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National Guard and Military Amendments

2025 GENERAL SESSION

	STATE OF UTAIN
	Chief Sponsor: Jefferson S. Burton
2 3	LONG TITLE
4	General Description:
5	This bill makes changes to the code addressing the military and Utah National Guard.
6	Highlighted Provisions:
7	This bill:
8	 amends provisions related to the appointment of the adjutant general;
9	 clarifies what electronic means the State Armory Board may use in conducting meetings
10	and taking official action;
11	• exempts the Utah National Guard, in limited circumstances, from:
12	 the Open and Public Meetings Act; and
13	• the procurement code;
14	► allows for the Utah National Guard to repay student loans for active members of the Utah
15	National Guard;
16	 addresses the appointment and responsibilities of certain judge advocates;
17	 addresses the use of force by a military service member or a member of the National
18	Guard in certain circumstances;
19	 amends how much money the Interstate Commission on Educational Opportunity for
20	Military Children may assess, levy, or collect from Utah legislative appropriations;
21	clarifies that the Department of Veterans and Military Affairs:
22	• is required to provide service benefits to service members, veterans, and the families
23	of service members and veterans; and
24	• serves as the State Approving Agency for Utah under United States Code, Title 38,
25	Veterans Benefits;
26	► allows the Department of Veterans and Military Affairs to receive gifts, contributions,
27	and donations to support service members, veterans, and the families of service
28	members and veterans;
29	• enacts provisions related to the Great Salt Lake Sentinel Landscape;
30	repeals Title 63M Chapter 6, Military Base Easements Act;

• enacts sections in Title 71A, Veterans and Military Affairs, dealing with military base

32 easements; 33 provides that a military chaplain may solemnize a marriage; and 34 makes technical and conforming changes. 35 **Money Appropriated in this Bill:** 36 None 37 **Other Special Clauses:** 38 None 39 **Utah Code Sections Affected:** 40 AMENDS: **39A-1-201**, as last amended by Laws of Utah 2024, Chapter 334 41 42 39A-2-101, as last amended by Laws of Utah 2022, Chapter 421 and renumbered and 43 amended by Laws of Utah 2022, Chapter 373 44 **39A-2-102**, as last amended by Laws of Utah 2024, Chapter 268 45 **39A-3-201**, as last amended by Laws of Utah 2024, Chapter 28 46 **39A-5-103**, as renumbered and amended by Laws of Utah 2022, Chapter 373 47 **39A-9-101**, as enacted by Laws of Utah 2024, Chapter 334 48 **53E-3-915**, as renumbered and amended by Laws of Utah 2018, Chapter 1 49 **63G-6a-107.6**, as last amended by Laws of Utah 2024, Chapters 291, 522 50 **63I-2-239**, as enacted by Laws of Utah 2024, Third Special Session, Chapter 5 51 **71A-1-201**, as enacted by Laws of Utah 2023, Chapter 44 and last amended by 52 Coordination Clause, Laws of Utah 2023, Chapter 154 53 **71A-1-202**, as last amended by Laws of Utah 2024, Chapter 334 54 **81-2-301**, as enacted by Laws of Utah 2024, Chapter 366 55 **81-2-305**, as renumbered and amended by Laws of Utah 2024, Chapter 366 56 **ENACTS**: 57 **39A-2-105**, Utah Code Annotated 1953 58 **39A-3-112**, Utah Code Annotated 1953 59 **39A-5-114.5**, Utah Code Annotated 1953 60 **71A-9-101**, Utah Code Annotated 1953 61 **71A-9-102**, Utah Code Annotated 1953 62 **71A-9-201**, Utah Code Annotated 1953 63 **71A-9-202**, Utah Code Annotated 1953 64 **71A-9-203**, Utah Code Annotated 1953

71A-9-301, Utah Code Annotated 1953

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71A-9-302 , Utah Code Annotated 1953
71A-9-303 , Utah Code Annotated 1953
REPEALS:
63M-6-101, as enacted by Laws of Utah 2008, Chapter 382
63M-6-201, as last amended by Laws of Utah 2021, Chapter 282
63M-6-202, as last amended by Laws of Utah 2021, Chapter 282
63M-6-203, as last amended by Laws of Utah 2021, Chapter 282
Be it enacted by the Legislature of the state of Utah:
Section 1. Section 39A-1-201 is amended to read:
39A-1-201 . Adjutant general Appointment Term Qualifications.
(1) There shall be one adjutant general of the [Utah-]National Guard[-appointed by] .
(2)(a) Beginning in the calendar year of 2027 and in every fourth year after 2027, the
governor shall, in the month of January, appoint an individual who meets the
qualifications under this section to serve a four-year term as the adjutant general.
(b) The four-year term for the adjutant general appointed under Subsection (2)(a) shall
begin on the day of the adjutant general's appointment.
(c) If an individual appointed to serve as the adjutant general for a four-year term under
Subsection (2)(a) is removed, resigns, or otherwise vacates the position of adjutant
general, the governor may appoint another individual to serve as the adjutant general
for the remainder of the unexpired four-year term.
(d)(i) If a vacancy in the position of adjutant general occurs before the year of 2027,
the governor shall appoint an individual who meets the qualifications under this
section to serve as the adjutant general.
(ii) An adjutant general appointed under Subsection (2)(d)(i) shall serve a term that
begins on the day of the adjutant general's appointment and ends when the
governor appoints an adjutant general to a four-year term in January of 2027, as
described in Subsection (2)(a).
[(2)] (3) The adjutant general is the commanding general of the [Utah-]National Guard and
the Utah State Defense Force and serves at the pleasure of the governor.
[(3)] (4) The individual appointed to the office shall:
(a) be a citizen of Utah and meet the requirements provided in Title 32, United States
Code;
(b) be a federally recognized commissioned officer, with the rank of colonel or higher,

