

Jefferson S. Burton proposes the following substitute bill:

National Guard and Military Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson S. Burton

LONG TITLE

General Description:

This bill makes changes to the code addressing the military and the National Guard.

Highlighted Provisions:

This bill:

- amends provisions related to the appointment of the adjutant general;
- clarifies what electronic means the State Armory Board may use in conducting meetings and taking official action;
- exempts the National Guard, in limited circumstances, from the procurement code;
- allows for the National Guard to repay student loans for active members of the National Guard;
- addresses the appointment and responsibilities of certain judge advocates;
- addresses the use of force by a military service member or a member of the National Guard in certain circumstances;
- amends how much money the Interstate Commission on Educational Opportunity for Military Children may assess, levy, or collect from Utah legislative appropriations;
- clarifies that the Department of Veterans and Military Affairs:
 - is required to provide service benefits to service members, veterans, and the families of service members and veterans; and
 - serves as the State Approving Agency for Utah under United States Code, Title 38, Veterans Benefits;
- allows the Department of Veterans and Military Affairs to receive gifts, contributions, and donations to support service members, veterans, and the families of service members and veterans;
- amends resident student status eligibility for veterans who use veteran benefits to pay for tuition;
- enacts provisions related to the Great Salt Lake Sentinel Landscape;

- repeals Title 63M Chapter 6, Military Base Easements Act;
- enacts sections in Title 71A, Veterans and Military Affairs, dealing with military base easements;
- provides that a military chaplain may solemnize a marriage; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

- 39A-1-201**, as last amended by Laws of Utah 2024, Chapter 334
- 39A-2-101**, as last amended by Laws of Utah 2022, Chapter 421 and renumbered and amended by Laws of Utah 2022, Chapter 373
- 39A-2-102**, as last amended by Laws of Utah 2024, Chapter 268
- 39A-3-201**, as last amended by Laws of Utah 2024, Chapter 28
- 39A-5-103**, as renumbered and amended by Laws of Utah 2022, Chapter 373
- 39A-9-101**, as enacted by Laws of Utah 2024, Chapter 334
- 53B-8-102**, as last amended by Laws of Utah 2024, Chapters 144, 378 and 481
- 53E-3-915**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 63G-6a-107.6**, as last amended by Laws of Utah 2024, Chapters 291, 522
- 63I-2-239**, as enacted by Laws of Utah 2024, Third Special Session, Chapter 5
- 71A-1-201**, as enacted by Laws of Utah 2023, Chapter 44 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 154
- 71A-1-202**, as last amended by Laws of Utah 2024, Chapter 334
- 81-2-301**, as enacted by Laws of Utah 2024, Chapter 366
- 81-2-305**, as renumbered and amended by Laws of Utah 2024, Chapter 366

ENACTS:

- 39A-3-112**, Utah Code Annotated 1953
- 39A-5-114.5**, Utah Code Annotated 1953
- 71A-9-101**, Utah Code Annotated 1953
- 71A-9-102**, Utah Code Annotated 1953
- 71A-9-201**, Utah Code Annotated 1953
- 71A-9-202**, Utah Code Annotated 1953

64 **71A-9-203**, Utah Code Annotated 1953

65 **71A-9-301**, Utah Code Annotated 1953

66 **71A-9-302**, Utah Code Annotated 1953

67 **71A-9-303**, Utah Code Annotated 1953

68 REPEALS:

69 **63M-6-101**, as enacted by Laws of Utah 2008, Chapter 382

70 **63M-6-201**, as last amended by Laws of Utah 2021, Chapter 282

71 **63M-6-202**, as last amended by Laws of Utah 2021, Chapter 282

72 **63M-6-203**, as last amended by Laws of Utah 2021, Chapter 282

73

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

75 Section 1. Section **39A-1-201** is amended to read:

76 **39A-1-201 . Adjutant general -- Appointment -- Term -- Qualifications.**

77 (1) There shall be one adjutant general of the [~~Utah~~]National Guard[~~-appointed by~~] .

78 (2)(a) Beginning in the calendar year of 2027 and in every fourth year after 2027, the

79 governor shall, in the month of January, appoint an individual who meets the

80 qualifications under this section to serve a four-year term as the adjutant general.

81 (b) The four-year term for the adjutant general appointed under Subsection (2)(a) shall

82 begin on the day of the adjutant general's appointment.

83 (c) If an individual appointed to serve as the adjutant general for a four-year term under

84 Subsection (2)(a) is removed, resigns, or otherwise vacates the position of adjutant

85 general, the governor may appoint another individual to serve as the adjutant general

86 for the remainder of the unexpired four-year term.

87 (d)(i) If a vacancy in the position of adjutant general occurs before the year of 2027,

88 the governor shall appoint an individual who meets the qualifications under this

89 section to serve as the adjutant general.

90 (ii) An adjutant general appointed under Subsection (2)(d)(i) shall serve a term that

91 begins on the day of the adjutant general's appointment and ends when the

92 governor appoints an adjutant general to a four-year term in January of 2027, as

93 described in Subsection (2)(a).

94 ~~[(2)]~~ (3) The adjutant general is the commanding general of the [~~Utah~~]National Guard and

95 the Utah State Defense Force and serves at the pleasure of the governor.

96 ~~[(3)]~~ (4) The individual appointed to the office shall:

97 (a) be a citizen of Utah and meet the requirements provided in Title 32, United States

98 Code;

99 (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

(e) convert property received by gift, devise, or bequest, and not suitable for the board's uses, into other property as available, or into money.

(4) The board may:

(a) borrow money for the purpose of providing facilities, ranges, and training lands upon the sole credit of the real property to which the board has legal title; and

(b) secure loans described in Subsection (4)(a) by mortgage upon property to which the State Armory Board has legal title.

