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## **Jefferson S. Burton** proposes the following substitute bill:

# **National Guard and Military Amendments**

# 2025 GENERAL SESSION

#### STATE OF UTAH

# **Chief Sponsor: Jefferson S. Burton**

3	LONG	TITLE
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#### 4 General Description:

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

## **6 Highlighted Provisions:**

- 7 This bill:
  - amends provisions related to the appointment of the adjutant general;
- 9 clarifies what electronic means the State Armory Board may use in conducting meetings
- and taking official action;
- exempts the Utah National Guard, in limited circumstances, from:
- the Open and Public Meetings Act; and
- the procurement code;
  - 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:
- 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,
- 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 amends resident student status eligibility for veterans who use veteran benefits to pay for

30 tuition; 31 • enacts provisions related to the Great Salt Lake Sentinel Landscape; 32 • repeals Title 63M Chapter 6, Military Base Easements Act; 33 • enacts sections in Title 71A, Veterans and Military Affairs, dealing with military base 34 easements: 35 provides that a military chaplain may solemnize a marriage; and 36 makes technical and conforming changes. Money Appropriated in this Bill: 37 38 None 39 **Other Special Clauses:** 40 None 41 **Utah Code Sections Affected:** 42 AMENDS: 43 **39A-1-201**, as last amended by Laws of Utah 2024, Chapter 334 44 **39A-2-101**, as last amended by Laws of Utah 2022, Chapter 421 and renumbered and 45 amended by Laws of Utah 2022, Chapter 373 46 **39A-2-102**, as last amended by Laws of Utah 2024, Chapter 268 47 **39A-3-201**, as last amended by Laws of Utah 2024, Chapter 28 48 **39A-5-103**, as renumbered and amended by Laws of Utah 2022, Chapter 373 49 **39A-9-101**, as enacted by Laws of Utah 2024, Chapter 334 50 **53B-8-102**, as last amended by Laws of Utah 2024, Chapters 144, 378 and 481 51 **53E-3-915**, as renumbered and amended by Laws of Utah 2018, Chapter 1 52 **63G-6a-107.6**, as last amended by Laws of Utah 2024, Chapters 291, 522 53 **63I-2-239**, as enacted by Laws of Utah 2024, Third Special Session, Chapter 5 54 **71A-1-201**, as enacted by Laws of Utah 2023, Chapter 44 and last amended by 55 Coordination Clause, Laws of Utah 2023, Chapter 154 56 71A-1-202, as last amended by Laws of Utah 2024, Chapter 334 57 **81-2-301**, as enacted by Laws of Utah 2024, Chapter 366 58 81-2-305, as renumbered and amended by Laws of Utah 2024, Chapter 366 59 **ENACTS**: 60 **39A-2-105**, Utah Code Annotated 1953 61 **39A-3-112**, Utah Code Annotated 1953 62 **39A-5-114.5**, Utah Code Annotated 1953 63 **71A-9-101**, Utah Code Annotated 1953

64	<b>71A-9-102</b> , Utah Code Annotated 1953
65	<b>71A-9-201</b> , Utah Code Annotated 1953
66	<b>71A-9-202</b> , Utah Code Annotated 1953
67	<b>71A-9-203</b> , Utah Code Annotated 1953
68	<b>71A-9-301</b> , Utah Code Annotated 1953
69	<b>71A-9-302</b> , Utah Code Annotated 1953
70	<b>71A-9-303</b> , Utah Code Annotated 1953
71	REPEALS:
72	63M-6-101, as enacted by Laws of Utah 2008, Chapter 382
73	63M-6-201, as last amended by Laws of Utah 2021, Chapter 282
74	63M-6-202, as last amended by Laws of Utah 2021, Chapter 282
75	63M-6-203, as last amended by Laws of Utah 2021, Chapter 282
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77	Be it enacted by the Legislature of the state of Utah:
78	Section 1. Section <b>39A-1-201</b> is amended to read:
79	39A-1-201 . Adjutant general Appointment Term Qualifications.
80	(1) There shall be one adjutant general of the [Utah-]National Guard[-appointed by] .
81	(2)(a) Beginning in the calendar year of 2027 and in every fourth year after 2027, the
82	governor shall, in the month of January, appoint an individual who meets the
83	qualifications under this section to serve a four-year term as the adjutant general.
84	(b) The four-year term for the adjutant general appointed under Subsection (2)(a) shall
85	begin on the day of the adjutant general's appointment.
86	(c) If an individual appointed to serve as the adjutant general for a four-year term under
87	Subsection (2)(a) is removed, resigns, or otherwise vacates the position of adjutant
88	general, the governor may appoint another individual to serve as the adjutant general
89	for the remainder of the unexpired four-year term.
90	(d)(i) If a vacancy in the position of adjutant general occurs before the year of 2027,
91	the governor shall appoint an individual who meets the qualifications under this
92	section to serve as the adjutant general.
93	(ii) An adjutant general appointed under Subsection (2)(d)(i) shall serve a term that
94	begins on the day of the adjutant general's appointment and ends when the
95	governor appoints an adjutant general to a four-year term in January of 2027, as
96	described in Subsection (2)(a).
97	[(2)] (3) The adjutant general is the commanding general of the [Utah-]National Guard and

98	the Utah State Defense Force and serves at the pleasure of the governor.
99	[(3)] (4) The individual appointed to the office shall:
100	(a) be a citizen of Utah and meet the requirements provided in Title 32, United States
101	Code;
102	(b) be a federally recognized commissioned officer, with the rank of colonel or higher,
103	of the Army National Guard or the Air National Guard with no fewer than five years
104	commissioned service in the [Utah-]National Guard; and
105	(c) as determined by the governor, have sufficient knowledge and experience to
106	command the [ <del>Utah</del> ]National Guard.
107	[(4)] (5) Active service in the armed forces of the United States may be included in the
108	requirement in Subsection $[(3)(b)]$ $(4)(b)$ , if the officer was a member of the $[Utah]$
109	National Guard when the officer entered that service.
110	[(5)] (6) The adjutant general shall establish a succession plan consistent with Section
111	53-2a-804 to ensure the continuity of command.
112	[(6)] (7) An officer is no longer eligible to hold the office of adjutant general [after attaining
113	the age of 64 years] if the officer is 64 years old or older.
114	[(7)] (8) The adjutant general shall ensure the readiness, training, discipline, and operations
115	of the [ <del>Utah</del> ]National Guard.
116	(9) An individual who otherwise meets the qualifications under this section to serve as the
117	adjutant general may serve multiple terms as the adjutant general if appointed by the
118	governor under Subsection (2).
119	Section 2. Section <b>39A-2-101</b> is amended to read:
120	39A-2-101 . State Armory Board Creation Members A body corporate
121	Powers Expenses.
122	(1) There is created a three member State Armory Board with the following members:
123	(a) the governor;
124	(b) the executive director of the Department of Government Operations; and

- 127 (2) The board is a body corporate with perpetual succession and the board's property is 128 exempt from all taxes and assessments.
- 129 (3) The board may:

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(a) have and use a common seal;

Section 39A-3-102.

