executive director may establish procedures for processing complaints related
556 to assistance regarding a claim for VA benefits.

557 (4) For violations by accredited or non-accredited individuals who offer assistance with
558 VA benefits, the executive director may audit selected assisting individuals and referring

559 entities for compliance with this chapter and federal laws which govern the provision of
560 assistance to claimants.

561 Section 18. Section **71A-4-105**, which is renumbered from Section 71-13-106 is
562 renumbered and amended to read:

563 ~~[71-13-106]~~ **71A-4-105. Veterans Benefits Application Assistance Act -- Exempt**
564 **organizations.**

565 Accredited representatives of the following organizations are exempt from the
566 provisions of this chapter:

- 567 (1) American Legion;
568 (2) Veterans of Foreign Wars;
569 (3) Disabled American Veterans;
570 (4) Vietnam Veterans of America;
571 (5) American Veterans (AMVET);
572 (6) Military Order of the Purple Heart; and
573 (7) other VA recognized service organizations or individuals as determined by the
574 executive director.

575 Section 19. Section **71A-5-101**, which is renumbered from Section 71-12-102 is
576 renumbered and amended to read:

577 **CHAPTER 5. VETERANS ASSISTANCE REGISTRY**

578 ~~[71-12-102]~~ **71A-5-101. Veterans Assistance Registry -- Definitions .**

579 (1) As used in this chapter:

580 ~~[(3)]~~ (a) "Donor" means an individual or entity that provides material goods, services,
581 or labor without charge to veterans in accordance with this chapter.

582 ~~[(4)]~~ (b) "Recipient" means a veteran as defined in Section 68-3-12.5, or a veteran's
583 dependent spouse and children.

584 ~~[(1) "Council" means the Veterans Advisory Council as created in Section 71-8-4.]~~

585 ~~[(2) "Department" means the Department of Veterans and Military Affairs as created in~~
586 ~~Section 71-8-2.]~~

587 (2) Terms defined in Section 71A-1-101 apply to this chapter.

588 Section 20. Section **71A-5-102**, which is renumbered from Section 71-12-103 is
589 renumbered and amended to read:

590 ~~[71-12-103]~~ 71A-5-102. **Veterans Assistance Registry.**

591 (1) There is created within the department a Veterans Assistance Registry.

592 (2) The intent of the registry is to provide contact information to qualified donors of
593 material goods, services, and labor for qualified recipients in need of specific goods, services,
594 or labor.

595 (3) The department shall, in consultation with the council:

596 (a) create a database of donors and recipients;

597 (b) develop an electronic link on the department's website to the database of donors
598 and recipients;

599 (c) insure that information provided by donors and recipients is only used for the
600 intended purpose as specified in Subsection (2) and not made public;

601 (d) provide instructions online for donors and recipients to use in registering for the
602 registry;

603 (e) publicize through both local and nationwide veterans service organizations and the
604 ~~[United States Department of Veterans Affairs]~~ VA the availability of the registry; and

605 (f) track usage of and report annually on the registry program in accordance with
606 Section ~~[71-8-3]~~ 71A-1-202.

607 Section 21. Section **71A-5-103**, which is renumbered from Section 71-12-104 is
608 renumbered and amended to read:

609 ~~[71-12-104]~~ 71A-5-103. **Immunity for use of registry.**

610 A donor who provides material goods, services, or labor for registry recipients is
611 considered to be acting on behalf of the department in accordance with the provisions of Title
612 63G, Chapter 8, Part 2, Immunity for Voluntary Services.

613 Section 22. Section **71A-6-101**, which is renumbered from Section 71-11-2 is
614 renumbered and amended to read:

615 **CHAPTER 6. STATE VETERANS NURSING HOME**

616 ~~[71-11-2]~~ 71A-6-101. **State Veterans Nursing Home -- Definitions .**

617 (1) As used in this chapter:

618 ~~(1)~~ (a) "Administrator" means a state Veterans Nursing Home Administrator selected
619 in accordance with Section ~~[71-11-5]~~ 71A-6-103.

