

**Representative Val L. Peterson** proposes the following substitute bill:

**NATIONAL GUARD PROGRAM AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Val L. Peterson**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill establishes the Utah National Guard Morale, Welfare, and Recreation Program.

**Highlighted Provisions:**

This bill:

- ▶ authorizes the establishment of a state Morale, Welfare, and Recreation Program for the Utah National Guard;
- ▶ defines terms;
- ▶ specifies who is entitled to use the program;
- ▶ requires the adjutant general to set requirements and parameters for the program;
- ▶ allows the use of State Armory Board properties for the program; and
- ▶ creates an expendable special revenue fund for money generated by the program.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:



- 26 [39-9-101](#), Utah Code Annotated 1953
- 27 [39-9-102](#), Utah Code Annotated 1953
- 28 [39-9-103](#), Utah Code Annotated 1953
- 29 [39-9-104](#), Utah Code Annotated 1953
- 30 [39-9-105](#), Utah Code Annotated 1953
- 31 [39-9-106](#), Utah Code Annotated 1953
- 32 [39-9-107](#), Utah Code Annotated 1953

32a **§→ 39-9-108, Utah Code Annotated 1953 ←§**



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

35 Section 1. Section **39-9-101** is enacted to read:

36 **CHAPTER 9. STATE MORALE, WELFARE, AND RECREATION PROGRAM**

37 **39-9-101. Title -- Program established.**

38 (1) This chapter is known as the "State Morale, Welfare, and Recreation Program."

39 (2) The adjutant general is authorized to establish a Utah National Guard Morale,  
40 Welfare, and Recreation Program to serve members of the military, eligible dependents, and  
41 others as set out in Section [39-9-103](#).

42 Section 2. Section **39-9-102** is enacted to read:

43 **39-9-102. Definitions.**

44 For purposes of this chapter:

45 (1) "Dependent" means the spouse or children of a person eligible to use the program  
46 and facilities in accordance with Section [39-9-103](#).

47 (2) "MWR" means morale, welfare, and recreation.

48 (3) "MWR facility" means any Utah National Guard facility located on a Department  
49 of Defense or Utah National Guard installation or on property controlled by the Department of  
50 Defense or the Utah National Guard, the purpose of which is to enhance MWR for authorized  
51 patrons.

52 Section 3. Section **39-9-103** is enacted to read:

53 **39-9-103. Eligibility and facilities.**

54 (1) Use of the MWR program and facilities is limited to:

55 (a) active and reserve component members of the Utah National Guard and armed  
56 forces of the United States;

- 57 (b) persons retired from the armed forces of the United States;
- 58 (c) civilian employees of the Utah National Guard;
- 59 (d) dependents of authorized persons in Subsections (1)(a) through (c);
- 60 (e) contracted employees of the Utah National Guard while working on-site or
- 61 conducting business on National Guard property; and
- 62 (f) sponsored persons when personally accompanied by a sponsor who is an eligible
- 63 patron as described in this section.

64 (2) MWR facilities include any of the following, even if the shop, building, or parcel is  
65 only partially used for MWR purposes:

- 66 (a) post or base exchange;
- 67 (b) canteen or service club;
- 68 (c) barber shop;
- 69 (d) fitness center;
- 70 (e) snack bar;
- 71 (f) restaurant;
- 72 (g) billeting operation;
- 73 (h) laundry facility;
- 74 (i) range;
- 75 (j) swimming pool; or
- 76 (k) any other shop, building, or parcel that meets the definition of MWR facility in

77 Section [39-9-102](#).

78 (3) The adjutant general shall, by regulation, determine specific use priorities when  
79 MWR facilities cannot accommodate all authorized patrons.

80 Section 4. Section **39-9-104** is enacted to read:

81 **39-9-104. Administration of MWR Program.**

- 82 (1) The adjutant general may authorize the program to:
- 83 (a) contract for goods and services;
- 84 (b) hire employees; and
- 85 (c) receive funds from patrons in exchange for goods or services provided within the
- 86 program.

87 (2) The adjutant general is authorized to establish MWR facilities throughout the state

88 that, in the adjutant general's judgment, are necessary for military purposes.

89 (3) The adjutant general shall promulgate regulations to govern the operation of the  
90 program.

91 (4) The adjutant general may appoint a director for the program.

92 (5) The adjutant general shall establish a system of bookkeeping, accounting, and  
93 auditing procedures for the proper handling of funds derived from the program's operations.

94 (6) The program may use State Armory Board-controlled properties, provided:

95 (a) the use incurs no more than nominal cost to the state; or

96 (b) any costs to the state above nominal associated with the use are reimbursed to the  
97 state by the program.

98 Section 5. Section **39-9-105** is enacted to read:

99 **39-9-105. National Guard MWR Fund -- Proceeds.**

100 (1) There is created an expendable special revenue fund known as the National Guard  
101 MWR Fund.

102 (2) The fund shall consist of:

103 (a) all proceeds collected under this chapter;

104 (b) donations made to the National Guard MWR Program; and

105 (c) any appropriations to the program by the Legislature.

106 (3) Money from the fund shall be used for the enhancement of morale, welfare, and  
107 recreation, and the administration of the program under this chapter, including paying the costs

108 of:

109 (a) salaries of program employees;

110 (b) public liability insurance, when needed;

111 (c) the adjutant general's Outreach Program;

112 (d) the State Partnership Program; and

113 (e) any other expenses considered necessary in furtherance of the program by the

114 adjutant general or the adjutant general's designee.

115 Section 6. Section **39-9-106** is enacted to read:

116 **39-9-106. Risk management.**

117 (1) The program shall be eligible to participate in the state risk management pool.

118 (2) The program shall procure separate insurance policies to cover liability associated

119 with activities and operations not otherwise covered in the state risk management pool or by  
120 the Division of Risk Management.

121 Section 7. Section **39-9-107** is enacted to read:

122 **39-9-107. Equipment rentals and sales of food and beverage.**

123 Equipment rental and food and beverage sales shall be made in accordance with  
124 applicable state and federal law.

124a **§→ Section 8. Section 39-9-108 is enacted to read:**

124b **39-9-108. State and local sales and use taxes.**

124c **(1) Program operations are not subject to direct taxation by state or**

124d **local tax authorities.**

124e **(2) Retail sales within the program are not subject to state sales and use taxes. ←§**