100	of the Army National Guard or the Air National Guard with no fewer than five years
101	commissioned service in the [Utah]National Guard; and
102	(c) as determined by the governor, have sufficient knowledge and experience to
103	command the [Utah]National Guard.
104	[(4)] (5) Active service in the armed forces of the United States may be included in the
105	requirement in Subsection [$(3)(b)$] $(4)(b)$, if the officer was a member of the [$Utah$]
106	National Guard when the officer entered that service.
107	[(5)] (6) The adjutant general shall establish a succession plan consistent with Section
108	53-2a-804 to ensure the continuity of command.
109	[(6)] (7) An officer is no longer eligible to hold the office of adjutant general [after attaining
110	the age of 64 years] if the officer is 64 years old or older.
111	[(7)] (8) The adjutant general shall ensure the readiness, training, discipline, and operations
112	of the [Utah-]National Guard.
113	(9) An individual who otherwise meets the qualifications under this section to serve as the
114	adjutant general may serve multiple terms as the adjutant general if appointed by the
115	governor under Subsection (2).
116	Section 2. Section 39A-2-101 is amended to read:
117	39A-2-101 . State Armory Board Creation Members A body corporate
118	Powers Expenses.
119	(1) There is created a three member State Armory Board with the following members:
120	(a) the governor;
121	(b) the executive director of the Department of Government Operations; and
122	(c) the adjutant general of the [Utah-]National Guard, appointed in accordance with
123	Section 39A-3-102.
124	(2) The board is a body corporate with perpetual succession and the board's property is
125	exempt from all taxes and assessments.
126	(3) The board may:
127	(a) have and use a common seal;
128	(b) sue and be sued;
129	(c) contract and be contracted with;
130	(d) take and hold by purchase, gift, devise, grant, or bequest real and personal property
131	required for the board's use; and
132	(e) convert property received by gift, devise, or bequest, and not suitable for the board's
133	uses, into other property as available, or into money.

134 (4) The board may: 135 (a) borrow money for the purpose of providing facilities, ranges, and training lands upon 136 the sole credit of the real property to which the board has legal title; and 137 (b) secure loans described in Subsection (4)(a) by mortgage upon property to which the 138 State Armory Board has legal title. 139 (5)(a) Property mortgaged for a loan as provided in Subsection (4)(b) shall be the sole 140 security for the loan. 141 (b) A deficiency judgment may not be made, rendered, or entered against the board upon 142 the foreclosure of a mortgage under Subsection (4)(b). 143 (c) The board may not mortgage property in one city for the purpose of obtaining money 144 for the erection of armories in any other place. 145 (6) A member may not receive compensation or benefits for the member's service, but may 146 receive per diem and travel expenses in accordance with: 147 (a) Section 63A-3-106; 148 (b) Section 63A-3-107; and 149 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 150 63A-3-107. 151 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the 152 National Guard shall make rules governing the management and operational needs of the 153 board established under this section including rules for the appointment, duties, and 154 responsibilities of the board's secretary. 155 Section 3. Section **39A-2-102** is amended to read: 156 39A-2-102. Responsibilities of State Armory Board. 157 (1) The board shall supervise and control all facilities, ranges, training lands, and all real 158 property held or acquired for the military purposes of the state. 159 (2) The board may: 160 (a) provide suitable facilities, ranges, and training lands for the different organizations of 161 the National Guard; 162 (b) lease real property throughout the state wherever necessary for the use of 163 organizations of the National Guard and for the storage of state and government 164 property at a rental that the board considers reasonable; 165 (c) erect facilities and ranges at places within the state that it considers necessary upon 166 lands to which it has acquired the legal title;

(d) expend military funds to acquire legal title to lands and to construct facilities and

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168	ranges;
169	(e) sell and lease property that the board holds under Subsection (1) for purposes
170	consistent with the mission of the [Utah-]National Guard; and
171	(f) conduct meetings and take official action in person or as necessary via electronic
172	means, including electronic mail, electronic messaging, telephone[-or], video
173	teleconferencing, or a combination of these methods.
174	(3)(a) Subject to Subsection (3)(b), the board may take options for the purchase of any
175	premises under lease to the state for National Guard purposes:
176	(i) at any time during the life of the lease; and
177	(ii) when the purchase is in the state's interest.
178	(b) An option is not binding upon the board until it is approved by the Legislature.
179	(4)(a) Before legally binding the state to sell or lease any real property owned by the
180	National Guard, the board shall submit a description of the proposed sale to the
181	Legislative Management Committee for [its] the Legislative Management Committee's
182	review and recommendations.
183	(b) Before legally binding the state to purchase any interest in real property, the board
184	shall submit a description of the proposed sale to the Legislative Management
185	Committee for [its] the Legislative Management Committee's review and
186	recommendations.
187	(c) The Legislative Management Committee shall review each proposal and may
188	approve or disapprove the sale.
189	(5)(a) There is created an expendable special revenue fund known as the "State Armory
190	Fund."
191	(b) The State Armory Fund shall consist of:
192	(i) proceeds from the sales and leases of real property authorized by this section;
193	(ii) appropriations by the Legislature; and
194	(iii) interest earned on the fund.
195	(c) Subject to the Legislative Management Committee's review and recommendation,
196	the State Armory Board may expend money in the State Armory Fund to pay for the
197	acquisition and sale of real property and the construction of new armories.
198	Section 4. Section 39A-2-105 is enacted to read:
199	39A-2-105. Exemptions from the Open and Public Meetings Act.
200	(1) A meeting held by the board in accordance with the board's responsibilities described in
201	Subsection 39A-2-102(f) are exempt from the requirements in Title 52, Chapter 4, Open