(5)(a) Property mortgaged for a loan as provided in Subsection (4)(b) shall be the sole security for the loan.

(b) A deficiency judgment may not be made, rendered, or entered against the board upon the foreclosure of a mortgage under Subsection (4)(b).

(c) The board may not mortgage property in one city for the purpose of obtaining money for the erection of armories in any other place.

(6) 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.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the National Guard shall make rules governing the management and operational needs of the board established under this section including rules for the appointment, duties, and responsibilities of the board's secretary.

Section 3. Section **39A-2-102** is amended to read:

39A-2-102 . Responsibilities of State Armory Board.

(1) The board shall supervise and control all facilities, ranges, training lands, and all real property held or acquired for the military purposes of the state.

(2) The board may:

(a) provide suitable facilities, ranges, and training lands for the different organizations of the National Guard;

(b) lease real property throughout the state wherever necessary for the use of organizations of the National Guard and for the storage of state and government property at a rental that the board considers reasonable;

(c) erect facilities and ranges at places within the state that it considers necessary upon

lands to which it has acquired the legal title;

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

(e) sell and lease property that the board holds under Subsection (1) for purposes consistent with the mission of the [~~Utah~~]National Guard; and

(f) conduct meetings and take official action in person or as necessary via electronic means, including electronic mail, electronic messaging, telephone[~~-or~~] , video teleconferencing, or a combination of these methods.

(3)(a) Subject to Subsection (3)(b), the board may take options for the purchase of any premises under lease to the state for National Guard purposes:

(i) at any time during the life of the lease; and

(ii) when the purchase is in the state's interest.

(b) An option is not binding upon the board until it is approved by the Legislature.

(4)(a) Before legally binding the state to sell or lease any real property owned by the National Guard, the board shall submit a description of the proposed sale to the Legislative Management Committee for [~~its~~] the Legislative Management Committee's review and recommendations.

(b) Before legally binding the state to purchase any interest in real property, the board shall submit a description of the proposed sale to the Legislative Management Committee for [~~its~~] the Legislative Management Committee's review and recommendations.

(c) The Legislative Management Committee shall review each proposal and may approve or disapprove the sale.

(5)(a) There is created an expendable special revenue fund known as the "State Armory Fund."

(b) The State Armory Fund shall consist of:

(i) proceeds from the sales and leases of real property authorized by this section;

(ii) appropriations by the Legislature; and

(iii) interest earned on the fund.

(c) Subject to the Legislative Management Committee's review and recommendation, the State Armory Board may expend money in the State Armory Fund to pay for the acquisition and sale of real property and the construction of new armories.

Section 4. Section **39A-3-112** is enacted to read:

39A-3-112 . Exemptions from the procurement code.

(1) The National Guard is exempt from the requirements of Title 63G, Chapter 6a, Utah Procurement Code, not including Title 63G, Chapter 6a, Part 24, Unlawful Conduct and Penalties, for a purchase made by the National Guard of \$100,000 or less related to assisting the National Guard in:

(a) responding to a current or imminent emergency; or

(b) an operation related to disaster recovery.

(2) The National Guard is subject to Title 63G, Chapter 6a, Utah Procurement Code, for a purchase other than a purchase described in Subsection (1).

Section 5. Section **39A-3-201** is amended to read:

39A-3-201 . Tuition and fees assistance for National Guard members -- Use and allocation -- Appropriation.

(1)(a) As used in this section, "fees" means general course fees, in addition to tuition, that are:

(i) imposed by an institution of higher education; and

(ii) required to be paid by a student to engage in a course of study at the institution of higher education.

(b) "Fees" includes:

(i) a special course fee; and

(ii) expenses for required:

(A) text books; and

(B) course related materials.

(2) The [~~Utah~~]National Guard may provide tuition and fees assistance to a member of the [~~Utah~~]National Guard for study at an institution of higher education, subject to the following requirements:

(a) the individual shall be, at the time the individual receives the assistance, an active member of the [~~Utah~~]National Guard; and

(b) the assistance is for tuition and fees only and may not be more than the resident tuition and fees for the actual course of postsecondary study engaged in by the individual.

(3)(a) Tuition and fees assistance shall be awarded as the adjutant general considers necessary.

(b) An individual may apply to the adjutant general [~~of the state~~]for assistance for each year during which the individual is an active member of the [~~Utah~~]National Guard.

(c) The adjutant general may recoup funds if a recipient fails to meet the requirements of

the program.

(4) The adjutant general ~~[of the state]~~ shall:

(a) ~~[-]~~ pay tuition and fees assistance directly to the institution of higher education from the funds appropriated~~[-]~~ ; and

~~[(5)]~~ (b) ~~[The adjutant general of the state shall]~~ establish regulations, procedures, forms, and reports necessary to administer the allocation of assistance and payment of funds under this section.

~~[(6)]~~ (5) The adjutant general may ~~[use no more]~~ not use more than 10% of the funds for administration of the program as the adjutant general considers necessary.

(6)(a) Subject to Subsections (6)(b) and (c), the adjutant general may allocate funds for the repayment of student loans for members of the National Guard.

(b) In addition to the requirements described in Subsection (6)(c), a member of the National Guard qualifies for the repayment of the member's student loans if the member is currently an active member of the National Guard.

(c) The adjutant general shall administer the loan repayment option described in this Subsection (6) in accordance with policies and procedures established by the adjutant general, including:

(i) additional eligibility requirements;

(ii) repayment limits; and

(iii) any other condition the adjutant general determines is appropriate.

Section 6. Section **39A-5-103** is amended to read:

39A-5-103 . State staff judge advocate -- Appointment -- Qualifications -- Duties -- Assistants.