(b) sue and be sued;

(c) the adjutant general of the [Utah-]National Guard, appointed in accordance with

132 (c)	contract and	be contracted	with;
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- 133 (d) take and hold by purchase, gift, devise, grant, or bequest real and personal property 134 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.
- 137 (4) The board may:
- 138 (a) borrow money for the purpose of providing facilities, ranges, and training lands upon 139 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.
- 142 (5)(a) Property mortgaged for a loan as provided in Subsection (4)(b) shall be the sole security for the loan.
- 144 (b) A deficiency judgment may not be made, rendered, or entered against the board upon 145 the foreclosure of a mortgage under Subsection (4)(b).
- 146 (c) The board may not mortgage property in one city for the purpose of obtaining money 147 for the erection of armories in any other place.
- 148 (6) A member may not receive compensation or benefits for the member's service, but may 149 receive per diem and travel expenses in accordance with:
- 150 (a) Section 63A-3-106;
- 151 (b) Section 63A-3-107; and
- 152 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 154 (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:
- 159 39A-2-102 . Responsibilities of State Armory Board.
- 160 (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.
- 162 (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

166	organizations of the National Guard and for the storage of state and government
167	property at a rental that the board considers reasonable;
168	(c) erect facilities and ranges at places within the state that it considers necessary upon
169	lands to which it has acquired the legal title;
170	(d) expend military funds to acquire legal title to lands and to construct facilities and
171	ranges;
172	(e) sell and lease property that the board holds under Subsection (1) for purposes
173	consistent with the mission of the [Utah-]National Guard; and
174	(f) conduct meetings and take official action in person or as necessary via electronic
175	means, including electronic mail, electronic messaging, telephone[-or], video
176	teleconferencing, or a combination of these methods.
177	(3)(a) Subject to Subsection (3)(b), the board may take options for the purchase of any
178	premises under lease to the state for National Guard purposes:
179	(i) at any time during the life of the lease; and
180	(ii) when the purchase is in the state's interest.
181	(b) An option is not binding upon the board until it is approved by the Legislature.
182	(4)(a) Before legally binding the state to sell or lease any real property owned by the
183	National Guard, the board shall submit a description of the proposed sale to the
184	Legislative Management Committee for [its] the Legislative Management Committee's
185	review and recommendations.
186	(b) Before legally binding the state to purchase any interest in real property, the board
187	shall submit a description of the proposed sale to the Legislative Management
188	Committee for [its] the Legislative Management Committee's review and
189	recommendations.
190	(c) The Legislative Management Committee shall review each proposal and may
191	approve or disapprove the sale.
192	(5)(a) There is created an expendable special revenue fund known as the "State Armory
193	Fund."
194	(b) The State Armory Fund shall consist of:
195	(i) proceeds from the sales and leases of real property authorized by this section;
196	(ii) appropriations by the Legislature; and
197	(iii) interest earned on the fund.
198	(c) Subject to the Legislative Management Committee's review and recommendation,
199	the State Armory Board may expend money in the State Armory Fund to pay for the

200	acquisition and sale of real property and the construction of new armories.
201	Section 4. Section <b>39A-2-105</b> is enacted to read:
202	39A-2-105. Exemptions from the Open and Public Meetings Act.
203	(1) A meeting held by the board in accordance with the board's responsibilities described in
204	Subsection 39A-2-102(f) are exempt from the requirements in Title 52, Chapter 4, Open
205	and Public Meetings Act, if the meeting:
206	(a) is related to the purchase, exchange, or lease of real property, including of a water
207	right or water share; or
208	(b) is for the discussion of a proposed property development agreement, property
209	development project proposal, or a financing proposal related to the development of
210	land owned by the board.
211	(2) If a meeting described in Subsection (1) results in the acquisition or sale of real property
212	or a contract for the construction of a new armory, any information regarding the
213	acquisition, sale, or construction shall be posted on the board's public website for at least
214	30 days from the day on which the board finalized the board's decision to acquire or sell
215	the real property or construct the new armory.
216	Section 5. Section <b>39A-3-112</b> is enacted to read:
217	39A-3-112 . Exemptions from the procurement code.
218	(1) The National Guard is exempt from the requirements of Title 63G, Chapter 6a, Utah
219	Procurement Code, not including Title 63G, Chapter 6a, Part 24, Unlawful Conduct and
220	Penalties, for:
221	(a) a purchase made by the National Guard of \$100,000 or less; or
222	(b) a purchase related to assisting the National Guard in:
223	(i) responding to a current or imminent emergency; or
224	(ii) an operation related to disaster recovery.
225	(2) The National Guard is subject to Title 63G, Chapter 6a, Utah Procurement Code, for a
226	purchase other than a purchase described in Subsection (1).
227	Section 6. Section <b>39A-3-201</b> is amended to read:
228	39A-3-201 . Tuition and fees assistance for Utah National Guard members Use
229	and allocation Appropriation.
230	(1)(a) As used in this section, "fees" means general course fees, in addition to tuition,
231	that are:
232	(i) imposed by an institution of higher education; and
233	(ii) required to be paid by a student to engage in a course of study at the institution of