202	and Public Meetings Act, if the meeting:
203	(a) is related to the purchase, exchange, or lease of real property, including of a water
204	right or water share; or
205	(b) is for the discussion of a proposed property development agreement, property
206	development project proposal, or a financing proposal related to the development of
207	land owned by the board.
208	(2) If a meeting described in Subsection (1) results in the acquisition or sale of real property
209	or a contract for the construction of a new armory, any information regarding the
210	acquisition, sale, or construction shall be posted on the board's public website for at least
211	30 days from the day on which the board finalized the board's decision to acquire or sell
212	the real property or construct the new armory.
213	Section 5. Section 39A-3-112 is enacted to read:
214	39A-3-112 . Exemptions from the procurement code.
215	(1) The National Guard is exempt from the requirements of Title 63G, Chapter 6a, Utah
216	Procurement Code, not including Title 63G, Chapter 6a, Part 24, Unlawful Conduct and
217	Penalties, for:
218	(a) a purchase made by the National Guard of \$100,000 or less; or
219	(b) a purchase related to assisting the National Guard in:
220	(i) responding to a current or imminent emergency; or
221	(ii) an operation related to disaster recovery.
222	(2) The National Guard is subject to Title 63G, Chapter 6a, Utah Procurement Code, for a
223	purchase other than a purchase described in Subsection (1).
224	Section 6. Section 39A-3-201 is amended to read:
225	39A-3-201 . Tuition and fees assistance for Utah National Guard members Use
226	and allocation Appropriation.
227	(1)(a) As used in this section, "fees" means general course fees, in addition to tuition,
228	that are:
229	(i) imposed by an institution of higher education; and
230	(ii) required to be paid by a student to engage in a course of study at the institution of
231	higher education.
232	(b) "Fees" includes:
233	(i) a special course fee; and
234	(ii) expenses for required:
235	(A) text books: and

236	(B) course related materials.
237	(2) The [Utah-]National Guard may provide tuition and fees assistance to a member of the [
238	Utah]National Guard for study at an institution of higher education, subject to the
239	following requirements:
240	(a) the individual shall be, at the time the individual receives the assistance, an active
241	member of the [Utah-]National Guard; and
242	(b) the assistance is for tuition and fees only and may not be more than the resident
243	tuition and fees for the actual course of postsecondary study engaged in by the
244	individual.
245	(3)(a) Tuition and fees assistance shall be awarded as the adjutant general considers
246	necessary.
247	(b) An individual may apply to the adjutant general [of the state] for assistance for each
248	year during which the individual is an active member of the [Utah-]National Guard.
249	(c) The adjutant general may recoup funds if a recipient fails to meet the requirements of
250	the program.
251	(4) The adjutant general [of the state]shall:
252	(a) [-]pay tuition and fees assistance directly to the institution of higher education from
253	the funds appropriated[-] : and
254	[(5)] (b) [The adjutant general of the state shall]establish regulations, procedures, forms,
255	and reports necessary to administer the allocation of assistance and payment of funds
256	under this section.
257	[(6)] (5) The adjutant general may [use no more] not use more than 10% of the funds for
258	administration of the program as the adjutant general considers necessary.
259	(6)(a) Subject to Subsections (6)(b) and (c), the adjutant general may allocate funds for
260	the repayment of student loans for members of the National Guard.
261	(b) In addition to the requirements described in Subsection (6)(c), a member of the
262	National Guard qualifies for the repayment of the member's student loans if the
263	member is currently an active member of the National Guard.
264	(c) The adjutant general shall administer the loan repayment option described in this
265	Subsection (6) in accordance with policies and procedures established by the adjutant
266	general, including:
267	(i) additional eligibility requirements;
268	(ii) repayment limits; and
269	(iii) any other condition the adjutant general determines is appropriate.

270	Section 7. Section 39A-5-103 is amended to read:
271	39A-5-103 . State staff judge advocate Appointment Qualifications Duties
272	Assistants.
273	(1)(a) The adjutant general shall appoint a state staff judge advocate.
274	(b) The state staff judge advocate appointed under Subsection (1)(a) shall be:
275	(i) an officer of the National Guard;
276	(ii) a member of the Utah State Bar;
277	(iii) admitted to practice before a United States federal court;
278	(iv) branch qualified; and
279	(v) designated as a state staff judge advocate officer.
280	(c) The state staff judge advocate appointed under Subsection (1)(a) is:
281	(i) the senior legal officer for the National Guard and a member of the adjutant
282	general's special staff; and
283	(ii) shall act as the primary legal advisor to the adjutant general on all matters
284	involving military justice.
285	[(1)] (2)(a) The adjutant general [shall] may appoint [an officer of the National Guard as
286	the] <u>a</u> state judge advocate.[-]
287	(b) The [officer-] state judge advocate appointed under Subsection (2)(a) shall be:
288	(i) a member of the National Guard;
289	(ii) [-]a member of the Utah State Bar[-,];
290	(iii) [-] admitted to practice before a United States federal court[,];
291	(iv) [-]branch qualified[-,]; and
292	(v) [-]designated as a staff judge advocate officer.
293	[(2)] (c) The state judge advocate appointed under Subsection (2)(a) is:
294	(i) [-]the principal military legal advisor; and
295	(ii) [-]shall, in connection with rendering legal advice to the adjutant general, prepare
296	pretrial advice, a post-trial review, and act, in concert with the state staff judge
297	advocate, as legal advisor to the adjutant general on all matters involving military
298	justice.
299	(3)(a) The adjutant general may appoint branch state staff judge advocates for the
300	individual branches of the National Guard.
301	(b) A branch state staff judge advocate appointed under Subsection (3)(a) shall be:
302	(i) an officer of the National Guard;
303	(ii) a member of the Utah State Bar;

