

Effective 5/3/2023

Chapter 1 Veterans and Military Affairs

Part 1 General Provisions

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

As used in this title:

- (1) "Armed forces" means the same as that term is defined in Section 68-3-12.5.
- (2) "Contractor" means a person who is or may be awarded a government entity contract.
- (3) "Council" means the Veterans Advisory Council.
- (4) "Department" means the Department of Veterans and Military Affairs.
- (5) "Executive director" means the executive director of the Department of Veterans and Military Affairs.
- (6) "Government entity" means the state and any county, municipality, special district, special service district, and any other political subdivision or administrative unit of the state, including state institutions of education.
- (7) "Service member" means a currently serving member of the armed forces.
- (8) "Uniformed services" means the same as that term is defined in Section 68-3-12.5.
- (9) "VA" means the United States Department of Veterans Affairs.
- (10) "Veteran" means the same as that term is defined in Section 68-3-12.5.
- (11) "Veterans service organization" means an organization or individual accredited by the VA Office of General Counsel or recognized by the department whose purpose is to serve service members and veterans, their spouses, surviving spouses, and children.

Amended by Chapter 16, 2023 General Session

Renumbered and Amended by Chapter 44, 2023 General Session

Part 2 Department of Veterans and Military Affairs

71A-1-201 Department of Veterans and Military Affairs -- Creation -- Appointment of executive director -- Department responsibilities.

- (1) There is created the Department of Veterans and Military Affairs.
- (2) The governor shall appoint an executive director for the department who is subject to Senate confirmation.
- (3) The executive director shall be a veteran.
- (4) The department shall:
 - (a) conduct and supervise all veteran and military affairs activities as provided in this title;
 - (b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this title;
 - (c) in accordance with Section 41-1a-418:
 - (i) determine which campaign or combat theater awards are eligible for a special group license plate;

- (ii) verify that an applicant for a campaign or combat theater award special group license plate is qualified to receive it; and
 - (iii) provide an applicant that qualifies a form indicating the campaign or combat theater award special group license plate for which the applicant qualifies;
 - (d) maintain liaison with local, state, and federal veterans agencies and with Utah veterans organizations;
 - (e) provide current information to veterans, service members, their surviving spouses and family members, and Utah veterans and military organizations on benefits they are entitled to;
 - (f) assist veterans, service members, and their families in applying for benefits and services;
 - (g) cooperate with other state entities in the receipt of information to create and maintain a record of veterans in Utah;
 - (h) create and administer a veterans assistance registry in accordance with Chapter 5, Veterans Assistance Registry, with recommendations from the council, that provides contact information to the qualified donors of materials and labor for certain qualified recipients;
 - (i) identify military-related issues, challenges, and opportunities, and develop plans for addressing them;
 - (j) develop, coordinate, and maintain relationships with military leaders of Utah military installations, including the Utah National Guard;
 - (k) develop and maintain relationships with military-related organizations in Utah; and
 - (l) consult with municipalities and counties regarding compatible use plans as described in Sections 10-9a-537 and 17-27a-533.
- (5)
- (a) The department may award grants for the purpose of supporting veteran and military outreach, employment, education, healthcare, homelessness prevention, and recognition events.
 - (b) The department may award a grant described in Subsection (5)(a) to:
 - (i) an institution of higher education listed in Section 53B-1-102;
 - (ii) a nonprofit organization involved in veterans or military-related activities; or
 - (iii) a political subdivision of the state.
 - (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for the administration of grants, including establishing:
 - (i) the form and process for submitting an application to the department;
 - (ii) the method and criteria for selecting a grant recipient;
 - (iii) the method and formula for determining a grant amount; and
 - (iv) the reporting requirements of a grant recipient.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules related to:
- (a) the consultation with municipalities and counties regarding compatible use plans as required in Subsection (4)(l); and
 - (b) criteria to evaluate whether a proposed land use is compatible with military operations.
- (7) Nothing in this chapter shall be construed as altering or preempting any provisions of Title 39A, National Guard and Militia Act, as specifically related to the Utah National Guard.