620 ~~(2)~~ (b) "Board" means any state Veterans Nursing Home Advisory Board.

621 [(5)] (c) "Home" means any Utah state Veterans Nursing Home.

622 [(3) "Department" means the Department of Veterans and Military Affairs created in
623 Section 71-8-2.]

624 [(4) "Executive director" means the executive director of the Department of Veterans
625 and Military Affairs.]

626 [(6) "Veteran" means the same as that term is defined in Section 68-3-12.5.]

627 (2) Terms defined in Section 71A-1-101 apply to this chapter.

628 Section 23. Section **71A-6-102**, which is renumbered from Section 71-11-3 is
629 renumbered and amended to read:

630 ~~[71-11-3]~~ **71A-6-102. State Veterans Nursing Home -- Establishment and**
631 **construction -- Compliance with federal requirements.**

632 (1) The department shall ~~[administer]~~ be responsible for the administration and
633 operation of state veterans nursing homes established by the Legislature, which may include
634 contracting with a private health care provider to operate and manage each home.

635 (2) Each home shall:

636 (a) have at least an 80-bed capacity;

637 (b) be designed and constructed consistent with the requirements for federal funding
638 under 38 U.S.C. Sec. 8131 et seq.; and

639 (c) be operated consistent with the requirements for per diem payments from the
640 ~~[United States Department of Veterans Affairs]~~ VA under 38 U.S.C. Sec. 1741 et seq.

641 Section 24. Section **71A-6-103**, which is renumbered from Section 71-11-5 is
642 renumbered and amended to read:

643 ~~[71-11-5]~~ **71A-6-103. State Veterans Nursing Home -- Operation of homes --**
644 **Rulemaking authority -- Selection of administrator.**

645 (1) The department shall, subject to the approval of the executive director:

646 (a) establish appropriate criteria for the admission and discharge of residents for each
647 home, subject to the requirements in Section ~~[71-11-6]~~ 71A-6-104 and criteria set by the
648 ~~[United States Department of Veterans Affairs]~~ VA;

649 (b) establish a schedule of charges for each home in cases where residents have
650 available resources;

651 (c) establish standards for the operation of the homes not inconsistent with standards

652 set by the [~~United States Department of Veterans Affairs~~] VA;

653 (d) make rules to implement this chapter in accordance with Title 63G, Chapter 3, Utah
654 Administrative Rulemaking Act; and

655 (e) ensure that the homes are licensed in accordance with Title 26, Chapter 21, Health
656 Care Facility Licensing and Inspection Act, and 38 U.S.C. Sec. 1742(a).

657 (2) The department shall [~~after reviewing recommendations of the board~~];

658 (a) appoint an administrator for each home; or

659 (b) approve the individual selected by the contract health care provider as administrator
660 at each home.

661 Section 25. Section **71A-6-104**, which is renumbered from Section 71-11-6 is
662 renumbered and amended to read:

663 ~~[71-11-6]~~ **71A-6-104. State Veterans Nursing Home -- Eligibility -- Admission**
664 **requirements.**

665 (1) Application for admission shall be made separately to each nursing home
666 administrator.

667 (2) Veterans and their spouses or surviving spouses who are residents of Utah or who
668 demonstrate intent to establish residency in Utah within six months of applying for admission,
669 meet federal eligibility requirements, and are in need of nursing home care may be admitted to
670 any home.

671 (3) Preference shall be given to veterans who are without adequate means of support
672 and unable, due to wounds, disease, old age, or infirmity, to properly maintain themselves.

673 Section 26. Section **71A-6-105**, which is renumbered from Section 71-11-7 is
674 renumbered and amended to read:

675 ~~[71-11-7]~~ **71A-6-105. Veterans nursing home -- Advisory boards.**

676 (1) Each home shall have a nursing home advisory board to act as a liaison between the
677 residents, members of the public, and the administration of the home.