337	Guard or military.
336	39A-5-114.5. Use of force in defense of equipment and personnel of the National
335	Section 8. Section 39A-5-114.5 is enacted to read:
334	same case.
333	branch state staff judge advocate, or legal officer to any reviewing authority upon the
332	assistant state judge advocate, [SJA] state judge advocate, state staff judge advocate,
331	has been a witness for either the prosecution or defense, may not subsequently act as
330	trial counsel, defense counsel, assistant defense counsel, or investigating officer, or who
328 329	[(6)] (7) An individual who has acted as a member, military judge, trial counsel, assistant
328	superior or subordinate command, or with the [SJA] state staff judge advocate.
320 327	communicate directly with the assistant state judge advocate or legal officer of a
323 326	(b) [-]The assistant state judge advocate or legal officer of any command may
324 325	advocate all matters relating to the administration of military justice and administrative actions.
323	[(5)] (6)(a) The convening authority shall review directly with the [SJA] state staff judge
322	advocate. [(5)] (6)(a) The convening outhority shall ravious directly with the [SIA] state staff index
321	(b) The duty described in Subsection (5)(a) may be delegated to an assistant state judge
320	supervise the administration of military justice.
319	advocate shall make frequent inspections of military units throughout the state to
318	[(4)] (5)(a) The [SJA] state judge advocate or [an assistant SJA] a branch state staff judge
317	(iv) [-]designated as <u>a staff</u> judge advocate [officers] officer.
316	(iii) [-]branch qualified[-]; and
315	(ii) [-members] a member of the Utah State Bar[-,];
314	(i) [-officers] an officer of the National Guard[-,];
313	shall be:
312	(b) [All] An assistant state judge [advocates] advocate appointed under Subsection (4)(a)
311	considered necessary].
310	[(3)] (4)(a) The adjutant general may appoint assistant state judge advocates[-as
309	(ii) shall provide oversight to subordinate assistant staff judge advocates.
308	assistant adjutant general of the branch state staff judge advocate; and
307	(i) is responsible for the provision of military justice legal advice to the superior
306	(c) A branch state staff judge advocate appointed under Subsection (3)(a):
305	(iv) designated as a staff judge advocate officer.
304	(iii) branch qualified; and

338	(1) As used in this section, "deadly force" means the same as that term is defined Section
339	<u>76-2-404.</u>
340	(2) A military service member or a member of the National Guard may use force, including
341	deadly force, to defend military or National Guard equipment or personnel, if:
342	(a) the member is on official duty to defend equipment or personnel of the military or
343	National Guard; and
344	(b) the use of force is used in accordance with the military or National Guard regulations
345	and doctrine regarding the appropriate use of force in the defense of equipment or
346	personnel.
347	(3)(a) Before a military service member or a member of the National Guard is assigned
348	to official duty to defend equipment or personnel, the servicing staff judge advocate
349	shall provide a briefing to the member on the rules for the use of force under this
350	section and in accordance with military or National Guard regulations and doctrine.
351	(b) A military service member or a member of the National Guard who does not receive
352	the briefing described in Subsection (3)(a) may still claim the privilege described in
353	Subsection (2) if the member is not at fault for not receiving the briefing.
354	Section 9. Section 39A-9-101 is amended to read:
355	39A-9-101 . Acceptance of gifts.
356	(1) The [Utah-]National Guard is authorized to receive gifts, contributions, and donations of
357	all kinds, including tangible objects and real property made on the condition that the [
358	Utah-]National Guard uses the gifts, contributions, and donations for the benefit of, or in
359	connection with, the [Utah-]National Guard and [Utah-]National Guard members,
360	employees, or members' or employees' dependents.
361	(2) The adjutant general is the acceptance authority for gifts described in Subsection (1).
362	(3) The adjutant general may also accept gifts donated to benefit a state military museum or
363	to create a memorial within the state honoring the activities of the [Utah-]National Guard.
364	(4) A gift, grant, or donation described in this section will not revert to the General Fund
365	and shall be considered non-lapsing funds.
366	(5) Acceptance authorities will ensure compliance with the restrictions and limitations
367	contained in Section 63G-6a-2404.
368	(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [
369	department] National Guard shall make rules for the acceptance of gifts, including
370	establishing:
371	(a) delegation of gift acceptance authority;

- (b) the method and criteria for accepting gifts;
 (c) identification of existing accounts for gift proceeds to be deposited into;
 (d) use and purpose of gifts;
- (e) prohibitions; and

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- 376 (f) exceptions to the policy.
- Section 10. Section **53E-3-915** is amended to read:

53E-3-915 . Article XIV -- Financing of the Interstate Commission.