(1)(a) The adjutant general shall appoint a state staff judge advocate.

(b) The state staff judge advocate appointed under Subsection (1)(a) shall be:

(i) an officer of the National Guard;

(ii) a member of the Utah State Bar; and

(iii) designated as a state staff judge advocate officer.

(c) The state staff judge advocate appointed under Subsection (1)(a) is:

(i) the senior legal officer for the National Guard and a member of the adjutant general's special staff; and

(ii) shall act as the primary legal advisor to the adjutant general on all matters involving military justice.

~~[(1)]~~ (2)(a) The adjutant general ~~[shall]~~ may appoint ~~[an officer of the National Guard as~~

the] a state judge advocate.[-]

(b) The [officer] state judge advocate appointed under Subsection (2)(a) shall be:

(i) an officer of the National Guard;

(ii) [-]a member of the Utah State Bar[, a United States federal court, branch
qualified, and] ; and

(iii) [-]designated as a staff judge advocate officer.

[(2)] (c) The state judge advocate appointed under Subsection (2)(a) is:

(i) [-]the principal military legal advisor; and

(ii) [-]shall, in connection with rendering legal advice to the adjutant general, prepare
pretrial advice, a post-trial review, and act, in concert with the state staff judge
advocate, as legal advisor to the adjutant general on all matters involving military
justice.

(3)(a) The adjutant general may appoint staff judge advocates for the individual services
of the National Guard.

(b) A service staff judge advocate appointed under Subsection (3)(a) shall be:

(i) an officer of the National Guard;

(ii) a member of the Utah State Bar; and

(iii) designated as a staff judge advocate officer.

(c) A service staff judge advocate appointed under Subsection (3)(a):

(i) is responsible for the provision of military justice legal advice to the service
assistant adjutant general of the branch state staff judge advocate; and

(ii) shall provide oversight to subordinate assistant staff judge advocates.

[(3)] (4)(a) The adjutant general may appoint assistant state judge advocates[-as
considered necessary].

(b) [-AH] An assistant state judge [advocates] advocate appointed under Subsection (4)(a)
shall be:

(i) [-officers] an officer of the National Guard[-] ;

(ii) [-members] a member of the Utah State Bar[, branch qualified, and] ; and

(iii) [-]designated as a staff judge advocate [officers] officer.

[(4)] (5)(a) The [SJA] state judge advocate or [an assistant SJA] service staff judge
advocate shall make frequent inspections of military units throughout the state to
supervise the administration of military justice.

(b) The duty described in Subsection (5)(a) may be delegated to an assistant state judge
advocate.

302 ~~[(5)]~~ (6)(a) The convening authority shall review directly with ~~[the SJA]~~ the convening
303 authority's staff judge advocate all matters relating to the administration of military
304 justice and administrative actions.

305 (b) ~~[-]~~The assistant state judge advocate or legal officer of any command may
306 communicate directly with the assistant state judge advocate or legal officer of a
307 superior or subordinate command, or with the ~~[SJA]~~ state staff judge advocate.

308 ~~[(6)]~~ (7) An individual who has acted as a member, military judge, trial counsel, assistant
309 trial counsel, defense counsel, assistant defense counsel, or investigating officer, or who
310 has been a witness for either the prosecution or defense, may not subsequently act as
311 assistant state judge advocate, ~~[SJA]~~ state judge advocate, state staff judge advocate,
312 service staff judge advocate, or legal officer to any reviewing authority upon the same
313 case.

314 Section 7. Section **39A-5-114.5** is enacted to read:

315 **39A-5-114.5 . Use of force in defense of equipment and personnel of the National**
316 **Guard or military.**

317 (1) As used in this section, "deadly force" means the same as that term is defined Section
318 76-2-404.

319 (2) A military service member or a member of the National Guard may use force, including
320 deadly force, to defend military or National Guard equipment or personnel, if:

321 (a) the member is on official duty to defend equipment or personnel of the military or
322 National Guard; and

323 (b) the use of force is used in accordance with the military or National Guard regulations
324 and doctrine regarding the appropriate use of force in the defense of equipment or
325 personnel.

326 (3)(a) Before a military service member or a member of the National Guard is assigned
327 to official duty to defend equipment or personnel, the servicing staff judge advocate
328 shall provide a briefing to the member on the rules for the use of force under this
329 section and in accordance with military or National Guard regulations and doctrine.

330 (b) A military service member or a member of the National Guard who does not receive
331 the briefing described in Subsection (3)(a) may still claim the privilege described in
332 Subsection (2) if the member is not at fault for not receiving the briefing.

333 Section 8. Section **39A-9-101** is amended to read:

334 **39A-9-101 . Acceptance of gifts.**

335 (1) The ~~[Utah]~~National Guard is authorized to receive gifts, contributions, and donations of

all kinds, including tangible objects and real property made on the condition that the [~~Utah~~]-National Guard uses the gifts, contributions, and donations for the benefit of, or in connection with, the [~~Utah~~]-National Guard and [~~Utah~~]-National Guard members, employees, or members' or employees' dependents.

(2) The adjutant general is the acceptance authority for gifts described in Subsection (1).

(3) The adjutant general may also accept gifts donated to benefit a state military museum or to create a memorial within the state honoring the activities of the [~~Utah~~]-National Guard.

(4) A gift, grant, or donation described in this section will not revert to the General Fund and shall be considered non-lapsing funds.

(5) Acceptance authorities will ensure compliance with the restrictions and limitations contained in Section 63G-6a-2404.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [~~department~~] National Guard shall make rules for the acceptance of gifts, including establishing:

- (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
- (f) exceptions to the policy.

Section 9. Section **53B-8-102** is amended to read:

53B-8-102 . Definitions -- Resident student status -- Exceptions.