678 (2) Each board shall consist of at least seven, but no more than 11, members appointed
679 as follows by the executive director:

680 (a) one appointee of the Resident Council of the specific veterans nursing home;

681 (b) three veterans from the geographic area in which the veterans nursing home is
682 located;

683 (c) one medical professional experienced in veteran nursing home quality of care
684 issues;

685 (d) three at-large members with an interest in the success of veterans nursing homes;
686 and

687 (e) one member each from:

688 (i) the American Legion;

689 (ii) Disabled American Veterans; and

690 (iii) the Veterans of Foreign Wars.

691 (3) (a) (i) Members shall serve [for] four-year terms.

692 (ii) Except as required by Subsection (3)(b), as terms of current board members expire,
693 the executive director shall appoint each new or reappointed member to a four-year term
694 beginning on July 1.

695 (b) The executive director shall, at the time of appointment or reappointment, adjust
696 the length of terms to ensure that the terms of board members are staggered so that
697 approximately half of the board is appointed every two years.

698 (c) The executive director shall make final appointments to the board by June 30 of any
699 year in which appointments are to be made under this chapter.

700 (4) Vacancies not including the Resident Council representative shall be filled by the
701 executive director within 60 days of receiving notice of a vacancy, but only for the unexpired
702 term of the vacated member.

703 (5) Members may not serve more than two consecutive terms.

704 (6) Each board shall elect a chair annually from among its members at its first meeting
705 after July 1.

706 (7) Each board shall meet at least quarterly.

707 (8) A majority of the members of the board present constitute a quorum for the
708 transaction of business.

709 (9) Each board shall provide copies of all minutes of each meeting to the [~~Department~~
710 ~~of Veterans and Military Affairs~~] department within 14 days of approval.

711 (10) A member may not receive compensation or benefits for the member's service, but
712 may receive per diem and travel expenses in accordance with:

713 (a) Section 63A-3-106;

714 (b) Section 63A-3-107; and

715 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
716 63A-3-107.

717 Section 27. Section **71A-6-106**, which is renumbered from Section 71-11-8 is
718 renumbered and amended to read:

719 ~~[71-11-8]~~ **71A-6-106**. **State Veterans Nursing Home Fund.**

720 (1) There is created an expendable special revenue fund entitled the "Utah State
721 Veterans Nursing Home Fund" to be administered by the department for the benefit of each
722 home and its residents.

723 (2) All cash donations, gifts, or bequests shall be deposited in the fund and used
724 according to the wishes of the donor.

725 (3) All funds received by the homes from federal or state agencies, individual
726 insurance reimbursement, or cash payments shall be deposited in the fund.

727 (4) Funds received that are designated for a specific home shall be accounted for
728 separately within the fund.

729 Section 28. Section **71A-6-107**, which is renumbered from Section 71-11-9 is
730 renumbered and amended to read:

731 ~~[71-11-9]~~ **71A-6-107**. **State Veterans Nursing Home -- Disposition of deceased**
732 **resident's property.**

733 (1) (a) All money or other personal property of a resident held by a home that is left on
734 the premises of the home shall, upon the death of the resident, be held in trust to be paid or
735 delivered to the spouse, children, grandchildren, or parent of the resident upon the presentation
736 of proof of relationship.

737 (b) Any funds of a deceased resident may be disbursed for the payment of funeral
738 expenses or any obligation owed to the home.

739 (2) Property owned by a deceased resident of the home who dies without heirs or
740 next-of-kin not disposed of by will shall become the property of the home and deposited in the
741 fund, subject to the right of any heir to reclaim the property within five years after the resident's
742 death upon the presentation of proof of relationship.

743 Section 29. Section **71A-6-108**, which is renumbered from Section 71-11-10 is
744 renumbered and amended to read:

745 ~~[71-11-10]~~ 71A-6-108. **State Veterans Nursing Home -- Hobby promotion -- Sales**
 746 **of articles manufactured by residents -- Proceeds to residents.**

747 (1) Each home shall promote hobbies designed to improve the general welfare and
 748 mental condition of the residents.