- 379 (1) The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.
- 2) In accordance with the funding limit established in Subsection (5), the Interstate

 Commission may levy and collect an annual assessment from each member state to

 cover the cost of the operations and activities of the Interstate Commission and its staff

 which shall be in a total amount sufficient to cover the Interstate Commission's annual

 budget as approved each year. The aggregate annual assessment amount shall be

 allocated based upon a formula to be determined by the Interstate Commission, which

 shall promulgate a rule binding upon all member states.
- 388 (3) The Interstate Commission may not incur obligations of any kind prior to securing the 389 funds adequate to meet the same; nor shall the Interstate Commission pledge the credit 390 of any of the member states, except by and with the authority of the member state.
 - (4) The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.
 - (5) The Interstate Commission may not assess, levy, or collect more than [\$5,000] \$10,000 per year from Utah legislative appropriations. Other funding sources may be accepted and used to offset expenses related to the state's participation in the compact.
- Section 11. Section **63G-6a-107.6** is amended to read:

401 **63G-6a-107.6** . Exemptions from chapter.

- 402 (1) Except for this Subsection (1), the provisions of this chapter do not apply to:
- 403 (a) a public entity's acquisition of a procurement item from another public entity; or
- 404 (b) a public entity that is not a procurement unit, including the Colorado River Authority 405 of Utah as provided in Section 63M-14-210.

406	(2) Unless otherwise provided by statute and except for this Subsection (2), the provisions
407	of this chapter do not apply to the acquisition or disposal of real property or an interest
408	in real property.
409	(3) Except for this Subsection (3) and Part 24, Unlawful Conduct and Penalties, the
410	provisions of this chapter do not apply to:
411	(a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art
412	Act;
413	(b) a grant;
414	(c) medical supplies or medical equipment, including service agreements for medical
415	equipment, obtained by the University of Utah Hospital or the Department of Health
416	and Human Services through a purchasing consortium if:
417	(i) the consortium uses a competitive procurement process; and
418	(ii) the chief administrative officer of the hospital or the executive director of the
419	Department of Health and Human Services, as the case may be, makes a written
420	finding that the prices for purchasing medical supplies and medical equipment
421	through the consortium are competitive with market prices;
422	(d) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire,
423	and State Lands, created in Section 65A-1-4, through the federal General Services
424	Administration or the National Fire Cache system;
425	(e) supplies purchased for resale to the public;
426	(f) activities related to the management of investments by a public entity granted
427	investment authority by law;[-or]
428	(g) activities of the Utah water agent appointed under Section 73-10g-702[:] ; or
429	(h) activities of the National Guard described in Section 39A-3-112.
430	(4) This chapter does not supersede the requirements for retention or withholding of
431	construction proceeds and release of construction proceeds as provided in Section 13-8-5
432	(5) Except for this Subsection (5), the provisions of this chapter do not apply to a
433	procurement unit's hiring a mediator, arbitrator, or arbitration panel member to
434	participate in the procurement unit's dispute resolution efforts.
435	Section 12. Section 63I-2-239 is amended to read:
436	63I-2-239 . Repeal dates: Title 39A.
437	[Reserved] Subsection 39A-1-201(2)(d), regarding a vacancy in the position of adjutant
438	general that occurs before the year 2027 is repealed January 1, 2027.
439	Section 13. Section 71A-1-201 is amended to read:

440	71A-1-201 . Department of Veterans and Military Affairs Creation
441	Appointment of executive director Department responsibilities.
442	(1) There is created the Department of Veterans and Military Affairs.
443	(2) The governor shall appoint an executive director for the department who is subject to
444	Senate confirmation.
445	(3) The executive director shall be a veteran.
446	(4) The department shall:
447	(a) conduct and supervise all veteran and military affairs activities as provided in this
448	title;
449	(b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
450	Rulemaking Act, to carry out the provisions of this title;
451	(c) in accordance with Section 41-1a-418:
452	(i) determine which campaign or combat theater awards are eligible for a special
453	group license plate;
454	(ii) verify that an applicant for a campaign or combat theater award special group
455	license plate is qualified to receive it; and
456	(iii) provide an applicant that qualifies a form indicating the campaign or combat
457	theater award special group license plate for which the applicant qualifies;
458	(d) maintain liaison with local, state, and federal veterans agencies and with Utah
459	veterans organizations;
460	(e) provide current information to veterans, service members, their surviving spouses
461	and family members, and Utah veterans and military organizations on benefits they
462	are entitled to;
463	(f) assist veterans, service members, and their families in applying for benefits and
464	services;
465	(g) cooperate with other state entities in the receipt of information to create and maintain
466	a record of veterans in Utah;
467	(h) create and administer a veterans assistance registry in accordance with Chapter 5,
468	Veterans Assistance Registry, with recommendations from the council, that provides
469	contact information to the qualified donors of materials and labor for certain qualified
470	recipients;
471	(i) identify military-related issues, challenges, and opportunities, and develop plans for
472	addressing them;
473	(j) develop, coordinate, and maintain relationships with military leaders of Utah military