(1) As used in this section:

(a) "Eligible person" means an individual who is entitled to post-secondary educational benefits under Title 38 U.S.C., Veterans' Benefits.

(b) "Immediate family member" means an individual's spouse or dependent child.

(c) "Inmate" means the same as that term is defined in Section 64-13-1.

(d) "Military service member" means an individual who:

(i) is serving on active duty in the United States Armed Forces within the state of Utah;

(ii) is a member of a reserve component of the United States Armed Forces assigned in Utah;

(iii) is a member of the [~~Utah~~]-National Guard; or

(iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned

- 370 outside of Utah pursuant to federal permanent change of station orders.
- 371 (e) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.
- 372 (f) "Parent" means a student's biological or adoptive parent.
- 373 (2) The meaning of "resident student" is determined by reference to the general law on the
- 374 subject of domicile, except as provided in this section.
- 375 (3)(a) Institutions within the state system of higher education may grant resident student
- 376 status to any student who has come to Utah and established residency for the purpose
- 377 of attending an institution of higher education, and who, prior to registration as a
- 378 resident student:
- 379 (i) has maintained continuous Utah residency status for one full year;
- 380 (ii) has signed a written declaration that the student has relinquished residency in any
- 381 other state; and
- 382 (iii) has submitted objective evidence that the student has taken overt steps to
- 383 establish permanent residency in Utah and that the student does not maintain a
- 384 residence elsewhere.
- 385 (b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
- 386 (i) a Utah high school transcript issued in the past year confirming attendance at a
- 387 Utah high school in the past 12 months;
- 388 (ii) a Utah voter registration dated a reasonable period prior to application;
- 389 (iii) a Utah driver license or identification card with an original date of issue or a
- 390 renewal date several months prior to application;
- 391 (iv) a Utah vehicle registration dated a reasonable period prior to application;
- 392 (v) evidence of employment in Utah for a reasonable period prior to application;
- 393 (vi) proof of payment of Utah resident income taxes for the previous year;
- 394 (vii) a rental agreement showing the student's name and Utah address for at least 12
- 395 months prior to application; and
- 396 (viii) utility bills showing the student's name and Utah address for at least 12 months
- 397 prior to application.
- 398 (c) A student who is claimed as a dependent on the tax returns of a person who is not a
- 399 resident of Utah is not eligible to apply for resident student status.
- 400 (4) Except as provided in Subsection (8), an institution within the state system of higher
- 401 education may establish stricter criteria for determining resident student status.
- 402 (5) If an institution does not have a minimum credit-hour requirement, that institution shall
- 403 honor the decision of another institution within the state system of higher education to

grant a student resident student status, unless:

(a) the student obtained resident student status under false pretenses; or

(b) the facts existing at the time of the granting of resident student status have changed.

(6) Within the limits established in Chapter 8, Tuition Waiver and Scholarships, each institution within the state system of higher education may, regardless of its policy on obtaining resident student status, waive nonresident tuition either in whole or in part, but not other fees.

(7) In addition to the waivers of nonresident tuition under Subsection (6), each institution may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the maximum number allowed by the appropriate athletic conference as recommended by the president of each institution.

(8) Notwithstanding Subsection (3), an institution within the state system of higher education shall grant resident student status for tuition purposes to:

(a) a military service member, if the military service member provides:

(i) the military service member's current United States military identification card;
and

(ii)(A) a statement from the military service member's current commander, or equivalent, stating that the military service member is assigned in Utah; or

(B) evidence that the military service member is domiciled in Utah, as described in Subsection (9)(a);

(b) a military service member's immediate family member, if the military service member's immediate family member provides:

(i)(A) the military service member's current United States military identification card; or

(B) the immediate family member's current United States military identification card; and

(ii)(A) a statement from the military service member's current commander, or equivalent, stating that the military service member is assigned in Utah;

(B) evidence that the military service member is domiciled in Utah, as described in Subsection (9)(a); or

(C) evidence that the immediate family member completed at least one year of grades 9 through 12 at a local education agency, as defined in Section 53E-1-102, within the state while the military service member was assigned in Utah, regardless of the service member's current assignment.

- 438 (c) a military veteran, regardless of whether the military veteran served in Utah, if the
439 military veteran provides:
- 440 (i) evidence of an honorable or general discharge;
- 441 (ii) a signed written declaration that the military veteran has relinquished residency in
442 any other state and does not maintain a residence elsewhere;
- 443 (iii) objective evidence that the military veteran has demonstrated an intent to
444 establish residency in Utah, which may include any one of the following:
- 445 (A) a Utah voter registration card;
- 446 (B) a Utah driver license or identification card;
- 447 (C) a Utah vehicle registration;
- 448 (D) evidence of employment in Utah;
- 449 (E) a rental agreement showing the military veteran's name and Utah address; or
- 450 (F) utility bills showing the military veteran's name and Utah address;
- 451 (d) a military veteran's immediate family member, regardless of whether the military
452 veteran served in Utah, if the military veteran's immediate family member provides:
- 453 (i) evidence of the military veteran's honorable or general discharge;
- 454 (ii) a signed written declaration that the military veteran's immediate family member
455 has relinquished residency in any other state and does not maintain a residence
456 elsewhere; and
- 457 (iii) objective evidence that the military veteran's immediate family member has
458 demonstrated an intent to establish residency in Utah, which may include one of
459 the items described in Subsection (8)(c)(iii);
- 460 (e) a foreign service member as defined in the Foreign Service Family Act of 2021 who
461 is either:
- 462 (i) domiciled in Utah, recognizing the individual may not be physically present in the
463 state due to an assignment; or
- 464 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 465 (A) evidence of the foreign service member's status;
- 466 (B) a statement from the foreign service member's current commander, or
467 equivalent, stating that the foreign service member is assigned in Utah; or
- 468 (C) evidence that the foreign service member is domiciled in Utah;
- 469 (f) a foreign service member's immediate family member if the foreign service member
470 is either:
- 471 (i) domiciled in Utah, recognizing the individual may not be physically present in the

