

**R978. Veterans' and Military Affairs, Administration.**

**R978-1. Rule Governing Veterans' Affairs.**

**R978-1-1. Authority.**

(1) This rule is established pursuant to Section 71-8-2 which established the Department of Veterans' and Military Affairs. This rule is made pursuant to Title 63G, Chapter 3 of the Utah Administrative Rulemaking Act.

**R978-1-2. Purpose.**

(1) The purpose of this rule is to define the functions and mission of the Department of Veterans' and Military Affairs under Sections 71-8-1 through 71-11-10 and 38 CFR.

**R978-1-3. Definitions.**

- (1) Terms used in this rule are defined in Sections 71-8-1, 71-10-1, and 71-11-2.
- (2) Additional terms are defined as follows:
  - (a) "Homeless veteran" means a qualified veteran who is currently experiencing an episode of homelessness without a stable, regular indoor place of residence.
  - (b) "Nursing Home" means a State licensed facility accommodating persons who require skilled nursing care and related medical services.
  - (c) "State Officer" means the State official authorized to oversee the operations of a State veterans nursing home.
  - (d) "Widow" means the unmarried spouse of a deceased veteran of either sex.

**R978-1-4. Nursing Homes.**

- (1) The department shall administer the various state veterans' nursing homes in accordance with Title 71, Chapter 11, Utah Veterans' Nursing Home Act.
- (2) Each nursing home shall have a State Officer who shall act as the department's liaison to carry out the requirements of this act.
- (3) Each home shall enforce admission requirements in accordance with Section 71-11-6 as established by the department.
- (4) Each home shall comply with 38 CFR 51, "Per Diem for Nursing Home Care of Veterans" for per diem payments, per diem payments for veterans with service connected disabilities, payments for drugs and medicines for certain veterans, and nursing home standards.
- (5) The department may contract with reputable nursing home management firms for the day-to-day operation of the nursing homes as provided in 38 CFR 51.210. Selection shall be by a competitive bid process under State Purchasing rules with criteria established by the department. The department shall establish the duration for the management contracts and other contractual terms and conditions in the best interests of the residents.
- (6) Notwithstanding the authority of the management firm to employ and direct all nursing home employees, the State Officer shall be an employee of the department and shall be independent of the management firm. The State Officer shall oversee the operations of the state nursing home.

**R978-1-5. Cemetery and Memorial Park.**

- (1) The department shall administer the state veterans' cemetery and memorial park in accordance with Section 71-7-3.
- (2) Fees charged for burial expenses shall be posted at the cemetery office and on the department website. Fees charges for other funeral expenses, including headstone replacement, shall be posted at the cemetery office and on the department website.
- (3) Private burial fees shall be equivalent to the annually determined federal burial reimbursement rate.

**R978-1-6. Homeless Veterans.**

- (1) The department shall coordinate with local, state and federal programs providing short and long term housing for homeless veterans in the state as provided in Subsection 71-8-3 (1)(d).

**R978-1-7. Education Programs.**

- (1) The department shall administer the State Approving Agency (SAA) for Veterans Education as directed in Subsection 71-8-3(1)(e).
- (2) The SAA shall perform all duties necessary for the inspection, approval and supervision of educational programs offered by qualified educational institutions, training establishments, and tests for licensing and certification in accordance with the standards and provisions of 38 U.S.C. 30, 32, 33, 35, and 36, and 10 U.S.C. 1606 and 1607.
- (3) The SSA shall provide in-depth technical assistance and outreach liaison with all related organizations, agencies, individuals and activities to help veterans and other eligible persons achieve their educational and vocational goals.
- (4) The SSA shall reach out to eligible persons and inform them of their benefits through the GI Bill, which will assist veterans in making the most informed decision toward their vocational and educational goals.

(5) The SSA shall perform other duties and functions as determined by the U.S. Department of Veteran Affairs via annual contract for SSA services.

