

NATIONAL GUARD PROGRAM AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: _____

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;
- and
- ▶ allows the use of State Armory Board properties for the program.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

39-9-101, Utah Code Annotated 1953

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

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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" has the same meaning as in Section [39-7-102](#).

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

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

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

52 **39-9-103. Eligibility and facilities.**

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

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

56 (b) persons retired from the armed forces of the United States;

57 (c) civilian employees of the Utah National Guard;

58 (d) dependents of authorized persons in Subsections (1)(a) through (c);

59 (e) contracted employees of the Utah National Guard; and
60 (f) sponsored persons when personally accompanied by a sponsor who is an eligible
61 patron as described in this section.

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

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

74 Section 39-9-102.

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

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

78 **39-9-104. Administration of MWR Program.**

79 (1) The adjutant general may authorize the program to:

- 80 (a) contract for goods and services;
- 81 (b) hire employees; and
- 82 (c) receive funds from patrons in exchange for goods or services provided within the
83 program.

84 (2) The adjutant general is authorized to establish MWR facilities throughout the state
85 as in the adjutant general's judgment is necessary for military purposes.

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

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

89 (5) The adjutant general shall establish a system of bookkeeping, accounting, and

90 auditing procedures for the proper handling of funds derived from the program's operations.

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

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

93 (b) any costs to the state above nominal associated with the use are reimbursed to the

94 state by the program.

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

96 **39-9-105. National Guard MWR Fund -- Proceeds.**

97 (1) There is created a restricted account within the General Fund known as the National

98 Guard MWR Fund.

99 (2) The National Guard MWR Fund shall consist of:

100 (a) all fees collected under this chapter; and

101 (b) any appropriations to the program by the Legislature.

102 (3) Upon appropriation by the Legislature, money from the account shall be used for

103 the administration of this program under this chapter, including paying the costs of:

104 (a) salaries of program employees; and

105 (b) public liability insurance, when needed.

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

107 **39-9-106. Risk management.**

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

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

110 with activities and operations not otherwise covered in the risk management pool or by the

111 Division of Risk Management.

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

113 **39-9-107. Equipment rentals and sales of food and beverage.**

114 Equipment rental and food and beverage sales shall be made in accordance with

115 applicable state and federal law.

Legislative Review Note
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Office of Legislative Research and General Counsel