Enacted by Chapter 44, 2023 General Session

Amended by Chapter 154, 2023 General Session, (Coordination Clause)

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

- (1) The executive director is the chief administrative officer of the department.
- (2) The executive director is responsible for:
 - (a) the administration and supervision of the department;
 - (b) the coordination of policies and program activities conducted through the department;
 - (c) the development and approval of the proposed budget of the department;
 - (d) preparing an annual report for presentation not later than November 30 of each year to the Government Operations Interim Committee which covers:
 - (i) services provided to veterans, service members, and their families;
 - (ii) services provided by third parties through the Veterans Assistance Registry;
 - (iii) coordination of veterans services by government entities with the department; and
 - (iv) the status of military missions within the state;
 - (e) advising the governor on matters pertaining to veterans and military affairs throughout the state, including active duty service members, reserve duty service members, veterans, and their families;
 - (f) developing, coordinating, and maintaining relationships with Utah's congressional delegation and appropriate federal agencies; and
 - (g) entering into grants, contracts, agreements, and interagency transfers necessary to support the department's programs.
- (3) The executive director may appoint deputy directors to assist the executive director in carrying out the department's responsibilities.
- (4) A deputy director, described in Subsection (3), of veterans' services shall be a veteran.

71A-1-203 Wind turbine and wind energy facility siting -- Military Aviation and Installation Assurance Siting Clearinghouse.

- (1) As used in this section:
 - (a) "Clearinghouse" means the Military Aviation and Installation Assurance Siting Clearinghouse established by the United States Secretary of Defense under 10 U.S.C. Sec. 183(a).
 - (b)
 - (i) "Commencement of construction" means beginning excavation of wind turbine foundations or other actions relating to the actual erection and installation of commercial wind energy equipment.
 - (ii) "Commencement of construction" does not include activities related to:
 - (A) the erection of meteorological towers;
 - (B) environmental assessments;
 - (C) surveys;
 - (D) preliminary engineering; or
 - (E) assessments of the development of the wind resources on a given parcel of property.
 - (c) "Determination of no hazard" means the formal response issued by the FAA upon completion of an aeronautical study regarding a facility structure's impact to air navigation affirming that:
 - (i) the facility structure does not exceed obstruction standards; and
 - (ii) modifications to the facility structure are not required.
 - (d) "FAA" means the United States Federal Aviation Administration.
 - (e) "Facility structure" means a wind turbine or other structure located on a wind energy facility, the construction or modification of which would require the completion of Form 7460-1.
 - (f) "Form 7460-1" means:

- (i) FAA Form 7460-1, Notice of Proposed Construction or Alteration, which the FAA uses to conduct aeronautical studies to promote air safety and the efficient use of navigable airspace, as required under 14 C.F.R. Part 77; or
- (ii) a form designated by the FAA to conduct aeronautical studies to promote air safety and the efficient use of navigable airspace.
- (g) "Mission compatibility certification letter" means the formal response the clearinghouse issues through the clearinghouse's review of proposed projects and facility structures through the clearinghouse's evaluation process.
- (h) "Owner" means a person having a majority equity interest in a commercial wind energy facility.
- (i)
 - (i) "Wind energy facility" means an electrical generation consisting of one or more wind turbines under common ownership or operating control.
 - (ii) "Wind energy facility" includes the infrastructure necessary to support the generation of electricity by one or more wind turbines, including:
 - (A) substations;
 - (B) meteorological data towers;
 - (C) aboveground and underground electrical transmission lines;
 - (D) transformers;
 - (E) control systems; and
 - (F) other structures used to support the operation of the facility with the primary purpose of supplying electricity to an off-site customer.
- (j)
 - (i) "Wind turbine" means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator.
 - (ii) "Wind turbine" includes the turbine, blade, tower, base, and pad transformer.
- (2) Construction or modification of a facility structure may not encroach upon or otherwise have an adverse impact on the mission, training, or operations of any military installation or branch of the military as determined by the clearinghouse and the FAA.
- (3) An adverse impact to a military installation or branch of the military in Subsection (2) includes an adverse impact to:
 - (a) a military training route;
 - (b) a drop zone;
 - (c) an approach to a runway;
 - (d) a test or training range;
 - (e) a military installation or facility;
 - (f) United States Department of Defense special use air space; and
 - (g) United States Department of Defense spectral requirements.
- (4)
 - (a) A facility structure may not be constructed or expanded unless:
 - (i) there is an active determination of no hazard; or
 - (ii) any adverse impacts to the United States Department of Defense, determined in accordance with 32 C.F.R. Sec. 211.6, or the National Defense Authorization Act have been resolved as evidenced by documentation from the clearinghouse for the facility structure and the department.
 - (b) For purposes of Subsection (4)(a)(ii), a mission compatibility certification letter may serve as evidence that the wind facility has resolved adverse impacts with the United States Department of Defense or successor agency.