749 (2) The home may provide limited funds to initiate a hobby program, but shall limit the
 750 program to those hobbies that, in its judgment, will be self sustaining.

751 (3) The department may enter into contracts with federal or state agencies or private
 752 concerns for the receipt of articles manufactured by residents of the homes.

753 (4) Proceeds generated by hobbies shall be used to pay for materials. Any excess
 754 proceeds shall be paid to the individual veterans who produced the articles.

755 Section 30. Section **71A-7-101**, which is renumbered from Section 71-2-1 is
 756 renumbered and amended to read:

757 **CHAPTER 7. VETERANS MEMORIALS AND CEMETERIES**

758 **Part 1. Memorials**

759 ~~[71-2-1]~~ 71A-7-101. **Memorials by cities and towns.**

760 (1) The boards of city commissioners, city councils and town boards, respectively, may
 761 appropriate from any fund of the city or town available for general purposes [~~such sums as they~~
 762 ~~may deem~~] amounts considered expedient for the purpose of erecting or contributing to the
 763 erection of[;] a memorial to commemorate the achievements of [~~soldiers, sailors and marines~~]
 764 uniformed servicemembers and veterans of the state of Utah [~~in the Great World War, where~~
 765 ~~such memorial is erected~~] within their respective cities or towns.

766 (2) The city commissioners, city council or town board may, when authorized by the
 767 qualified electors of [~~such~~] the city or town, issue general obligation bonds [~~of such city or~~
 768 ~~town~~] and devote the proceeds [~~of the same~~] to the erection of [~~such~~] the memorial.

769 Section 31. Section **71A-7-102**, which is renumbered from Section 71-2-2 is
 770 renumbered and amended to read:

771 ~~[71-2-2]~~ 71A-7-102. **Memorials by counties.**

772 (1) The county legislative body of the several counties may [~~erect~~] raise and maintain,
 773 appropriate money for, and contribute to the [~~erection~~] building and maintenance of, memorials
 774 to the memory of veterans of [~~the several~~] any wars in which the United States of America
 775 participated.

776 (2) Memorials may be in the form of grave adornments, public buildings, monuments,
777 recreational areas and facilities, parks, and public places~~[; provided, that no]~~.

778 (3) A county legislative body may not erect and maintain, assist in, or contribute to, the
779 erection or maintenance of any memorial which is outside of the boundaries of the county.

780 Section 32. Section **71A-7-103**, which is renumbered from Section 71-2-3 is
781 renumbered and amended to read:

782 ~~[71-2-3]~~ **71A-7-103. County tax for memorials.**

783 ~~[For the raising of funds with which to carry out the provisions of the next preceding~~
784 ~~section, and for such use only, the-]~~ The county legislative body may levy and collect an annual
785 tax upon ~~[the property situate]~~ situated within the county to raise funds for memorials under
786 this part.

787 Section 33. Section **71A-7-201**, which is renumbered from Section 71-7-1 is
788 renumbered and amended to read:

789 **Part 2. Veteran Burials**

790 ~~[71-7-1]~~ **71A-7-201. Veteran Burials -- Veterans not to be buried in ground used**
791 **for paupers.**

792 The body of ~~[a person]~~ an individual who dies while in the military service of the
793 United States of America during any period of war, police action, or other period of national
794 emergency, or the body of any veteran of the military service of the United States of America
795 who served during any war, police action, or other period of national emergency, ~~[shall]~~ may
796 not be buried in any portion of any cemetery or burial ground used for the burial of paupers.

797 Section 34. Section **71A-7-202**, which is renumbered from Section 71-7-2 is
798 renumbered and amended to read:

799 ~~[71-7-2]~~ **71A-7-202. Veteran Burials -- Political subdivisions may provide proper**
800 **burial sites.**

801 ~~[For the purpose of giving effect to this act, cities]~~ Municipalities, towns, counties or
802 other political subdivisions of the state of Utah may grant burial sites to chartered veterans
803 organizations without financial consideration ~~[therefor,]~~ or may provide a proper site for the
804 burial of any persons covered by this ~~[act]~~ chapter without financial consideration.