- 472 state due to an assignment; or
- 473 (ii) assigned to a duty station in Utah if the foreign service member provides:
- 474 (A) evidence of the foreign service member's status;
- 475 (B) a statement from the foreign service member's current commander, or
- 476 equivalent, stating that the foreign service member is assigned in Utah; or
- 477 (C) evidence that the foreign service member is domiciled in Utah;
- 478 (g) an eligible person who provides:
- 479 (i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits; and
- 480 (ii) a signed written declaration that the eligible person will use the Veteran Benefits
- 481 under Title 38 U.S.C.;~~[-and]~~
- 482 ~~[(iii) objective evidence that the eligible person has demonstrated an intent to~~
- 483 ~~establish residency in Utah, which may include one of the items described in~~
- 484 ~~Subsection (8)(e)(iii);]~~
- 485 (h) an alien who provides:
- 486 (i) evidence that the alien is a special immigrant visa recipient;
- 487 (ii) evidence that the alien has been granted refugee status, humanitarian parole,
- 488 temporary protected status, or asylum; or
- 489 (iii) evidence that the alien has submitted in good faith an application for refugee
- 490 status, humanitarian parole, temporary protected status, or asylum under United
- 491 States immigration law; or
- 492 (i) an inmate:
- 493 (i) during the time the inmate is enrolled in the course; and
- 494 (ii) for one year after the day on which the inmate is released from a correctional
- 495 facility as defined in Section 64-13-1.
- 496 (9)(a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:
- 497 (i) a current Utah voter registration card;
- 498 (ii) a valid Utah driver license or identification card;
- 499 (iii) a current Utah vehicle registration;
- 500 (iv) a copy of a Utah income tax return, in the military service member's or military
- 501 service member's spouse's name, filed as a resident in accordance with Section
- 502 59-10-502; or
- 503 (v) proof that the military service member or military service member's spouse owns
- 504 a home in Utah, including a property tax notice for property owned in Utah.
- 505 (b) Aliens who are present in the United States on visitor, student, or other visas not

506 listed in Subsection (8)(h) or (9)(c), which authorize only temporary presence in this
507 country, do not have the capacity to intend to reside in Utah for an indefinite period
508 and therefore are classified as nonresidents.

509 (c) Aliens who have been granted or have applied for permanent resident status in the
510 United States are classified for purposes of resident student status according to the
511 same criteria applicable to citizens.

512 (10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or
513 trust lands lie partly or wholly within Utah or whose border is at any point contiguous
514 with the border of Utah, and any American Indian who is a member of a federally
515 recognized or known Utah tribe and who has graduated from a high school in Utah, is
516 entitled to resident student status.

517 (11) A Job Corps student is entitled to resident student status if the student:

518 (a) is admitted as a full-time, part-time, or summer school student in a program of study
519 leading to a degree or certificate; and

520 (b) submits verification that the student is a current Job Corps student.

521 (12) A person is entitled to resident student status and may immediately apply for resident
522 student status if the person:

523 (a) marries a Utah resident eligible to be a resident student under this section; and

524 (b) establishes his or her domicile in Utah as demonstrated by objective evidence as
525 provided in Subsection (3).

526 (13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent
527 who has been domiciled in Utah for at least 12 months prior to the student's application
528 is entitled to resident student status.

529 (14)(a) A person who has established domicile in Utah for full-time permanent
530 employment may rebut the presumption of a nonresident classification by providing
531 substantial evidence that the reason for the individual's move to Utah was, in good
532 faith, based on an employer requested transfer to Utah, recruitment by a Utah
533 employer, or a comparable work-related move for full-time permanent employment
534 in Utah.

535 (b) All relevant evidence concerning the motivation for the move shall be considered,
536 including:

537 (i) the person's employment and educational history;

538 (ii) the dates when Utah employment was first considered, offered, and accepted;

539 (iii) when the person moved to Utah;

- (iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
- (v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;
- (vi) evidence that the person is an independent person who is:
 - (A) at least 24 years old; or
 - (B) not claimed as a dependent on someone else's tax returns; and
- (vii) any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

- (15)(a) A person who is in residence in Utah to participate in a United States Olympic athlete training program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall be entitled to resident status for tuition purposes.
- (b) Upon the termination of the athlete's participation in the training program, the athlete shall be subject to the same residency standards applicable to other persons under this section.
- (c) Time spent domiciled in Utah during the Olympic athlete training program in Utah counts for Utah residency for tuition purposes upon termination of the athlete's participation in a Utah Olympic athlete training program.

- (16)(a) A person who has established domicile in Utah for reasons related to divorce, the death of a spouse, or long-term health care responsibilities for an immediate family member, including the person's spouse, parent, sibling, or child, may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the individual's move to Utah was, in good faith, based on the long-term health care responsibilities.

- (b) All relevant evidence concerning the motivation for the move shall be considered, including:
 - (i) the person's employment and educational history;
 - (ii) the dates when the long-term health care responsibilities in Utah were first considered, offered, and accepted;
 - (iii) when the person moved to Utah;
 - (iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
 - (v) whether the person applied for admission to an institution of higher education

- 574 sooner than four months from the date of moving to Utah;
575 (vi) evidence that the person is an independent person who is:
576 (A) at least 24 years old; or
577 (B) not claimed as a dependent on someone else's tax returns; and
578 (vii) any other factors related to abandonment of a former domicile and establishment
579 of a new domicile in Utah for purposes other than to attend an institution of higher
580 education.

