

1 **STATUTORY CONSTRUCTION AMENDMENTS**

2 2010 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Rebecca D. Lockhart**

5 Senate Sponsor: Stephen H. Urquhart

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to definitions, statutory construction, and drafting
10 of the Utah Code, contained in Title 68, Chapter 3, Construction.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends provisions relating to statutory construction of the Utah Code;
- 14 ▶ specifies terms and phrases that are preferred, and terms and phrases the use of
15 which is discouraged, in the Utah Code;
- 16 ▶ defines terms for the Utah Code;
- 17 ▶ recodifies and amends definitions applicable to the Utah Code;
- 18 ▶ deletes some definitions applicable to the Utah Code; and
- 19 ▶ makes technical changes.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **17-22-2.5**, as last amended by Laws of Utah 2006, Chapter 306

27 **17B-1-102**, as last amended by Laws of Utah 2008, Chapter 360

28 **20A-1-102**, as last amended by Laws of Utah 2009, Chapter 45

29 **45-1-101**, as last amended by Laws of Utah 2009, First Special Session, Chapter 5

30 **63M-7-502**, as last amended by Laws of Utah 2008, Chapter 339 and renumbered and
31 amended by Laws of Utah 2008, Chapter 382

32 **68-3-2**, Utah Code Annotated 1953

33 **68-3-3**, Utah Code Annotated 1953

34 **68-3-12**, as last amended by Laws of Utah 2003, Chapter 20

35 **68-3-14**, as enacted by Laws of Utah 1997, Chapter 135

36 **76-6-506**, as last amended by Laws of Utah 2009, Chapter 166

37 **78B-6-1402**, as renumbered and amended by Laws of Utah 2008, Chapter 3

38 ENACTS:

39 **68-3-12.5**, Utah Code Annotated 1953



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

42 Section 1. Section **17-22-2.5** is amended to read:

43 **17-22-2.5. Fees of sheriff.**

44 (1) The sheriff shall receive the following fees:

45 (a) for serving a notice, rule, order, subpoena, garnishment, summons, or summons
46 and complaint, or garnishee execution, or other process by which an action or proceeding is
47 commenced, on each defendant, including copies when furnished by plaintiff, \$15;

48 (b) for taking or approving a bond or undertaking in any case in which he is
49 authorized to take or approve a bond or undertaking, including justification, \$5;

50 (c) for a copy of any writ, process or other paper when demanded or required by law,
51 for each folio, 50 cents;

52 (d) for serving an attachment on property, or levying an execution, or executing an
53 order of arrest or an order for the delivery of personal property, including copies when
54 furnished by plaintiff, \$50;

55 (e) for taking and keeping possession of and preserving property under attachment or
56 execution or other process, the amount the court orders to a maximum of \$15 per day;

57 (f) for advertising property for sale on execution, or any judgment, or order of sale,

58 exclusive of the cost of publication, \$15;

59 (g) for drawing and executing a sheriff's deed or a certificate of redemption, exclusive
60 of acknowledgment, \$15, to be paid by the grantee;

61 (h) for recording each deed, conveyance, or other instrument affecting real estate,
62 exclusive of the cost of recording, \$10, to be paid by the grantee;

63 (i) for serving a writ of possession or restitution, and putting any person entitled to
64 possession into possession of premises, and removing occupant, \$50;

65 (j) for holding each trial of right of property, to include all services in the matter,
66 except mileage, \$35;

67 (k) for conducting, postponing, or canceling a sale of property, \$15;

68 (l) for taking a prisoner in civil cases from prison before a court or magistrate, for each
69 mile necessarily traveled, in going only, to a maximum of 100 miles, \$1.50;

70 (m) for taking a prisoner from the place of arrest to prison, in civil cases, or before a
71 court or magistrate, for each mile necessarily traveled, in going only, to a maximum of 100
72 miles, \$1.50;

73 (n) for receiving and paying over money on execution or other process, as follows:

74 (i) if the amount collected does not exceed \$1,000, 2% of this amount, with a
75 minimum of \$1; and

76 (ii) if the amount collected exceeds \$1,000, 2% on the first \$1,000 and 1-1/2% on the
77 balance; and

78 (o) for executing in duplicate a certificate of sale, exclusive of filing it, \$10.

79 (2) The fees allowed by Subsection (1)(f) for the levy of execution and for advertising
80 shall be collected from the judgment debtor as part of the execution in the same manner as the
81 sum directed to be made.

82 (3) When serving an attachment on property, an order of arrest, or an order for the
83 delivery of personal property, the sheriff may only collect traveling fees for the distance
84 actually traveled beyond the distance required to serve the summons if the attachment or those
85 orders:

86 (a) accompany the summons in the action; and

87 (b) may be executed at the time of the service of the summons.