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

268	Subsection (6) in accordance with policies and procedures established by the adjutant
269	general, including:
270	(i) additional eligibility requirements;
271	(ii) repayment limits; and
272	(iii) any other condition the adjutant general determines is appropriate.
273	Section 7. Section <b>39A-5-103</b> is amended to read:
274	39A-5-103. State staff judge advocate Appointment Qualifications Duties
275	Assistants.
276	(1)(a) The adjutant general shall appoint a state staff judge advocate.
277	(b) The state staff judge advocate appointed under Subsection (1)(a) shall be:
278	(i) an officer of the National Guard;
279	(ii) a member of the Utah State Bar; and
280	(iii) designated as a state staff judge advocate officer.
281	(c) The state staff judge advocate appointed under Subsection (1)(a) is:
282	(i) the senior legal officer for the National Guard and a member of the adjutant
283	general's special staff; and
284	(ii) shall act as the primary legal advisor to the adjutant general on all matters
285	involving military justice.
286	[(1)] (2)(a) The adjutant general [shall] may appoint [an officer of the National Guard as
287	the] <u>a</u> state judge advocate.[-]
288	(b) The [officer] state judge advocate appointed under Subsection (2)(a) shall be:
289	(i) an officer of the National Guard;
290	(ii) [-]a member of the Utah State Bar[, a United States federal court, branch
291	qualified, and]; and
292	(iii) [-]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 staff judge advocates for the individual services
300	of the National Guard.
301	(b) A service 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; and
304	(iii) designated as a staff judge advocate officer.
305	(c) A service staff judge advocate appointed under Subsection (3)(a):
306	(i) is responsible for the provision of military justice legal advice to the service
307	assistant adjutant general of the branch state staff judge advocate; and
308	(ii) shall provide oversight to subordinate assistant staff judge advocates.
309	[(3)] (4)(a) The adjutant general may appoint assistant state judge advocates[-as
310	eonsidered necessary].
311	(b) [-All] An assistant state judge [advocates] advocate appointed under Subsection (4)(a)
312	shall be:
313	(i) [-officers] an officer of the National Guard[;];
314	(ii) [-members] a member of the Utah State Bar[, branch qualified, and]; and
315	(iii) [-]designated as <u>a staff judge advocate [officers]</u> officer.
316	[(4)] (5)(a) The [SJA] state judge advocate or [an assistant SJA] service staff judge
317	advocate shall make frequent inspections of military units throughout the state to
318	supervise the administration of military justice.
319	(b) The duty described in Subsection (5)(a) may be delegated to an assistant state judge
320	advocate.
321	[(5)] (6)(a) The convening authority shall review directly with [the SJA] the convening
322	authority's staff judge advocate all matters relating to the administration of military
323	justice and administrative actions.
324	(b) [-]The assistant state judge advocate or legal officer of any command may
325	communicate directly with the assistant state judge advocate or legal officer of a
326	superior or subordinate command, or with the [SJA] state staff judge advocate.
327	[(6)] (7) An individual who has acted as a member, military judge, trial counsel, assistant
328	trial counsel, defense counsel, assistant defense counsel, or investigating officer, or who
329	has been a witness for either the prosecution or defense, may not subsequently act as
330	assistant state judge advocate, [SJA] state judge advocate, state staff judge advocate,
331	service staff judge advocate, or legal officer to any reviewing authority upon the same
332	case.
333	Section 8. Section <b>39A-5-114.5</b> is enacted to read:
334	39A-5-114.5 . Use of force in defense of equipment and personnel of the National
335	Guard or military.

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

370	(b) the method and criteria for accepting gifts;
371	(c) identification of existing accounts for gift proceeds to be deposited into;
372	(d) use and purpose of gifts;
373	(e) prohibitions; and
374	(f) exceptions to the policy.
375	Section 10. Section <b>53B-8-102</b> is amended to read:
376	53B-8-102 . Definitions Resident student status Exceptions.
377	(1) As used in this section:
378	(a) "Eligible person" means an individual who is entitled to post-secondary educational
379	benefits under Title 38 U.S.C., Veterans' Benefits.
380	(b) "Immediate family member" means an individual's spouse or dependent child.
381	(c) "Inmate" means the same as that term is defined in Section 64-13-1.
382	(d) "Military service member" means an individual who:
383	(i) is serving on active duty in the United States Armed Forces within the state of
384	Utah;
385	(ii) is a member of a reserve component of the United States Armed Forces assigned
386	in Utah;
387	(iii) is a member of the Utah National Guard; or
388	(iv) maintains domicile in Utah, as described in Subsection (9)(a), but is assigned
389	outside of Utah pursuant to federal permanent change of station orders.
390	(e) "Military veteran" has the same meaning as veteran in Section 68-3-12.5.
391	(f) "Parent" means a student's biological or adoptive parent.
392	(2) The meaning of "resident student" is determined by reference to the general law on the
393	subject of domicile, except as provided in this section.
394	(3)(a) Institutions within the state system of higher education may grant resident student
395	status to any student who has come to Utah and established residency for the purpose
396	of attending an institution of higher education, and who, prior to registration as a
397	resident student:
398	(i) has maintained continuous Utah residency status for one full year;
399	(ii) has signed a written declaration that the student has relinquished residency in any
400	other state; and
401	(iii) has submitted objective evidence that the student has taken overt steps to
402	establish permanent residency in Utah and that the student does not maintain a
403	residence elsewhere.

404		(b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:
405		(i) a Utah high school transcript issued in the past year confirming attendance at a
406		Utah high school in the past 12 months;
407		(ii) a Utah voter registration dated a reasonable period prior to application;
408		(iii) a Utah driver license or identification card with an original date of issue or a
409		renewal date several months prior to application;
410		(iv) a Utah vehicle registration dated a reasonable period prior to application;
411		(v) evidence of employment in Utah for a reasonable period prior to application;
412		(vi) proof of payment of Utah resident income taxes for the previous year;
413		(vii) a rental agreement showing the student's name and Utah address for at least 12
414		months prior to application; and
415		(viii) utility bills showing the student's name and Utah address for at least 12 months
416		prior to application.
417		(c) A student who is claimed as a dependent on the tax returns of a person who is not a
418		resident of Utah is not eligible to apply for resident student status.
419	(4)	Except as provided in Subsection (8), an institution within the state system of higher
420		education may establish stricter criteria for determining resident student status.
421	(5)	If an institution does not have a minimum credit-hour requirement, that institution shall
422		honor the decision of another institution within the state system of higher education to
423		grant a student resident student status, unless:
424		(a) the student obtained resident student status under false pretenses; or
425		(b) the facts existing at the time of the granting of resident student status have changed.
426	(6)	Within the limits established in Chapter 8, Tuition Waiver and Scholarships, each
427		institution within the state system of higher education may, regardless of its policy on
428		obtaining resident student status, waive nonresident tuition either in whole or in part, but
429		not other fees.
430	(7)	In addition to the waivers of nonresident tuition under Subsection (6), each institution
431		may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the
432		maximum number allowed by the appropriate athletic conference as recommended by
433		the president of each institution.
434	(8)	Notwithstanding Subsection (3), an institution within the state system of higher
435		education shall grant resident student status for tuition purposes to:
436		(a) a military service member, if the military service member provides:
437		(i) the military service member's current United States military identification card;