805 Section 35. Section **71A-7-203**, which is renumbered from Section 71-7-5 is
806 renumbered and amended to read:

807 ~~[71-7-5]~~ 71A-7-203. **Veteran Burials -- Veterans Remains Organization -- Funeral**
808 **service establishments -- Liability -- State agency -- Responsibilities.**

809 (1) As used in this section:

810 (a) "Remains facility" means the same as a funeral service establishment defined in
811 Section 58-9-102.

812 (b) "Status information" means a veteran or a veteran's dependent's name, date of birth,
813 place of birth, date of death, Social Security number, military service number, branch of
814 service, and military rank on date of death.

815 (c) "Veterans Remains Organization" means an entity recognized and authorized by the
816 United States Veterans Administration and the National Personnel Records Center to verify
817 and inter the unclaimed cremated remains of United States military veterans or a veteran's
818 dependents.

819 (2) A veterans remains organization may contact a remains facility for the purpose of
820 identifying any unclaimed cremated remains of a military veteran or a veteran's dependent.

821 (a) Upon contact with the remains facility, the organization shall:

822 (i) provide identifying documentation to the remains facility; and

823 (ii) with the permission of the remains facility, inventory any unclaimed cremated
824 remains in order to identify any remains of a veteran or a veteran's dependent.

825 (b) The organization shall contact the National Personnel Records Center to determine
826 if any of the unclaimed cremated remains are:

827 (i) a veteran's or a veteran's dependent's remains; and

828 (ii) eligible for interment benefits.

829 (c) The organization shall claim any unclaimed cremated remains from a remains
830 facility upon providing the facility with proof that the remains are those of a veteran or a
831 veteran's dependent and are eligible for interment benefits.

832 (d) The organization shall make arrangements to inter the remains.

833 (3) A remains facility:

834 (a) may allow a veterans remains organization, upon presentation of identification, to
835 inventory unclaimed cremated remains;

836 (b) shall provide all status information in the remains facility's possession to a veterans
837 remains organization;

838 (c) shall release any unclaimed cremated remains to a veterans remains organization
 839 upon presentation of documentation that the remains are of a veteran or a veteran's dependent
 840 who is eligible for burial in a state or national cemetery; and

841 (d) is not subject to civil liability for release of status information or release of the
 842 unclaimed cremated remains following the presentation of documentation indicating the
 843 remains are those of a veteran or a veteran's dependent and eligible for interment benefits.

844 (4) The [~~Department of Veterans and Military Affairs~~] department shall, upon
 845 presentation of documentation that certain cremated remains in the possession of a veterans
 846 remains organization are those of a veteran or a veteran's dependent and eligible for interment
 847 benefits:

848 (a) authorize the interment of the cremated remains in a state veterans cemetery; and

849 (b) provide assistance to the veterans remains organization in the interment process.

850 Section 36. Section **71A-7-301**, which is renumbered from Section 71-7-3 is
 851 renumbered and amended to read:

852 **Part 3. Veterans Cemeteries**

853 ~~[71-7-3]~~ **71A-7-301. Veterans Cemeteries -- Development, operation, and** 854 **maintenance -- Responsibilities of Department -- Costs .**

855 (1) The [~~Department of Veterans and Military Affairs~~] department shall develop,
 856 operate, and maintain [~~a~~] veterans [~~cemetery and memorial park~~] cemeteries.

857 (2) To help pay the costs of developing, constructing, operating, and maintaining [~~a~~]
 858 veterans [~~cemetery and memorial park~~] cemeteries, the [~~Department of Veterans and Military~~
 859 ~~Affairs~~] department may:

860 (a) [~~by following the procedures and requirements of Title 63J, Chapter 5, Federal~~
 861 ~~Funds Procedures Act,~~] receive federal funds[~~, and may~~] by following the procedures and
 862 requirements of Title 63J, Chapter 5, Federal Funds Procedures Act;

863 (b) receive state funds, contributions from veterans organizations, and other private
 864 donations; and

865 [~~(b)~~] (c) charge fees for at least the cost of the burial of a veteran's spouse and any
 866 other persons, [~~whom~~] who the department determines [~~are~~] is eligible to be buried in a
 867 veterans cemetery established by the state.