581 (17) A foreign service member or the foreign service member's immediate family member
582 deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the
583 eligibility for resident student status if the foreign service member or immediate family
584 member maintains continuous enrollment even in the case of a change in domicile or
585 duty station.

586 (18) The board, after consultation with the institutions, shall make rules not inconsistent
587 with this section:

- 588 (a) concerning the definition of resident and nonresident students;
589 (b) establishing procedures for classifying and reclassifying students;
590 (c) establishing criteria for determining and judging claims of residency or domicile;
591 (d) establishing appeals procedures; and
592 (e) other matters related to this section.

593 (19) A student shall be exempt from paying the nonresident portion of total tuition if the
594 student:

- 595 (a) is a foreign national legally admitted to the United States;
596 (b) attended high school in this state for three or more years; and
597 (c) graduated from a high school in this state or received the equivalent of a high school
598 diploma in this state.

599 Section 10. Section **53E-3-915** is amended to read:

600 **53E-3-915 . Article XIV -- Financing of the Interstate Commission.**

- 601 (1) The Interstate Commission shall pay or provide for the payment of the reasonable
602 expenses of its establishment, organization, and ongoing activities.
603 (2) In accordance with the funding limit established in Subsection (5), the Interstate
604 Commission may levy and collect an annual assessment from each member state to
605 cover the cost of the operations and activities of the Interstate Commission and its staff
606 which shall be in a total amount sufficient to cover the Interstate Commission's annual
607 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.

(3) The Interstate Commission may not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit 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:

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

(1) Except for this Subsection (1), the provisions of this chapter do not apply to:

- (a) a public entity's acquisition of a procurement item from another public entity; or
- (b) a public entity that is not a procurement unit, including the Colorado River Authority of Utah as provided in Section 63M-14-210.

(2) Unless otherwise provided by statute and except for this Subsection (2), the provisions of this chapter do not apply to the acquisition or disposal of real property or an interest in real property.

(3) Except for this Subsection (3) and Part 24, Unlawful Conduct and Penalties, the provisions of this chapter do not apply to:

- (a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art Act;
- (b) a grant;
- (c) medical supplies or medical equipment, including service agreements for medical equipment, obtained by the University of Utah Hospital or the Department of Health and Human Services through a purchasing consortium if:
 - (i) the consortium uses a competitive procurement process; and
 - (ii) the chief administrative officer of the hospital or the executive director of the Department of Health and Human Services, as the case may be, makes a written

- 642 finding that the prices for purchasing medical supplies and medical equipment
643 through the consortium are competitive with market prices;
- 644 (d) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire,
645 and State Lands, created in Section 65A-1-4, through the federal General Services
646 Administration or the National Fire Cache system;
- 647 (e) supplies purchased for resale to the public;
- 648 (f) activities related to the management of investments by a public entity granted
649 investment authority by law;~~[-or]~~
- 650 (g) activities of the Utah water agent appointed under Section 73-10g-702~~[-]~~ ; or
- 651 (h) activities of the National Guard described in Section 39A-3-112.

- 652 (4) This chapter does not supersede the requirements for retention or withholding of
653 construction proceeds and release of construction proceeds as provided in Section 13-8-5.
- 654 (5) Except for this Subsection (5), the provisions of this chapter do not apply to a
655 procurement unit's hiring a mediator, arbitrator, or arbitration panel member to
656 participate in the procurement unit's dispute resolution efforts.

657 Section 12. Section **63I-2-239** is amended to read:

658 **63I-2-239 . Repeal dates: Title 39A.**

659 [Reserved] Subsection 39A-1-201(2)(d), regarding a vacancy in the position of adjutant
660 general that occurs before the year 2027 is repealed January 1, 2027.

661 Section 13. Section **71A-1-201** is amended to read:

662 **71A-1-201 . Department of Veterans and Military Affairs -- Creation --**
663 **Appointment of executive director -- Department responsibilities.**

- 664 (1) There is created the Department of Veterans and Military Affairs.
- 665 (2) The governor shall appoint an executive director for the department who is subject to
666 Senate confirmation.
- 667 (3) The executive director shall be a veteran.
- 668 (4) The department shall:
- 669 (a) conduct and supervise all veteran and military affairs activities as provided in this
670 title;
- 671 (b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
672 Rulemaking Act, to carry out the provisions of this title;
- 673 (c) in accordance with Section 41-1a-418:
- 674 (i) determine which campaign or combat theater awards are eligible for a special
675 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;
- (m) provide services and benefits directly or indirectly to service members, veterans, and families of service members and veterans, including services and benefits related to claims, health care, employment, education, mental wellness, counseling, business, housing, recognition, camaraderie, and other functions; and
- (n) serve as the State Approving Agency under United States Code, Title 38, Veterans Benefits.
- (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)(a) The department may:

(i) receive gifts, contributions, and donations to support service members, veterans, and families of service members and veterans, including tangible objects and real property, if the department uses the gifts, contributions, and donations for the benefit of, or in connection with, service members, veterans, or families of service members and veterans; and

(ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules related to the administration of gifts, contributions, and donations described in Subsection (6)(a).

(b) A gift, contribution, or donation received by the department as described in Subsection (6)(a), does not revert to the General Fund and is considered non-lapsing funds.

~~[(6)]~~ (7) 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)]~~ (8) Nothing in this chapter ~~[shall be construed as altering or preempting]~~ alters or preempts any provisions of Title 39A, National Guard and Militia Act, as specifically related to the ~~[Utah]~~ National Guard.

Section 14. Section **71A-1-202** is amended to read:

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 is the acceptance authority for any gifts, contributions, or donations received under Subsection 71A-1-201(6) and shall ensure compliance with the restrictions and limitations described in Section 63G-6a-2404.