438	and
439	(ii)(A) a statement from the military service member's current commander, or
440	equivalent, stating that the military service member is assigned in Utah; or
441	(B) evidence that the military service member is domiciled in Utah, as described
442	in Subsection (9)(a);
443	(b) a military service member's immediate family member, if the military service
444	member's immediate family member provides:
445	(i)(A) the military service member's current United States military identification
446	card; or
447	(B) the immediate family member's current United States military identification
448	card; and
449	(ii)(A) a statement from the military service member's current commander, or
450	equivalent, stating that the military service member is assigned in Utah;
451	(B) evidence that the military service member is domiciled in Utah, as described
452	in Subsection (9)(a); or
453	(C) evidence that the immediate family member completed at least one year of
454	grades 9 through 12 at a local education agency, as defined in Section
455	53E-1-102, within the state while the military service member was assigned in
456	Utah, regardless of the service member's current assignment.
457	(c) a military veteran, regardless of whether the military veteran served in Utah, if the
458	military veteran provides:
459	(i) evidence of an honorable or general discharge;
460	(ii) a signed written declaration that the military veteran has relinquished residency in
461	any other state and does not maintain a residence elsewhere;
462	(iii) objective evidence that the military veteran has demonstrated an intent to
463	establish residency in Utah, which may include any one of the following:
464	(A) a Utah voter registration card;
465	(B) a Utah driver license or identification card;
466	(C) a Utah vehicle registration;
467	(D) evidence of employment in Utah;
468	(E) a rental agreement showing the military veteran's name and Utah address; or
469	(F) utility bills showing the military veteran's name and Utah address;
470	(d) a military veteran's immediate family member, regardless of whether the military
471	veteran served in Utah, if the military veteran's immediate family member provides:

172	(i) evidence of the military veteran's honorable or general discharge;
173	(ii) a signed written declaration that the military veteran's immediate family member
174	has relinquished residency in any other state and does not maintain a residence
175	elsewhere; and
<b>1</b> 76	(iii) objective evidence that the military veteran's immediate family member has
177	demonstrated an intent to establish residency in Utah, which may include one of
<b>1</b> 78	the items described in Subsection (8)(c)(iii);
179	(e) a foreign service member as defined in the Foreign Service Family Act of 2021 who
480	is either:
481	(i) domiciled in Utah, recognizing the individual may not be physically present in the
182	state due to an assignment; or
183	(ii) assigned to a duty station in Utah if the foreign service member provides:
184	(A) evidence of the foreign service member's status;
485	(B) a statement from the foreign service member's current commander, or
486	equivalent, stating that the foreign service member is assigned in Utah; or
187	(C) evidence that the foreign service member is domiciled in Utah;
488	(f) a foreign service member's immediate family member if the foreign service member
189	is either:
190	(i) domiciled in Utah, recognizing the individual may not be physically present in the
491	state due to an assignment; or
192	(ii) assigned to a duty station in Utah if the foreign service member provides:
193	(A) evidence of the foreign service member's status;
194	(B) a statement from the foreign service member's current commander, or
195	equivalent, stating that the foreign service member is assigned in Utah; or
196	(C) evidence that the foreign service member is domiciled in Utah;
197	(g) an eligible person who provides:
198	(i) evidence of eligibility under Title 38 U.S.C., Veterans' Benefits; and
199	(ii) a signed written declaration that the eligible person will use the Veteran Benefits
500	under Title 38 U.S.C.;[-and]
501	[(iii) objective evidence that the eligible person has demonstrated an intent to
502	establish residency in Utah, which may include one of the items described in
503	Subsection (8)(c)(iii);]
504	(h) an alien who provides:
505	(i) evidence that the alien is a special immigrant visa recipient;

506	(ii) evidence that the alien has been granted refugee status, humanitarian parole,
507	temporary protected status, or asylum; or
508	(iii) evidence that the alien has submitted in good faith an application for refugee
509	status, humanitarian parole, temporary protected status, or asylum under United
510	States immigration law; or
511	(i) an inmate:
512	(i) during the time the inmate is enrolled in the course; and
513	(ii) for one year after the day on which the inmate is released from a correctional
514	facility as defined in Section 64-13-1.
515	(9)(a) The evidence described in Subsection (8)(a)(ii)(B) or (8)(b)(ii)(B) includes:
516	(i) a current Utah voter registration card;
517	(ii) a valid Utah driver license or identification card;
518	(iii) a current Utah vehicle registration;
519	(iv) a copy of a Utah income tax return, in the military service member's or military
520	service member's spouse's name, filed as a resident in accordance with Section
521	59-10-502; or
522	(v) proof that the military service member or military service member's spouse owns
523	a home in Utah, including a property tax notice for property owned in Utah.
524	(b) Aliens who are present in the United States on visitor, student, or other visas not
525	listed in Subsection (8)(h) or (9)(c), which authorize only temporary presence in this
526	country, do not have the capacity to intend to reside in Utah for an indefinite period
527	and therefore are classified as nonresidents.
528	(c) Aliens who have been granted or have applied for permanent resident status in the
529	United States are classified for purposes of resident student status according to the
530	same criteria applicable to citizens.
531	(10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or
532	trust lands lie partly or wholly within Utah or whose border is at any point contiguous
533	with the border of Utah, and any American Indian who is a member of a federally
534	recognized or known Utah tribe and who has graduated from a high school in Utah, is
535	entitled to resident student status.
536	(11) A Job Corps student is entitled to resident student status if the student:
537	(a) is admitted as a full-time, part-time, or summer school student in a program of study
538	leading to a degree or certificate; and
539	(b) submits verification that the student is a current Job Corps student.