868 [(3) "~~Veteran~~" has the same meaning as defined in Section 68-3-12.5.]

869 Section 37. Section **71A-8-101**, which is renumbered from Section 39-3-1 is
870 renumbered and amended to read:

871 **CHAPTER 8. EMPLOYEES IN MILITARY SERVICE**

872 **~~[39-3-1]~~ 71A-8-101. Public officers and employees in military service -- Not to be**
873 **prejudiced thereby -- Refusal to reinstate -- Procedure -- Motion -- Hearing and**
874 **determination.**

875 (1) As used in this chapter, "public officer" has the same meaning as that term is
876 defined in Section 67-16-3.

877 (2) A [~~public employee,~~] public officer[~~, or legislative employee, as defined in Section~~
878 ~~67-16-3,~~] who enters state or federal active service in any branch of the armed forces of this
879 state or of the United States shall be granted a leave of absence not to exceed five years during
880 that service.

881 ~~[(2)]~~ (3) (a) A person entitled to a leave of absence under this section shall be restored
882 to the same position, or to a position equivalent to the same position, which the person held
883 immediately prior to the commencement of active military service.

884 (b) A request for restoration of employment under this section must be submitted
885 within 40 days after release from active service.

886 (c) Restoration of employment shall be made within 20 days after submission of the
887 request to the employer.

888 (d) A person returning from active military service may not, without cause, be
889 discharged or subjected to reduction of compensation for a period of one year following a
890 return to employment under this section.

891 ~~[(3)]~~ (4) A person returning to employment under this section:

892 (a) shall retain all personal, sick, and other leave to which the person was entitled
893 immediately prior to the commencement of active military service;

894 (b) shall receive and earn benefits and compensation at a level not less than that to
895 which the person would have been entitled had the officer or employee not been absent due to
896 active military service; and

897 (c) may not be prejudiced, by the preservice employer or that employer's successor in
898 interest, as to employment, appointment, reappointment, reemployment, or promotion by
899 reason of the employee's active military service.

900 ~~[(4)]~~ (5) (a) ~~[No public employee,]~~ A public officer~~[-, or legislative employee]~~ may not
901 be required to resign from, vacate, or forfeit a governmental office or position as a consequence
902 of entering into active military service.

903 (b) A person in active military service is not considered to be holding an office or
904 position of trust or employment under the United States government for purposes of
905 determining whether that person is disqualified or prohibited from retaining a position or
906 serving as a ~~[public employee,]~~ public officer~~[-, or legislative employee]~~.

907 (c) Nothing in this section shall serve to extend a period of employment or term of
908 office beyond that to which the affected person was elected or appointed. A person who is a
909 legislator or public officer for a specific term by virtue of election or appointment is entitled to
910 a leave of absence under this section for a period not to exceed the applicable term.

911 ~~[(5)]~~ (6) A person denied restoration of employment or benefits given under this
912 ~~[section]~~ chapter may petition the district court of the county in which the person resides, or in
913 which the denial occurs, to require the public employer to comply with the provisions of this
914 section without delay. Fees or court costs may not be assessed against the petitioner. The
915 court shall order a speedy hearing in the case and advance it on the calendar so far as
916 reasonably possible. If the court determines that the petitioner is entitled to relief, the court
917 shall order all appropriate relief, to include compensation for loss of wages and benefits and an
918 award of attorneys' fees and costs.