474	installations, including the Utah National Guard;
475	(k) develop and maintain relationships with military-related organizations in Utah;[-and]
476	(l) consult with municipalities and counties regarding compatible use plans as described
477	in Sections 10-9a-537 and 17-27a-533;
478	(m) provide services and benefits directly or indirectly to service members, veterans, and
479	families of service members and veterans, including services and benefits related to
480	claims, health care, employment, education, mental wellness, counseling, business,
481	housing, recognition, camaraderie, and other functions; and
482	(n) serve as the State Approving Agency under United States Code, Title 38, Veterans
483	Benefits.
484	(5)(a) The department may award grants for the purpose of supporting veteran and
485	military outreach, employment, education, healthcare, homelessness prevention, and
486	recognition events.
487	(b) The department may award a grant described in Subsection (5)(a) to:
488	(i) an institution of higher education listed in Section 53B-1-102;
489	(ii) a nonprofit organization involved in veterans or military-related activities; or
490	(iii) a political subdivision of the state.
491	(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
492	department shall make rules for the administration of grants, including establishing:
493	(i) the form and process for submitting an application to the department;
494	(ii) the method and criteria for selecting a grant recipient;
495	(iii) the method and formula for determining a grant amount; and
496	(iv) the reporting requirements of a grant recipient.
497	(6)(a) The department may:
498	(i) receive gifts, contributions, and donations to support service members, veterans,
499	and families of service members and veterans, including tangible objects and real
500	property, if the department uses the gifts, contributions, and donations for the
501	benefit of, or in connection with, service members, veterans, or families of service
502	members and veterans; and
503	(ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
504	make rules related to the administration of gifts, contributions, and donations
505	described in Subsection (6)(a).
506	(b) A gift, contribution, or donation received by the department as described in
507	Subsection (6)(a), does not revert to the General Fund and is considered non-lapsing

508	<u>funds.</u>
509	[(6)] (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
510	department may make rules related to:
511	(a) the consultation with municipalities and counties regarding compatible use plans as
512	required in Subsection (4)(1); and
513	(b) criteria to evaluate whether a proposed land use is compatible with military
514	operations.
515	[(7)] (8) Nothing in this chapter [shall be construed as altering or preempting] alters or
516	preempts any provisions of Title 39A, National Guard and Militia Act, as specifically
517	related to the Utah National Guard.
518	Section 14. Section 71A-1-202 is amended to read:
519	71A-1-202 . Department of Veterans and Military Affairs Executive director
520	Responsibilities.
521	(1) The executive director is the chief administrative officer of the department.
522	(2) The executive director is responsible for:
523	(a) the administration and supervision of the department;
524	(b) the coordination of policies and program activities conducted through the department;
525	(c) the development and approval of the proposed budget of the department;
526	(d) preparing an annual report for presentation not later than November 30 of each year
527	to the Government Operations Interim Committee which covers:
528	(i) services provided to veterans, service members, and their families;
529	(ii) services provided by third parties through the Veterans Assistance Registry;
530	(iii) coordination of veterans services by government entities with the department; and
531	(iv) the status of military missions within the state;
532	(e) advising the governor on matters pertaining to veterans and military affairs
533	throughout the state, including active duty service members, reserve duty service
534	members, veterans, and their families;
535	(f) developing, coordinating, and maintaining relationships with Utah's congressional
536	delegation and appropriate federal agencies; and
537	(g) entering into grants, contracts, agreements, and interagency transfers necessary to
538	support the department's programs.
539	(3) The executive director is the acceptance authority for any gifts, contributions, or
540	donations received under Subsection 71A-1-201(6) and shall ensure compliance with the
541	restrictions and limitations described in Section 63G-6a-2404.

542	[(3)] (4) The executive director may appoint deputy directors to assist the executive director
543	in carrying out the department's responsibilities.
544	[(4)] (5) A deputy director, described in Subsection (3), of veterans' services shall be a
545	veteran.
546	Section 15. Section 71A-9-101 is enacted to read:
547	CHAPTER 9. Military Installations
548	Part 1. General provisions
549	71A-9-101 . Definitions.
550	As used in this chapter:
551	(1) "Federal Coordinating Committee" is comprised of representatives from the Unites
552	States Department of Agriculture, Natural Resources Conservation Service, the United
553	States Forest Service, the Department of Defense Readiness Environmental Protection
554	Integration Program, United States Department of the Interior, United States Fish and
555	Wildlife Service, and the Federal Emergency Management Agency.
556	(2) "Great Salt Lake Sentinel Landscape" means the area encompassing Hill Air Force
557	Base, Camp Williams, Tooele Army Depot, the United States Air Force Little Mountain
558	Test Facility, or other area that has been designated by the Federal Coordinating
559	Committee, in coordination with governmental and non-governmental organizations, to:
560	(a) protect military readiness and promote land conservation within the area;
561	(b) implement nature-based solutions to build resiliency in military installations in the
562	state, communities, and ecosystems throughout the area; and
563	(c) implement sustainable land management practices with landowners to mitigate the
564	negative impacts of infrastructure development, frequency spectrum conflicts, and
565	other activities that may impede or threaten the armed forces' ability to train or
566	conduct operations.
567	(3) "State institution of higher education" means an institution described in Section
568	53B-2-101 or any other university or college that is established and maintained by the
569	state.
570	Section 16. Section 71A-9-102 is enacted to read:
571	$\overline{71A-9-102}$. Military installation ability to enter into an intergovernmental
572	support agreement.
573	(1) A state agency, local municipality, special service district, or state institution of higher
574	education may enter into an intergovernmental support agreement with a military