~~[(3)]~~ (4) The executive director may appoint deputy directors to assist the executive director in carrying out the department's responsibilities.

~~[(4)]~~ (5) A deputy director, described in Subsection (3), of veterans' services shall be a veteran.

Section 15. Section **71A-9-101** is enacted to read:

CHAPTER 9. MILITARY INSTALLATIONS

Part 1. General Provisions

71A-9-101 . Definitions.

As used in this chapter:

- (1) "Federal Coordinating Committee" is comprised of representatives from the United States Department of Agriculture, Natural Resources Conservation Service, the United States Forest Service, the Department of Defense Readiness Environmental Protection Integration Program, United States Department of the Interior, United States Fish and

Wildlife Service, and the Federal Emergency Management Agency.

- (2) "Great Salt Lake Sentinel Landscape" means the area encompassing Hill Air Force Base, Camp Williams, Tooele Army Depot, the United States Air Force Little Mountain Test Facility, or other area that has been designated by the Federal Coordinating Committee, in coordination with governmental and non-governmental organizations, to:
- (a) protect military readiness and promote land conservation within the area;
 - (b) implement nature-based solutions to build resiliency in military installations in the state, communities, and ecosystems throughout the area; and
 - (c) implement sustainable land management practices with landowners to mitigate the negative impacts of infrastructure development, frequency spectrum conflicts, and other activities that may impede or threaten the armed forces' ability to train or conduct operations.

- (3) "State institution of higher education" means an institution described in Section 53B-2-101 or any other university or college that is established and maintained by the state.

Section 16. Section **71A-9-102** is enacted to read:

71A-9-102 . Military installation ability to enter into an intergovernmental support agreement.

- (1) A state agency, local municipality, special service district, or state institution of higher education may enter into an intergovernmental support agreement with a military installation or entity, including the National Guard, to provide support services to the military installation or entity in accordance with the agreement.

- (2) Copies of the agreement described in Subsection (1) shall be filed with the department.

Section 17. Section **71A-9-201** is enacted to read:

Part 2. Great Salt Lake Sentinel Landscape

71A-9-201 . Definitions.

As used in this part:

- (1) "Landowner" means a person who owns or is an authorized agent that is willing to work with the partnership in the purchase of property, an easement, land trade, in-kind property donation, or participating in other land management programs within the Great Salt Lake Sentinel Landscape.
- (2) "Partner organization" means an agency, an institution, a corporation, a foundation, or an association that:
- (a) has entered into a non-binding agreement to support and participate in the Great Salt

Lake Sentinel Landscape; or

(b) provides funds, expertise, data, in-kind assistance, and other relevant skills and capabilities that contributes to the partnership's ability to achieve the partnership's goals and objectives.

(3) "Partnership" means the organization established by the executive director that is composed of state governmental entities, local governmental entities, federal governmental entities, and private entities selected to manage the Great Salt Lake Sentinel Landscape.

(4) "State agency" means a department, division, board, council, committee, institution, office, bureau, or other similar administrative unit housed within the state executive branch.

Section 18. Section **71A-9-202** is enacted to read:

71A-9-202 . Department responsibilities related to the Great Salt Lake Sentinel Landscape.

(1) The department shall:

(a) act as the administrative agent of the partnership;

(b) in cooperation with the partnership, identify lands to be included in the Great Salt Lake Sentinel Landscape and develop strategies and recommendations to encourage landowners within the Great Salt Lake Sentinel Landscape to voluntarily participate in the partnership;

(c) in designating additional land to the Great Salt Lake Sentinel Landscape, and in cooperation with the partnership, include all working or natural lands that the partnership believes contribute to the long-term sustainability of the military missions in the sentinel landscape area; and

(d) determine, in cooperation with the partnership, the appropriate level of state resources required to adequately protect military missions within the sentinel landscape area.

(2) The department may:

(a) receive gifts, contributions, and donations to support the Great Salt Lake Sentinel Landscape, including tangible objects and real property, if the department uses the gifts, contributions, and donations for the benefit of, or in connection with, the Great Salt Lake Sentinel Landscape;

(b) apply for grants to aid in securing state resources described in Subsection (1)(d) to adequately protect military missions within the Great Salt Lake Sentinel Landscape;

845 and
846 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
847 make rules to administer the provisions of this chapter.

848 (3) The executive director is the acceptance authority for any gifts, contributions, or
849 donations received under Subsection (2)(a) and shall ensure compliance with the
850 restrictions and limitations contained in Section 63G-6a-2404.

851 (4) A gift, grant, or donation described in this section will not revert to the General Fund
852 and is considered non-lapsing funds.

853 Section 19. Section **71A-9-203** is enacted to read:

854 **71A-9-203 . State and local governmental entities.**

855 State and local governmental entities:

(1) are encouraged to cooperate with the partnership by providing access to studies, data,
plans, and other relevant resources at the partnership's request; and

858 (2) shall consider having representation from the partnership in all committees, councils,
859 working groups, seminars, and conferences within the Great Salt Lake Sentinel
860 Landscape that pertain to:

861 (a) urban development within 5,000 feet of military installations;

862 (b) wildland fire management;

863 (c) water sustainability;

864 (d) the ecosystem of the Great Salt Lake; or

865 (e) wildlife habitat.

866 Section 20. Section **71A-9-301** is enacted to read:

867 **Part 3. Military Installation Easements**

868 **71A-9-301 . Definitions.**

869 Reserved.

870 Section 21. Section **71A-9-302** is enacted to read:

871 **71A-9-302 . Acquisition of easements -- Restrictions -- Resale.**

872 (1)(a) The department may acquire, by purchase or condemnation, property or easements
873 for the establishment, maintenance, and operation of a restrictive use area for the
874 operation of military missions:

875 (i) within the Great Salt Lake Sentinel Landscape;

876 (ii) near the Utah Test and Training Range;

877 (iii) near Dugway Proving Ground; or

878 (iv) near a National Guard facility.