919 Section 38. Section **71A-8-102**, which is renumbered from Section 39-3-2 is
920 renumbered and amended to read:

921 ~~[39-3-2]~~ **71A-8-102. Employees in military service -- Government employees in**
922 **United States armed forces or National Guard -- Pay allowance for time spent on duty --**
923 **Deduction of vacation time prohibited.**

924 (1) All state employees who are members of the organized reserve of the United States
925 armed forces, including the National Guard of this state, shall be allowed full pay for all time
926 not in excess of 15 days per year spent ~~[on duty at annual encampment or rifle competition or~~
927 ~~other duties in connection with the reserve training and instruction]~~ fulfilling the service
928 requirements of the armed forces of the United States, including the National Guard of this
929 state. This leave shall be in addition to any annual vacation leave with pay to which an
930 employee may be entitled.

931 (2) County and municipal employees who are members of the organized reserve of the
 932 United States armed forces, including the National Guard of this state, may be allowed up to
 933 full pay for all time not in excess of 15 days per year spent [~~on duty at annual encampment or~~
 934 ~~rifle competition or other duties in connection with the reserve training and instruction]~~
 935 fulfilling the service requirements of the armed forces of the United States, including the
 936 National Guard of this state. This leave is at the discretion of the employing county or
 937 municipality and, if granted, shall be in addition to annual vacation leave with pay.

938 (3) The governor, counties, and municipal agencies may adopt ordinances, exceptions,
 939 rules, or policies that:

940 (a) provide more than 15 days of paid military leave;

941 (b) provide for differential pay that compensates the difference, if any, between the
 942 servicemember's civilian pay and military pay, not to include allowances; and

943 (c) extend health, dental, vision, disability, and life insurance benefits to members of
 944 the National Guard and reserves activated for more than 30 days.

945 Section 39. Section **71A-8-103**, which is renumbered from Section 39-1-64 is
 946 renumbered and amended to read:

947 **~~[39-1-64]~~ 71A-8-103. Employees in military service -- Extension of licenses for**
 948 **members of National Guard and reservists ordered to active duty.**

949 (1) As used in this section, "license" means any license issued under:

950 (a) Title 58, Occupations and Professions; and

951 (b) Section 26-8a-302.

952 (2) Any license held by a member of the National Guard or reserve component of the
 953 armed forces that expires while the member is on state or federal active duty shall be extended
 954 until 90 days after the member is discharged from active duty status.

955 (3) The licensing agency shall renew a license extended under Subsection (2) until the
 956 next date that the license expires or for the period that the license is normally issued, at no cost
 957 to the member of the National Guard or reserve component of the armed forces if all of the
 958 following conditions are met:

959 (a) the National Guard member or reservist requests renewal of the license within 90
 960 days after being discharged;

961 (b) the National Guard member or reservist provides the licensing agency with a copy

962 of the member's or reservist's official orders calling the member or reservist to active duty, and
963 official orders discharging the member or reservist from active duty; and

964 (c) the National Guard member or reservist meets all the requirements necessary for the
965 renewal of the license, except the member or reservist need not meet the requirements, if any,
966 that relate to continuing education or training.

967 (4) The provisions of this section do not apply to:

968 (a) regularly scheduled annual training;

969 (b) in-state active National Guard and reserve orders; or

970 (c) orders that do not require the servicemember to relocate outside of this state.

971 Section 40. Section **71A-8-104**, which is renumbered from Section 39-7-118 is
972 renumbered and amended to read:

973 **~~[39-7-118]~~ 71A-8-104. Employees in military service -- Professional liability**
974 **protection for certain persons ordered to active duty in the armed forces.**

975 (1) This section applies to a person who:

976 (a) is ordered to state or federal military service, other than training; and

977 (b) immediately before receiving the order to military service:

978 (i) was engaged in the furnishing of health-care services or other services determined
979 by rule to be professional services; and

980 (ii) had in effect a professional liability insurance policy that does not continue to cover
981 claims filed with respect to the service member during the period of the service member's
982 active duty unless the premiums are paid for coverage for that period.

983 (2) Coverage of a person referred to in Subsection (1) by a professional liability
984 insurance policy shall be suspended by the insurance carrier in accordance with Subsection (3)
985 upon receipt of a written request by the service member.