540	(12) A person is entitled to resident student status and may immediately apply for resident
541	student status if the person:
542	(a) marries a Utah resident eligible to be a resident student under this section; and
543	(b) establishes his or her domicile in Utah as demonstrated by objective evidence as
544	provided in Subsection (3).
545	(13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent
546	who has been domiciled in Utah for at least 12 months prior to the student's application
547	is entitled to resident student status.
548	(14)(a) A person who has established domicile in Utah for full-time permanent
549	employment may rebut the presumption of a nonresident classification by providing
550	substantial evidence that the reason for the individual's move to Utah was, in good
551	faith, based on an employer requested transfer to Utah, recruitment by a Utah
552	employer, or a comparable work-related move for full-time permanent employment
553	in Utah.
554	(b) All relevant evidence concerning the motivation for the move shall be considered,
555	including:
556	(i) the person's employment and educational history;
557	(ii) the dates when Utah employment was first considered, offered, and accepted;
558	(iii) when the person moved to Utah;
559	(iv) the dates when the person applied for admission, was admitted, and was enrolled
560	as a postsecondary student;
561	(v) whether the person applied for admission to an institution of higher education
562	sooner than four months from the date of moving to Utah;
563	(vi) evidence that the person is an independent person who is:
564	(A) at least 24 years old; or
565	(B) not claimed as a dependent on someone else's tax returns; and
566	(vii) any other factors related to abandonment of a former domicile and establishment
567	of a new domicile in Utah for purposes other than to attend an institution of higher
568	education.
569	(15)(a) A person who is in residence in Utah to participate in a United States Olympic
570	athlete training program, at a facility in Utah, approved by the governing body for the
571	athlete's Olympic sport, shall be entitled to resident status for tuition purposes.
572	(b) Upon the termination of the athlete's participation in the training program, the athlete
573	shall be subject to the same residency standards applicable to other persons under this

574	section.
575	(c) Time spent domiciled in Utah during the Olympic athlete training program in Utah
576	counts for Utah residency for tuition purposes upon termination of the athlete's
577	participation in a Utah Olympic athlete training program.
578	(16)(a) A person who has established domicile in Utah for reasons related to divorce, the
579	death of a spouse, or long-term health care responsibilities for an immediate family
580	member, including the person's spouse, parent, sibling, or child, may rebut the
581	presumption of a nonresident classification by providing substantial evidence that the
582	reason for the individual's move to Utah was, in good faith, based on the long-term
583	health care responsibilities.
584	(b) All relevant evidence concerning the motivation for the move shall be considered,
585	including:
586	(i) the person's employment and educational history;
587	(ii) the dates when the long-term health care responsibilities in Utah were first
588	considered, offered, and accepted;
589	(iii) when the person moved to Utah;
590	(iv) the dates when the person applied for admission, was admitted, and was enrolled
591	as a postsecondary student;
592	(v) whether the person applied for admission to an institution of higher education
593	sooner than four months from the date of moving to Utah;
594	(vi) evidence that the person is an independent person who is:
595	(A) at least 24 years old; or
596	(B) not claimed as a dependent on someone else's tax returns; and
597	(vii) any other factors related to abandonment of a former domicile and establishment
598	of a new domicile in Utah for purposes other than to attend an institution of higher
599	education.
600	(17) A foreign service member or the foreign service member's immediate family member
601	deemed eligible for resident student status under Subsection (8)(e) or (f) shall retain the
602	eligibility for resident student status if the foreign service member or immediate family
603	member maintains continuous enrollment even in the case of a change in domicile or
604	duty station.
605	(18) The board, after consultation with the institutions, shall make rules not inconsistent
606	with this section:
607	(a) concerning the definition of resident and nonresident students;

- (b) establishing procedures for classifying and reclassifying students;
- (c) establishing criteria for determining and judging claims of residency or domicile;
- (d) establishing appeals procedures; and
- (e) other matters related to this section.
- 612 (19) A student shall be exempt from paying the nonresident portion of total tuition if the student:
- (a) is a foreign national legally admitted to the United States;
- (b) attended high school in this state for three or more years; and
- 616 (c) graduated from a high school in this state or received the equivalent of a high school diploma in this state.
- Section 11. Section **53E-3-915** is amended to read:
- 53E-3-915 . Article XIV -- Financing of the Interstate Commission.
- 620 (1) The Interstate Commission shall pay or provide for the payment of the reasonable 621 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.
- 629 (3) The Interstate Commission may not incur obligations of any kind prior to securing the 630 funds adequate to meet the same; nor shall the Interstate Commission pledge the credit 631 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.
- 638 (5) The Interstate Commission may not assess, levy, or collect more than [\$5,000] \$10,000 639 per year from Utah legislative appropriations. Other funding sources may be accepted 640 and used to offset expenses related to the state's participation in the compact.
- Section 12. Section **63G-6a-107.6** is amended to read:

642	63G-6a-107.6 . Exemptions from chapter.
643	(1) Except for this Subsection (1), the provisions of this chapter do not apply to:
644	(a) a public entity's acquisition of a procurement item from another public entity; or
645	(b) a public entity that is not a procurement unit, including the Colorado River Authority
646	of Utah as provided in Section 63M-14-210.
647	(2) Unless otherwise provided by statute and except for this Subsection (2), the provisions
648	of this chapter do not apply to the acquisition or disposal of real property or an interest
649	in real property.
650	(3) Except for this Subsection (3) and Part 24, Unlawful Conduct and Penalties, the
651	provisions of this chapter do not apply to:
652	(a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art
653	Act;
654	(b) a grant;
655	(c) medical supplies or medical equipment, including service agreements for medical
656	equipment, obtained by the University of Utah Hospital or the Department of Health
657	and Human Services through a purchasing consortium if:
658	(i) the consortium uses a competitive procurement process; and
659	(ii) the chief administrative officer of the hospital or the executive director of the
660	Department of Health and Human Services, as the case may be, makes a written
661	finding that the prices for purchasing medical supplies and medical equipment
662	through the consortium are competitive with market prices;
663	(d) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire,
664	and State Lands, created in Section 65A-1-4, through the federal General Services
665	Administration or the National Fire Cache system;
666	(e) supplies purchased for resale to the public;
667	(f) activities related to the management of investments by a public entity granted
668	investment authority by law;[-or]
669	(g) activities of the Utah water agent appointed under Section 73-10g-702[-] ; or
670	(h) activities of the National Guard described in Section 39A-3-112.
671	(4) This chapter does not supersede the requirements for retention or withholding of
672	construction proceeds and release of construction proceeds as provided in Section 13-8-5.
673	(5) Except for this Subsection (5), the provisions of this chapter do not apply to a
674	procurement unit's hiring a mediator, arbitrator, or arbitration panel member to
675	participate in the procurement unit's dispute resolution efforts.