(b) The department may delegate the department's power to purchase or condemn easements or property under Subsection (1)(a) to another state agency if the department ensures that the agency complies with the procedures and requirements of this part.

(2)(a) The department shall ensure that the easements described in Subsection (1)(a) place conditions on land use identified in the applicable land use compatibility guidelines study or according to military best practice or recommendations.

(b) The department may allow other uses on easements described in Subsection (1)(a) not prohibited by the guidelines described in Subsection (2)(a) if the uses are consistent with the purpose of this part.

(c) Nothing in this part authorizes the department or any other state agency to:

(i) purchase a business; or

(ii) require a person to relocate or move.

(d) To calculate the purchase price for an easement described in Subsection (1)(a), the department shall subtract the market value of the real property and the real property's improvements after the acquisition of the easement from the market value of the real property and the real property's improvements before the acquisition of the easement.

(e) When a military installation has not been used for seven years, the department shall:

(i) notify by certified mail each current owner of any property to which an easement is attached near the military installation that the owner may purchase the easement for the same price that the state originally paid for the easement or for the market value of the easement at the time of the owner's buyback, whichever is less; and

(ii) sell the easement to an owner notified under Subsection (2)(e)(i) if the owner tenders the purchase price described in Subsection (2)(e)(i).

(3)(a) The department may take action to enforce the provisions of this chapter.

(b) The attorney general shall represent the department in an action described in Subsection (3)(a).

Section 22. Section **71A-9-303** is enacted to read:

71A-9-303 . Certain improvements, alterations, and expansions prohibited.

(1) A person may not begin to develop, or authorize development, on any land identified in Section 71A-9-302 unless the department has affirmatively authorized the development of the land.

(2) Nothing in this part prohibits a property owner from improving, altering, or expanding an existing residential or commercial use of the property owner's property if the

improvement, alteration, or expansion does not materially increase the human density of the property's present use.

Section 23. Section **81-2-301** is amended to read:

81-2-301 . Definitions for part.

As used in this part:

(1) "County clerk" means:

- (a) the county clerk of the county; or
- (b) an employee or designee of the county clerk who is authorized to issue marriage licenses or solemnize marriages.

(2) "Judge or magistrate of the United States" means:

- (a) a justice of the United States Supreme Court;
- (b) a judge of a court of appeals;
- (c) a judge of a district court;
- (d) a judge of any court created by an act of Congress, the judges of which are entitled to hold office during good behavior;
- (e) a judge of a bankruptcy court;
- (f) a judge of a tax court; or
- (g) a United States magistrate.

(3) "Minor" means an individual who is 16 or 17 years old.

(4)(a) "Native American spiritual advisor" means an individual who:

- (i) leads, instructs, or facilitates a Native American religious ceremony or service or provides religious counseling; and
- (ii) is recognized as a spiritual advisor by a federally recognized Native American tribe.

(b) "Native American spiritual advisor" includes a sweat lodge leader, medicine person, traditional religious practitioner, or holy man or woman.

(c) "Military chaplain" means an individual who is a commissioned officer of:

- (i) the Chaplain Corps of the United States Army;
- (ii) the Chaplain Corps of the United States Navy, including the United States Coast Guard; or
- (iii) the United States Air Force designated for duty as a chaplain.

Section 24. Section **81-2-305** is amended to read:

81-2-305 . Who may solemnize marriages -- Certificate.

(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;
- (b) a Native American spiritual advisor;
- (c) the governor;
- (d) the lieutenant governor;
- (e) the state attorney general;
- (f) the state treasurer;
- (g) the state auditor;
- (h) a mayor of a municipality or county executive;
- (i) a justice, judge, or commissioner of a court of record;
- (j) a judge of a court not of record of the state;
- (k) a judge or magistrate of the United States;
- (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;
- ~~[(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 the Supreme Court; or
- (p) a military chaplain.

(2) An individual authorized under Subsection (1) who solemnizes a marriage shall give to the couple married a certificate of marriage that shows the:

- (a) name of the county from which the license is issued; and
- (b) date of the license's issuance.

(3) Except for an individual described in Subsection (1)(l), an individual described in Subsection (1) has discretion to solemnize a marriage.

(4) Except as provided in Section 17-20-4 and Subsection (1)(l), 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.

(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 witnesses present at the marriage.

- 981 (b) An individual described in Subsection (5)(a) who fails to return the license is guilty
982 of an infraction.
- 983 (c) An individual described in Subsection (5)(a) who knowingly or intentionally makes a
984 false statement on a certificate of marriage is guilty of perjury and may be prosecuted
985 and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official
986 Matters.
- 987 (6)(a) An individual is guilty of a third degree felony if the individual knowingly:
988 (i) solemnizes a marriage without a valid marriage license; or
989 (ii) solemnizes a marriage in violation of this section.
- 990 (b) An individual is guilty of a class A misdemeanor if the individual knowingly, with or
991 without a marriage license, solemnizes a marriage between two individuals who are
992 18 years old or older that is prohibited by law.

993 Section 25. **Repealer.**

994 This bill repeals:

995 Section **63M-6-203, Certain improvements, alterations, and expansions prohibited.**

996 Section **63M-6-202, Location of easements.**

997 Section **63M-6-201, Acquisition of easements -- Restrictions -- Resale.**

998 Section **63M-6-101, Title.**

999 Section 26. **Effective Date.**

1000 This bill takes effect on May 7, 2025.