- (5)
 - (a) Before expanding or constructing a facility structure, and within 30 days of submitting an application to the FAA, an owner shall file a copy of the FAA application with the department.
 - (b) Within 15 days of receiving a copy of the FAA application to construct a wind energy site, the department will provide a copy of the application to the Department of Natural Resources and the affected military entities.
 - (c) The department may serve in a coordination role with the owner, the Department of Natural Resources, and the affected military entity.
- (6) Within 30 days of receiving final notification from the FAA or a Notice of Presumed Risk from the Department of Defense the owner shall provide the department a copy of the documentation as well as:
 - (a) any determination of no hazard the owner receives related to the facility structure;
 - (b) any documentation the owner receives from the clearinghouse referring to any resolution of adverse impacts created by the facility structure; and
 - (c) any documentation the owner receives from the department demonstrating a determination of no impact or no hazard.
- (7) The requirements under this section may not prohibit the construction of a facility structure if the facility structure has received a determination of no hazard or mitigation plan before May 1, 2024.
- (8)
 - (a) The department may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer this section.
 - (b) The documentation an owner submits in accordance with Subsections (5) and (6):
 - (i) shall only be used and disclosed by the department in accordance with this section;
 - (ii) is confidential, not public, and not open to public inspection; and
 - (iii) is not subject to Title 63G, Chapter 2, Government Records Access and Management Act.
- (9) If an owner fails to submit the documentation described in Subsections (5) and (6) for an individual facility structure:
 - (a) the department may charge the owner an administrative penalty not to exceed \$1,500 per day, per violation; and
 - (b) a stakeholder, including the department, may bring an action in court to:
 - (i) enjoin any action on a facility structure in violation of this section; and
 - (ii) enforce the requirements of this section.

Enacted by Chapter 43, 2024 General Session

Part 3 Veterans Advisory Council

71A-1-301 Veterans Advisory Council -- Membership -- Duties and responsibilities -- Per diem and travel expenses.

- (1) There is created a Veterans Advisory Council whose purpose is to advise the executive director of the Department of Veterans and Military Affairs on issues relating to veterans.
- (2) The council shall consist of the following 14 members:
 - (a) 11 voting members to serve four-year terms:
 - (i) seven veterans at large appointed by the governor;

- (ii) the commander or the commander's designee, whose terms shall last for as long as they hold that office, from each of the following organizations:
 - (A) Veterans of Foreign Wars;
 - (B) American Legion; and
 - (C) Disabled American Veterans; and
- (iii) a representative from the Office of the Governor; and
- (b) three nonvoting members:
 - (i) the executive director;
 - (ii) the director of the VA Health Care System or the director's designee; and
 - (iii) the director of the VA Benefits Administration Regional Office in Salt Lake City, or the director's designee.
- (3)
 - (a) Except as required by Subsection (3)(b), as terms of current council members expire, the governor shall appoint each new or reappointed member to a four-year term commencing on July 1.
 - (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the members appointed by the governor are appointed every two years.
- (4) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement for the unexpired term within 60 days of receiving notice.
- (5) Members appointed by the governor may not serve more than three consecutive terms.
- (6)
 - (a) Any veterans group or veteran may provide the executive director with a list of recommendations for members on the council.
 - (b) The executive director shall provide the governor with the list of recommendations for members to be appointed to the council.
 - (c) The governor shall make final appointments to the council by June 30 of any year in which appointments are to be made under this chapter.
- (7) The council shall elect a chair and vice chair from among the council members every two years. The chair and vice chair shall each be a veteran.
- (8)
 - (a) The council shall meet at least once every quarter.
 - (b) The executive director of the Department of Veterans and Military Affairs may convene additional meetings, as necessary.
- (9) The department shall provide staff to the council.
- (10) Six voting members are a quorum for the transaction of business.
- (11) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 33, 2023 General Session
Renumbered and Amended by Chapter 44, 2023 General Session

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

The council shall:

- (1) solicit input concerning veterans issues from veterans groups throughout the state;
- (2) report issues received to the executive director and make recommendations concerning them;
- (3) keep abreast of federal developments that affect veterans locally and advise the executive director of them;
- (4) approve, by a majority vote, the use of money generated from veterans license plates under Section 41-1a-422 for veterans programs; and
- (5) assist the director in developing guidelines and qualifications for:
 - (a) participation by donors and recipients in the Veterans Assistance Registry created in Section 71A-5-102; and
 - (b) the process for providing contact information between qualified donors and recipients.

Enacted by Chapter 44, 2023 General Session