575	installation or entity, including the Utah National Guard, to provide support services to
576	the military installation or entity in accordance with the agreement.
577	(2) Copies of the agreement described in Subsection (1) shall be filed with the department.
578	Section 17. Section 71A-9-201 is enacted to read:
579	Part 2. Great Salt Lake Sentinel Landscape
580	71A-9-201 . Definitions.
581	As used in this part:
582	(1) "Landowner" means a person who owns or is an authorized agent that is willing to work
583	with the partnership in the purchase of property, an easement, land trade, in-kind
584	property donation, or participating in other land management programs within the Great
585	Salt Lake Sentinel Landscape.
586	(2) "Partner organization" means an agency, an institution, a corporation, a foundation, or
587	an association that:
588	(a) has entered into a non-binding agreement to support and participate in the Great Salt
589	Lake Sentinel Landscape; or
590	(b) provides funds, expertise, data, in-kind assistance, and other relevant skills and
591	capabilities that contributes to the partnership's ability to achieve the partnership's
592	goals and objectives.
593	(3) "Partnership" means the organization established by the executive director that is
594	composed of state governmental entities, local governmental entities, federal
595	governmental entities, and private entities selected to manage the Great Salt Lake
596	Sentinel Landscape.
597	(4) "State agency" means a department, division, board, council, committee, institution,
598	office, bureau, or other similar administrative unit housed within the state executive
599	branch.
600	Section 18. Section 71A-9-202 is enacted to read:
601	71A-9-202 . Department responsibilities related to the Great Salt Lake Sentinel
602	Landscape.
603	(1) The department shall:
604	(a) act as the administrative agent of the partnership;
605	(b) in cooperation with the partnership, identify lands to be included in the Great Salt
606	Lake Sentinel Landscape and develop strategies and recommendations to encourage
607	landowners within the Great Salt Lake Sentinel Landscape to voluntarily participate

608	in the partnership;
609	(c) in designating additional land to the Great Salt Lake Sentinel Landscape, and in
610	cooperation with the partnership, include all working or natural lands that the
611	partnership believes contribute to the long-term sustainability of the military missions
612	in the sentinel landscape area; and
613	(d) determine, in cooperation with the partnership, the appropriate level of state
614	resources required to adequately protect military missions within the sentinel
615	landscape area.
616	(2) The department may:
617	(a) receive gifts, contributions, and donations to support the Great Salt Lake Sentinel
618	Landscape, including tangible objects and real property, if the department uses the
619	gifts, contributions, and donations for the benefit of, or in connection with, the Great
620	Salt Lake Sentinel Landscape;
621	(b) apply for grants to aid in securing state resources described in Subsection (1)(d) to
622	adequately protect military missions within the Great Salt Lake Sentinel Landscape;
623	<u>and</u>
624	(c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
625	make rules to administer the provisions of this chapter.
626	(3) The executive director is the acceptance authority for any gifts, contributions, or
627	donations received under Subsection (2)(a) and shall ensure compliance with the
628	restrictions and limitations contained in Section 63G-6a-2404.
629	(4) A gift, grant, or donation described in this section will not revert to the General Fund
630	and is considered non-lapsing funds.
631	Section 19. Section 71A-9-203 is enacted to read:
632	71A-9-203 . State and local governmental entities.
633	State and local governmental entities:
634	(1) are encouraged to cooperate with the partnership by providing access to studies, data,
635	plans, and other relevant resources at the partnership's request; and
636	(2) shall consider having representation from the partnership in all committees, councils,
637	working groups, seminars, and conferences within the Great Salt Lake Sentinel
638	Landscape that pertain to:
639	(a) urban development within 5,000 feet of military installations;
640	(b) wildland fire management;
641	(c) water sustainability;

642	(d) the ecosystem of the Great Salt Lake; or
643	(e) wildlife habitat.
644	Section 20. Section 71A-9-301 is enacted to read:
645	Part 3. Military Installations Easements
646	<u>71A-9-301</u> . Definitions.
647	Reserved.
648	Section 21. Section 71A-9-302 is enacted to read:
649	71A-9-302 . Acquisition of easements Restrictions Resale.
650	(1)(a) The department may acquire, by purchase or condemnation, property or
651	easements for the establishment, maintenance, and operation of a restrictive use area
652	for the operation of military missions:
653	(i) within the Great Salt Lake Sentinel Landscape;
654	(ii) near the Utah Test and Training Range;
655	(iii) near Dugway Proving Ground; or
656	(iv) near a Utah National Guard facility.
657	(b) The department may delegate the department's power to purchase or condemn
658	easements or property under Subsection (1)(a) to another state agency if the
659	department ensures that the agency complies with the procedures and requirements of
660	this part.
661	(2)(a) The department shall ensure that the easements described in Subsection (1)(a)
662	place conditions on land use identified in the applicable land use compatibility
663	guidelines study or according to military best practice or recommendations.
664	(b) The department may allow other uses on easements described in Subsection (1)(a)
665	not prohibited by the guidelines described in Subsection (2)(a) if the uses are
666	consistent with the purpose of this part.
667	(c) Nothing in this part authorizes the department or any other state agency to:
668	(i) purchase a business; or
669	(ii) require a person to relocate or move.
670	(d) To calculate the purchase price for an easement described in Subsection (1)(a), the
671	department shall subtract the market value of the real property and the real property's
672	improvements after the acquisition of the easement from the market value of the real
673	property and the real property's improvements before the acquisition of the easement.
674	(e) When a military installation has not been used for seven years, the department shall:

675	(i) notify by certified mail each current owner of any property to which an easement
676	is attached near the military installation that the owner may purchase the easement
677	for the same price that the state originally paid for the easement or for the market
678	value of the easement at the time of the owner's buyback, whichever is less; and
679	(ii) sell the easement to an owner notified under Subsection (2)(e)(i) if the owner
680	tenders the purchase price described in Subsection (2)(e)(i).
681	(3)(a) The department may take action to enforce the provisions of this chapter.
682	(b) The attorney general shall represent the department in an action described in
683	Subsection (3)(a).
684	Section 22. Section 71A-9-303 is enacted to read:
685	71A-9-303. Certain improvements, alterations, and expansions prohibited.
686	(1) A person may not begin to develop, or authorize development, on any land identified in
687	Section 71A-9-302 unless the department has affirmatively authorized the development
688	of the land.
689	(2) Nothing in this part prohibits a property owner from improving, altering, or expanding
690	an existing residential or commercial use of the property owner's property if the
691	improvement, alteration, or expansion does not materially increase the human density of
692	the property's present use.
693	Section 23. Section 81-2-301 is amended to read:
694	81-2-301 . Definitions for part.
695	As used in this part:
696	(1) "County clerk" means:
697	(a) the county clerk of the county; or
698	(b) an employee or designee of the county clerk who is authorized to issue marriage
699	licenses or solemnize marriages.
700	(2) "Judge or magistrate of the United States" means:
701	(a) a justice of the United States Supreme Court;
702	(b) a judge of a court of appeals;
703	(c) a judge of a district court;
704	(d) a judge of any court created by an act of Congress, the judges of which are entitled to
705	hold office during good behavior;
706	(e) a judge of a bankruptcy court;
707	(f) a judge of a tax court; or
708	(g) a United States magistrate

- 709 (3) "Minor" means an individual who is 16 or 17 years old.
- 710 (4)(a) "Native American spiritual advisor" means an individual who:
- 711 (i) leads, instructs, or facilitates a Native American religious ceremony or service or
- 712 provides religious counseling; and
- 713 (ii) is recognized as a spiritual advisor by a federally recognized Native American tribe.
- 715 (b) "Native American spiritual advisor" includes a sweat lodge leader, medicine person, 716 traditional religious practitioner, or holy man or woman.
- 717 (c) "Military chaplain" means an individual who is a commissioned officer of:
- 718 (i) the Chaplain Corps of the United States Army;
- 719 (ii) the Chaplain Corps of the United States Navy, including the United States Coast
 720 Guard; or
- 721 (iii) the United States Air Force designated for duty as a chaplain.
- 722 Section 24. Section **81-2-305** is amended to read:
- 723 **81-2-305** . Who may solemnize marriages -- Certificate.
- 724 (1) The following individuals may solemnize a marriage:
- (a) an individual 18 years old or older who is authorized by a religious denomination to solemnize a marriage;
- 727 (b) a Native American spiritual advisor;
- 728 (c) the governor;
- 729 (d) the lieutenant governor;
- 730 (e) the state attorney general;
- 731 (f) the state treasurer;
- 732 (g) the state auditor;
- 733 (h) a mayor of a municipality or county executive;
- (i) a justice, judge, or commissioner of a court of record;
- 735 (j) a judge of a court not of record of the state;
- 736 (k) a judge or magistrate of the United States;
- 737 (l) the county clerk of any county in the state or the county clerk's designee as authorized by Section 17-20-4;
- (m) a senator or representative of the Utah Legislature;
- 740 [(nn)] (n) a member of the state's congressional delegation; [-or]
- [(oo)] (o) a judge or magistrate who holds office in Utah when retired, under rules set by
- 742 the Supreme Court; or

- 743 (p) a military chaplain.
- 744 (2) An individual authorized under Subsection (1) who solemnizes a marriage shall give to
- the couple married a certificate of marriage that shows the:
- 746 (a) name of the county from which the license is issued; and
- 747 (b) date of the license's issuance.
- 748 (3) Except for an individual described in Subsection (1)(1), an individual described in
- Subsection (1) has discretion to solemnize a marriage.
- 750 (4) Except as provided in Section 17-20-4 and Subsection (1)(1), and notwithstanding any
- other provision in law, no individual authorized under Subsection (1) to solemnize a
- marriage may delegate or deputize another individual to perform the function of
- solemnizing a marriage.
- 754 (5)(a) Within 30 days after the day on which a marriage is solemnized, the individual
- solemnizing the marriage shall return the marriage license to the county clerk that
- issued the marriage license with a certificate of the marriage over the individual's
- signature stating the date and place of solemnization and the names of two or more
- 758 witnesses present at the marriage.
- (b) An individual described in Subsection (5)(a) who fails to return the license is guilty
- of an infraction.
- 761 (c) An individual described in Subsection (5)(a) who knowingly or intentionally makes a
- false statement on a certificate of marriage is guilty of perjury and may be prosecuted
- and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official
- 764 Matters.
- 765 (6)(a) An individual is guilty of a third degree felony if the individual knowingly:
- 766 (i) solemnizes a marriage without a valid marriage license; or
- 767 (ii) solemnizes a marriage in violation of this section.
- (b) An individual is guilty of a class A misdemeanor if the individual knowingly, with or
- without a marriage license, solemnizes a marriage between two individuals who are
- 18 years old or older that is prohibited by law.
- 771 Section 25. **Repealer.**
- 772 This bill repeals:
- Section 63M-6-203, Certain improvements, alterations, and expansions prohibited.
- 774 Section **63M-6-202**, Location of easements.
- 775 Section 63M-6-201, Acquisition of easements -- Restrictions -- Resale.
- 776 Section **63M-6-101**, **Title**.

- 777 Section 26. **Effective Date.**
- 778 This bill takes effect on May 7, 2025.