676	Section 13. Section <b>63I-2-239</b> is amended to read:
677	63I-2-239 . Repeal dates: Title 39A.
678	[Reserved] Subsection 39A-1-201(2)(d), regarding a vacancy in the position of adjutant
679	general that occurs before the year 2027 is repealed January 1, 2027.
680	Section 14. Section <b>71A-1-201</b> is amended to read:
681	71A-1-201 . Department of Veterans and Military Affairs Creation
682	Appointment of executive director Department responsibilities.
683	(1) There is created the Department of Veterans and Military Affairs.
684	(2) The governor shall appoint an executive director for the department who is subject to
685	Senate confirmation.
686	(3) The executive director shall be a veteran.
687	(4) The department shall:
688	(a) conduct and supervise all veteran and military affairs activities as provided in this
689	title;
690	(b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
691	Rulemaking Act, to carry out the provisions of this title;
692	(c) in accordance with Section 41-1a-418:
693	(i) determine which campaign or combat theater awards are eligible for a special
694	group license plate;
695	(ii) verify that an applicant for a campaign or combat theater award special group
696	license plate is qualified to receive it; and
697	(iii) provide an applicant that qualifies a form indicating the campaign or combat
698	theater award special group license plate for which the applicant qualifies;
699	(d) maintain liaison with local, state, and federal veterans agencies and with Utah
700	veterans organizations;
701	(e) provide current information to veterans, service members, their surviving spouses
702	and family members, and Utah veterans and military organizations on benefits they
703	are entitled to;
704	(f) assist veterans, service members, and their families in applying for benefits and
705	services;
706	(g) cooperate with other state entities in the receipt of information to create and maintain
707	a record of veterans in Utah;
708	(h) create and administer a veterans assistance registry in accordance with Chapter 5,
709	Veterans Assistance Registry, with recommendations from the council, that provides

710	contact information to the qualified donors of materials and labor for certain qualified
711	recipients;
712	(i) identify military-related issues, challenges, and opportunities, and develop plans for
713	addressing them;
714	(j) develop, coordinate, and maintain relationships with military leaders of Utah military
715	installations, including the Utah National Guard;
716	(k) develop and maintain relationships with military-related organizations in Utah;[-and]
717	(l) consult with municipalities and counties regarding compatible use plans as described
718	in Sections 10-9a-537 and 17-27a-533;
719	(m) provide services and benefits directly or indirectly to service members, veterans, and
720	families of service members and veterans, including services and benefits related to
721	claims, health care, employment, education, mental wellness, counseling, business,
722	housing, recognition, camaraderie, and other functions; and
723	(n) serve as the State Approving Agency under United States Code, Title 38, Veterans
724	Benefits.
725	(5)(a) The department may award grants for the purpose of supporting veteran and
726	military outreach, employment, education, healthcare, homelessness prevention, and
727	recognition events.
728	(b) The department may award a grant described in Subsection (5)(a) to:
729	(i) an institution of higher education listed in Section 53B-1-102;
730	(ii) a nonprofit organization involved in veterans or military-related activities; or
731	(iii) a political subdivision of the state.
732	(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
733	department shall make rules for the administration of grants, including establishing:
734	(i) the form and process for submitting an application to the department;
735	(ii) the method and criteria for selecting a grant recipient;
736	(iii) the method and formula for determining a grant amount; and
737	(iv) the reporting requirements of a grant recipient.
738	(6)(a) The department may:
739	(i) receive gifts, contributions, and donations to support service members, veterans,
740	and families of service members and veterans, including tangible objects and real
741	property, if the department uses the gifts, contributions, and donations for the
742	benefit of, or in connection with, service members, veterans, or families of service
743	members and veterans; and

744	(ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
745	make rules related to the administration of gifts, contributions, and donations
746	described in Subsection (6)(a).
747	(b) A gift, contribution, or donation received by the department as described in
748	Subsection (6)(a), does not revert to the General Fund and is considered non-lapsing
749	<u>funds.</u>
750	[(6)] (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
751	department may make rules related to:
752	(a) the consultation with municipalities and counties regarding compatible use plans as
753	required in Subsection (4)(l); and
754	(b) criteria to evaluate whether a proposed land use is compatible with military
755	operations.
756	[(7)] (8) Nothing in this chapter [shall be construed as altering or preempting] alters or
757	preempts any provisions of Title 39A, National Guard and Militia Act, as specifically
758	related to the Utah National Guard.
759	Section 15. Section <b>71A-1-202</b> is amended to read:
760	71A-1-202 . Department of Veterans and Military Affairs Executive director
761	Responsibilities.
762	(1) The executive director is the chief administrative officer of the department.
763	(2) The executive director is responsible for:
764	(a) the administration and supervision of the department;
765	(b) the coordination of policies and program activities conducted through the department;
766	(c) the development and approval of the proposed budget of the department;
767	(d) preparing an annual report for presentation not later than November 30 of each year
768	to the Government Operations Interim Committee which covers:
769	(i) services provided to veterans, service members, and their families;
770	(ii) services provided by third parties through the Veterans Assistance Registry;
771	(iii) coordination of veterans services by government entities with the department; and
772	(iv) the status of military missions within the state;
773	(e) advising the governor on matters pertaining to veterans and military affairs
774	throughout the state, including active duty service members, reserve duty service
775	members, veterans, and their families;
776	(f) developing, coordinating, and maintaining relationships with Utah's congressional
777	delegation and appropriate federal agencies; and