**R978-1-8. State Benefits.**

(1) The department shall assist veterans, their widows and dependents in procurement of all rights and benefits which may accrue to them by reason of military service to the United States in accordance with Section 71-9-1. Specifically, the department shall disseminate information on benefits to veterans and interested parties via:

- (a) community outreach
- (b) fairs, exhibits and community events
- (c) the Utah Veterans Voice publication and other appropriate print and electronic media
- (d) the department's public website (<http://veterans.utah.gov>)
- (e) cooperative activities with other veterans organizations

(2) Specific state benefits that the department shall assist veterans and their dependents in securing include:

- (a) Disabled Veteran Property Tax Abatement
- (b) Purple Heart Tuition Waiver
- (c) Purple Heart Fee Exemption
- (d) Scott B Lundell Tuition Waiver for military members' surviving dependents
- (e) Honorary high school diplomas
- (f) Veteran's license plates
- (g) Free use of armories
- (h) Fishing license privileges
- (i) Special fun tags
- (j) America the Beautiful pass
- (k) Trax/bus reduced fare cards
- (l) Veterans Upward Bound
- (m) Utah Veterans with Disabilities Honors Pass
- (n) Veterans assistance registry
- (o) Resident tuition for state colleges and universities
- (p) Such other state benefits to veterans as may be established by statute

**R978-1-9. Federal Benefits.**

(1) The department cannot administer any federal veterans benefit programs, but it shall provide information and assistance to veterans, their widows and dependents in understanding and navigating the rules of federal veterans' benefits. These federal benefits include:

- (a) Veterans compensation and pensions
- (b) Dependency and indemnity compensation (DIC) payments
- (c) Disability compensation
- (d) Home loan guarantee program
- (e) G.I. Bill

(2) The department may contract with other military service organizations to assist veterans, their spouses, widows and dependents in securing their rights, benefits, and employment preferences as provided in Section 71-9-1.

**R978-1-10. Tracking Veteran Employees.**

(1) The department shall coordinate with the Utah State Department of Human Resource Management (DHRM) to maintain current counts of the number of veterans employed by the State of Utah in each department, as provided in Subsection 71-8-3 (5). The department shall encourage state agencies and departments to properly record veteran status for all employees.

(2) A count of veterans in state government shall be updated and kept on file at least twice per year.

**R978-1-11. Record of Veterans.**

(1) The department shall create and maintain a record of veterans in Utah as provided in Subsection 71-8-3 (6).

(2) The department shall maintain a searchable self-registration for Utah veterans on the department website.

(3) The department shall work with the Utah Department of Information Technology, the Department of Workforce Services, and the Utah Drivers License Division to develop a searchable, digital database of Utah veterans.

(4) The department shall secure paper and digital copies of veterans' form DD-214 to assist in creating a database of verified veterans from Utah and to assist Utah veterans in securing all available benefits.

(5) The department shall contract, as appropriate, for technical assistance in creating and maintaining veterans' databases.

**R978-1-12. Military Affairs.**

(1) The department shall develop and maintain cooperative relationships with military-related organizations and with leaders of military installations in Utah in accordance with 71-8-3 including but not limited to:

- (a) Camp Williams
- (b) Dugway Proving Ground
- (c) Hill Air Force Base including Ogden Air Logistics Complex
- (d) Tooele Army Depot
- (e) Utah Test and Training Range

(2) The department shall develop and maintain cooperative relationships with Utah's congressional delegation and military staffers and shall cooperate on military issues, challenges and opportunities that arise in Utah.

**R978-1-13. Boards.**

(1) The department provides support and participates in several boards in order to accomplish its mission. These boards include, but are not limited to:

- (a) Veterans Advisory Council
- (b) George E. Wahlen Ogden Veterans Home Advisory Board
- (c) William E. Christoffersen Salt Lake Veterans Home Advisory Board
- (d) Mervyn S. Bennion Central Utah Veterans Home Advisory Board
- (e) Southern Utah Veterans Home Advisory Board
- (f) Utah Veterans Cemetery and Memorial Park Advisory Board
- (g) Other boards as may be created

(2) Board members are appointed in accordance with statute:

(a) The Governor appoints members of the Veterans Advisory Council with input from the department executive director.

(b) The executive director appoints members of the remaining boards with input from the state officers of the nursing homes and the cemetery manager.

(3) Boards meet at a minimum of quarterly with agenda and minutes maintained and posted as required by statute.

(a) Board members may participate in required meetings either in person or by electronic means to include, but not limited to: telephone, internet or mobile device.

(b) If a board member does participate via telephonic communication, the board member will be on speaker phone. The speaker phone will be amplified so that the other board members and all other persons present in the board meeting will be able to hear all participants.

(c) All those participating either in person or by electronic means will count for quorum requirements and voting on issues, as appropriate.

**KEY: veterans' and military affairs**

**Date of Enactment or Last Substantive Amendment 5-8-2017**

**Authorizing, and Implemented or Interpreted Law: 71-8-2**