986 (3) A professional liability insurance carrier:

987 (a) may not require that premiums be paid by or on behalf of a service member for any
988 professional liability insurance coverage suspended pursuant to Subsection (2); and

989 (b) shall refund any amount paid for coverage for the period of the suspension or, upon
990 the election of the service member, apply the amount for the payment of any premium
991 becoming due upon the reinstatement of the coverage.

992 (4) A professional liability insurance carrier is not liable with respect to any claim that

993 is based on professional conduct, including any failure to take any action in a professional
994 capacity of a person that occurs during a period of suspension of that person's professional
995 liability insurance under this section. For the purposes of the preceding sentence, a claim based
996 upon the failure of a professional to make adequate provision for patients to be cared for during
997 the period of the professional's military service is considered an action or failure to take action
998 before the beginning of the period of suspension of professional liability insurance under this
999 section, except in a case in which professional services were provided after the date of the
1000 beginning of the period.

1001 (5) (a) Professional liability insurance coverage suspended in the case of any service
1002 member pursuant to Subsection (2) shall be reinstated by the insurance carrier on the date on
1003 which the service member transmits to the insurance carrier a written request for reinstatement.

1004 (b) The request of a service member for reinstatement shall be effective only if the
1005 service member transmits the request to the insurance carrier within 30 days after the date on
1006 which the service member's military service is terminated. The insurance carrier shall notify
1007 the person of the due date for payment of the insurance premium. The premium shall be paid
1008 by the person within 30 days after receipt of the notice.

1009 (6) The period for which professional liability insurance coverage shall be reinstated
1010 for a service member under this section may not be less than the balance of the period for
1011 which coverage would have continued under the policy if the coverage had not been suspended.

1012 (7) An insurance carrier may not increase the amount of the premium charged for
1013 professional liability insurance coverage of any service member for the minimum period of the
1014 reinstatement of coverage required under Subsection (5) to an amount greater than the amount
1015 chargeable for the coverage for the period before the suspension, except to the extent of any
1016 general increase in the premium amounts charged by that carrier for the same professional
1017 liability coverage for other persons similarly covered by the same insurance during the period
1018 of the suspension.

1019 (8) This section does not:

1020 (a) require a suspension of professional liability insurance coverage for any person who
1021 is not a person referred to in Subsection (1) and who is covered by the same professional
1022 liability insurance as a person referred to in Subsection (1); or

1023 (b) relieve any person of the obligation to pay premiums for the coverage not required

1024 to be suspended.

1025 (9) A civil or administrative action for damages on the basis of the alleged professional
1026 negligence or other professional liability of a person whose professional liability insurance
1027 coverage has been suspended under Subsection (2) shall be stayed until the end of the period of
1028 the suspension if:

1029 (a) the action was commenced during the period or suspension;

1030 (b) the action is based on an act or omission that occurred before the date on which the
1031 suspension became effective; and

1032 (c) the suspended professional liability insurance would, except for the suspension, on
1033 its face cover the alleged professional negligence or other professional liability negligence or
1034 other professional liability of the person.

1035 Section 41. **Repealer.**

1036 This bill repeals:

1037 Section **39-1-36, Reserve member of armed forces -- Leave of absence from**
1038 **employment -- Liability of employers.**

1039 Section **71-3-1, Use of armories by veterans organizations permitted.**

1040 Section **71-8-2, Department of Veterans and Military Affairs created --**
1041 **Appointment of executive director -- Department responsibilities.**

1042 Section **71-8-3, Duties of executive director -- Services to veterans.**

1043 Section **71-8-5, Veterans services coordinator qualifications -- Duties.**

1044 Section **71-8-6, Government entity participation.**

1045 Section **71-8-7, Government entity veterans affairs specialist -- Duties -- Training.**

1046 Section **71-8-8, Entity that provides no services -- Referral to department.**

1047 Section **71-11-1, Title.**

1048 Section **71-11-4, Administration by department.**

1049 Section **71-12-101, Title.**

1050 Section **71-13-101, Title.**