778	(g) entering into grants, contracts, agreements, and interagency transfers necessary to
779	support the department's programs.
780	(3) The executive director is the acceptance authority for any gifts, contributions, or
781	donations received under Subsection 71A-1-201(6) and shall ensure compliance with the
782	restrictions and limitations described in Section 63G-6a-2404.
783	[(3)] (4) The executive director may appoint deputy directors to assist the executive director
784	in carrying out the department's responsibilities.
785	[(4)] (5) A deputy director, described in Subsection (3), of veterans' services shall be a
786	veteran.
787	Section 16. Section <b>71A-9-101</b> is enacted to read:
788	CHAPTER 9. MILITARY INSTALLATIONS
789	Part 1. General Provisions
790	<u>71A-9-101</u> . Definitions.
791	As used in this chapter:
792	(1) "Federal Coordinating Committee" is comprised of representatives from the Unites
793	States Department of Agriculture, Natural Resources Conservation Service, the United
794	States Forest Service, the Department of Defense Readiness Environmental Protection
795	Integration Program, United States Department of the Interior, United States Fish and
796	Wildlife Service, and the Federal Emergency Management Agency.
797	(2) "Great Salt Lake Sentinel Landscape" means the area encompassing Hill Air Force
798	Base, Camp Williams, Tooele Army Depot, the United States Air Force Little Mountain
799	Test Facility, or other area that has been designated by the Federal Coordinating
800	Committee, in coordination with governmental and non-governmental organizations, to:
801	(a) protect military readiness and promote land conservation within the area;
802	(b) implement nature-based solutions to build resiliency in military installations in the
803	state, communities, and ecosystems throughout the area; and
804	(c) implement sustainable land management practices with landowners to mitigate the
805	negative impacts of infrastructure development, frequency spectrum conflicts, and
806	other activities that may impede or threaten the armed forces' ability to train or
807	conduct operations.
808	(3) "State institution of higher education" means an institution described in Section
809	53B-2-101 or any other university or college that is established and maintained by the
810	state.

811	Section 17. Section <b>71A-9-102</b> is enacted to read:
812	71A-9-102. Military installation ability to enter into an intergovernmental
813	support agreement.
814	(1) A state agency, local municipality, special service district, or state institution of higher
815	education may enter into an intergovernmental support agreement with a military
816	installation or entity, including the Utah National Guard, to provide support services to
817	the military installation or entity in accordance with the agreement.
818	(2) Copies of the agreement described in Subsection (1) shall be filed with the department.
819	Section 18. Section <b>71A-9-201</b> is enacted to read:
820	Part 2. Great Salt Lake Sentinel Landscape
821	<u>71A-9-201</u> . Definitions.
822	As used in this part:
823	(1) "Landowner" means a person who owns or is an authorized agent that is willing to work
824	with the partnership in the purchase of property, an easement, land trade, in-kind
825	property donation, or participating in other land management programs within the Great
826	Salt Lake Sentinel Landscape.
827	(2) "Partner organization" means an agency, an institution, a corporation, a foundation, or
828	an association that:
829	(a) has entered into a non-binding agreement to support and participate in the Great Salt
830	Lake Sentinel Landscape; or
831	(b) provides funds, expertise, data, in-kind assistance, and other relevant skills and
832	capabilities that contributes to the partnership's ability to achieve the partnership's
833	goals and objectives.
834	(3) "Partnership" means the organization established by the executive director that is
835	composed of state governmental entities, local governmental entities, federal
836	governmental entities, and private entities selected to manage the Great Salt Lake
837	Sentinel Landscape.
838	(4) "State agency" means a department, division, board, council, committee, institution,
839	office, bureau, or other similar administrative unit housed within the state executive
840	branch.
841	Section 19. Section <b>71A-9-202</b> is enacted to read:
842	71A-9-202 . Department responsibilities related to the Great Salt Lake Sentinel
843	Landscape.
844	(1) The department shall:

845	(a) act as the administrative agent of the partnership;
846	(b) in cooperation with the partnership, identify lands to be included in the Great Salt
847	Lake Sentinel Landscape and develop strategies and recommendations to encourage
848	landowners within the Great Salt Lake Sentinel Landscape to voluntarily participate
849	in the partnership;
850	(c) in designating additional land to the Great Salt Lake Sentinel Landscape, and in
851	cooperation with the partnership, include all working or natural lands that the
852	partnership believes contribute to the long-term sustainability of the military missions
853	in the sentinel landscape area; and
854	(d) determine, in cooperation with the partnership, the appropriate level of state
855	resources required to adequately protect military missions within the sentinel
856	landscape area.
857	(2) The department may:
858	(a) receive gifts, contributions, and donations to support the Great Salt Lake Sentinel
859	Landscape, including tangible objects and real property, if the department uses the
860	gifts, contributions, and donations for the benefit of, or in connection with, the Great
861	Salt Lake Sentinel Landscape;
862	(b) apply for grants to aid in securing state resources described in Subsection (1)(d) to
863	adequately protect military missions within the Great Salt Lake Sentinel Landscape;
864	<u>and</u>
865	(c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
866	make rules to administer the provisions of this chapter.
867	(3) The executive director is the acceptance authority for any gifts, contributions, or
868	donations received under Subsection (2)(a) and shall ensure compliance with the
869	restrictions and limitations contained in Section 63G-6a-2404.
870	(4) A gift, grant, or donation described in this section will not revert to the General Fund
871	and is considered non-lapsing funds.
872	Section 20. Section <b>71A-9-203</b> is enacted to read:
873	71A-9-203 . State and local governmental entities.
874	State and local governmental entities:
875	(1) are encouraged to cooperate with the partnership by providing access to studies, data,
876	plans, and other relevant resources at the partnership's request; and
877	(2) shall consider having representation from the partnership in all committees, councils,
878	working groups, seminars, and conferences within the Great Salt Lake Sentinel

879	Landscape that pertain to:
880	(a) urban development within 5,000 feet of military installations;
881	(b) wildland fire management;
882	(c) water sustainability;
883	(d) the ecosystem of the Great Salt Lake; or
884	(e) wildlife habitat.
885	Section 21. Section <b>71A-9-301</b> is enacted to read:
886	Part 3. Military Installation Easements
887	71A-9-301 . Definitions.
888	Reserved.
889	Section 22. Section <b>71A-9-302</b> is enacted to read:
890	71A-9-302 . Acquisition of easements Restrictions Resale.
891	(1)(a) The department may acquire, by purchase or condemnation, property or easements
892	for the establishment, maintenance, and operation of a restrictive use area for the
893	operation of military missions:
894	(i) within the Great Salt Lake Sentinel Landscape;
895	(ii) near the Utah Test and Training Range;
896	(iii) near Dugway Proving Ground; or
897	(iv) near a Utah National Guard facility.
898	(b) The department may delegate the department's power to purchase or condemn
899	easements or property under Subsection (1)(a) to another state agency if the
900	department ensures that the agency complies with the procedures and requirements of
901	this part.
902	(2)(a) The department shall ensure that the easements described in Subsection (1)(a)
903	place conditions on land use identified in the applicable land use compatibility
904	guidelines study or according to military best practice or recommendations.
905	(b) The department may allow other uses on easements described in Subsection (1)(a)
906	not prohibited by the guidelines described in Subsection (2)(a) if the uses are
907	consistent with the purpose of this part.
908	(c) Nothing in this part authorizes the department or any other state agency to:
909	(i) purchase a business; or
910	(ii) require a person to relocate or move.
911	(d) To calculate the purchase price for an easement described in Subsection (1)(a), the
912	department shall subtract the market value of the real property and the real property's

913	improvements after the acquisition of the easement from the market value of the real
914	property and the real property's improvements before the acquisition of the easement.
915	(e) When a military installation has not been used for seven years, the department shall:
916	(i) notify by certified mail each current owner of any property to which an easement
917	is attached near the military installation that the owner may purchase the easement
918	for the same price that the state originally paid for the easement or for the market
919	value of the easement at the time of the owner's buyback, whichever is less; and
920	(ii) sell the easement to an owner notified under Subsection (2)(e)(i) if the owner
921	tenders the purchase price described in Subsection (2)(e)(i).
922	(3)(a) The department may take action to enforce the provisions of this chapter.
923	(b) The attorney general shall represent the department in an action described in
924	Subsection (3)(a).
925	Section 23. Section <b>71A-9-303</b> is enacted to read:
926	71A-9-303 . Certain improvements, alterations, and expansions prohibited.
927	(1) A person may not begin to develop, or authorize development, on any land identified in
928	Section 71A-9-302 unless the department has affirmatively authorized the development
929	of the land.
930	(2) Nothing in this part prohibits a property owner from improving, altering, or expanding
931	an existing residential or commercial use of the property owner's property if the
932	improvement, alteration, or expansion does not materially increase the human density of
933	the property's present use.
934	Section 24. Section <b>81-2-301</b> is amended to read:
935	81-2-301 . Definitions for part.
936	As used in this part:
937	(1) "County clerk" means:
938	(a) the county clerk of the county; or
939	(b) an employee or designee of the county clerk who is authorized to issue marriage
940	licenses or solemnize marriages.
941	(2) "Judge or magistrate of the United States" means:
942	(a) a justice of the United States Supreme Court;
943	(b) a judge of a court of appeals;
944	(c) a judge of a district court;
945	(d) a judge of any court created by an act of Congress, the judges of which are entitled to
946	hold office during good behavior;

947	(e) a judge of a bankruptcy court;
948	(f) a judge of a tax court; or
949	(g) a United States magistrate.
950	(3) "Minor" means an individual who is 16 or 17 years old.
951	(4)(a) "Native American spiritual advisor" means an individual who:
952	(i) leads, instructs, or facilitates a Native American religious ceremony or service or
953	provides religious counseling; and
954	(ii) is recognized as a spiritual advisor by a federally recognized Native American
955	tribe.
956	(b) "Native American spiritual advisor" includes a sweat lodge leader, medicine person,
957	traditional religious practitioner, or holy man or woman.
958	(c) "Military chaplain" means an individual who is a commissioned officer of:
959	(i) the Chaplain Corps of the United States Army;
960	(ii) the Chaplain Corps of the United States Navy, including the United States Coast
961	Guard; or
962	(iii) the United States Air Force designated for duty as a chaplain.
963	Section 25. Section <b>81-2-305</b> is amended to read:
964	81-2-305 . Who may solemnize marriages Certificate.
965	(1) The following individuals may solemnize a marriage:
966	(a) an individual 18 years old or older who is authorized by a religious denomination to
967	solemnize a marriage;
968	(b) a Native American spiritual advisor;
969	(c) the governor;
970	(d) the lieutenant governor;
971	(e) the state attorney general;
972	(f) the state treasurer;
973	(g) the state auditor;
974	(h) a mayor of a municipality or county executive;
975	(i) a justice, judge, or commissioner of a court of record;
976	(j) a judge of a court not of record of the state;
977	(k) a judge or magistrate of the United States;
978	(l) the county clerk of any county in the state or the county clerk's designee as authorized
979	by Section 17-20-4;
980	(m) a senator or representative of the Utah Legislature;

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981	[(nn)] (n) a member of the state's congressional delegation; [-or]
982	[(oo)] (o) a judge or magistrate who holds office in Utah when retired, under rules set by
983	the Supreme Court; or
984	(p) a military chaplain.
985	(2) An individual authorized under Subsection (1) who solemnizes a marriage shall give to
986	the couple married a certificate of marriage that shows the:
987	(a) name of the county from which the license is issued; and
988	(b) date of the license's issuance.
989	(3) Except for an individual described in Subsection (1)(l), an individual described in
990	Subsection (1) has discretion to solemnize a marriage.
991	(4) Except as provided in Section 17-20-4 and Subsection (1)(l), and notwithstanding any
992	other provision in law, no individual authorized under Subsection (1) to solemnize a
993	marriage may delegate or deputize another individual to perform the function of
994	solemnizing a marriage.
995	(5)(a) Within 30 days after the day on which a marriage is solemnized, the individual
996	solemnizing the marriage shall return the marriage license to the county clerk that
997	issued the marriage license with a certificate of the marriage over the individual's
998	signature stating the date and place of solemnization and the names of two or more
999	witnesses present at the marriage.
1000	(b) An individual described in Subsection (5)(a) who fails to return the license is guilty
1001	of an infraction.
1002	(c) An individual described in Subsection (5)(a) who knowingly or intentionally makes a
1003	false statement on a certificate of marriage is guilty of perjury and may be prosecuted
1004	and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official
1005	Matters.
1006	(6)(a) An individual is guilty of a third degree felony if the individual knowingly:
1007	(i) solemnizes a marriage without a valid marriage license; or
1008	(ii) solemnizes a marriage in violation of this section.
1009	(b) An individual is guilty of a class A misdemeanor if the individual knowingly, with or
1010	without a marriage license, solemnizes a marriage between two individuals who are
1011	18 years old or older that is prohibited by law.
1012	Section 26. Repealer.
1013	This bill repeals:

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

1015	Section 63M-6-202, Location of easements.
1016	Section 63M-6-201, Acquisition of easements Restrictions Resale
1017	Section 63M-6-101, Title.
1018	Section 27. Effective Date.
1019	This bill takes effect on May 7, 2025.