88 (4) (a) (i) When traveling generally to serve notices, orders, process, or other papers,
89 the sheriff may receive \$1.50 for each mile necessarily traveled, in going only, computed from
90 the courthouse for each person served, to a maximum of 100 miles.

91 (ii) When transmitting notices, orders, process, or other papers by mail, the sheriff
92 may receive \$1.50 for each mile necessarily traveled, in going only, computed from the post
93 office where received for each person served, to a maximum of 100 miles.

94 (b) The sheriff may only charge one mileage fee if any two or more papers are required
95 to be served in the same action or proceeding at the same time and at the same address.

96 (c) If it is necessary to make more than one trip to serve any notice, order, process, or
97 other paper, the sheriff may not collect more than two additional mileage charges.

98 (5) (a) For delivering [~~an insane person~~] a patient to the Utah State Hospital, when the
99 cost of delivery is payable by private individuals, the sheriff may collect \$1.50 per mile for the
100 distance from the county seat of [~~his~~] the sheriff's county to the Utah State Hospital, to a
101 maximum of 100 miles.

102 (b) If the sheriff requires assistance to deliver the person to the Utah State Hospital,
103 the sheriff may also charge the actual and necessary cost of that assistance.

104 (6) For obtaining a saliva DNA specimen under Section 53-10-404, the sheriff shall
105 collect the fee of \$100 in accordance with Section 53-10-404.

106 Section 2. Section **17B-1-102** is amended to read:

107 **17B-1-102. Definitions.**

108 As used in this title:

109 (1) "Appointing authority" means the person or body authorized to make an
110 appointment to the board of trustees.

111 (2) "Basic local district":

112 (a) means a local district that is not a specialized local district; and

113 (b) includes an entity that was, under the law in effect before April 30, 2007, created

114 and operated as a local district, as defined under the law in effect before April 30, 2007.

115 (3) "Bond" means:

116 (a) a written obligation to repay borrowed money, whether denominated a bond, note,
117 warrant, certificate of indebtedness, or otherwise; and

118 (b) a lease agreement, installment purchase agreement, or other agreement that:

119 (i) includes an obligation by the district to pay money; and

120 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of

121 Title 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah

122 Refunding Bond Act.

123 (4) "Cemetery maintenance district" means a local district that operates under and is
124 subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance
125 District Act, including an entity that was created and operated as a cemetery maintenance
126 district under the law in effect before April 30, 2007.

127 (5) "Drainage district" means a local district that operates under and is subject to the
128 provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an entity
129 that was created and operated as a drainage district under the law in effect before April 30,
130 2007.

131 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,
132 water, or other real or personal property required to provide a service that a local district is
133 authorized to provide, including any related or appurtenant easement or right-of-way,
134 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

135 (7) "Fire protection district" means a local district that operates under and is subject to
136 the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including an
137 entity that was created and operated as a fire protection district under the law in effect before
138 April 30, 2007.

139 (8) "General obligation bond":

140 (a) means a bond that is directly payable from and secured by ad valorem property
141 taxes that are:

142 (i) levied:
143 (A) by the district that issues the bond; and
144 (B) on taxable property within the district; and
145 (ii) in excess of the ad valorem property taxes of the district for the current fiscal year;

146 and

147 (b) does not include:
148 (i) a short-term bond;
149 (ii) a tax and revenue anticipation bond; or
150 (iii) a special assessment bond.

151 (9) "Improvement district" means a local district that operates under and is subject to
152 the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an
153 entity that was created and operated as a county improvement district under the law in effect
154 before April 30, 2007.

155 (10) "Irrigation district" means a local district that operates under and is subject to the
156 provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an entity
157 that was created and operated as an irrigation district under the law in effect before April 30,
158 2007.

159 (11) "Local district" means a limited purpose local government entity, as described in
160 Section 17B-1-103, that operates under, is subject to, and has the powers set forth in:

- 161 (a) this chapter; or
- 162 (b) (i) this chapter; and
- 163 (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;
- 164 (B) Chapter 2a, Part 2, Drainage District Act;
- 165 (C) Chapter 2a, Part 3, Fire Protection District Act;
- 166 (D) Chapter 2a, Part 4, Improvement District Act;
- 167 (E) Chapter 2a, Part 5, Irrigation District Act;
- 168 (F) Chapter 2a, Part 6, Metropolitan Water District Act;
- 169 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;

170 (H) Chapter 2a, Part 8, Public Transit District Act;

171 (I) Chapter 2a, Part 9, Service Area Act; or

172 (J) Chapter 2a, Part 10, Water Conservancy District Act.

173 (12) "Metropolitan water district" means a local district that operates under and is
174 subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water District
175 Act, including an entity that was created and operated as a metropolitan water district under
176 the law in effect before April 30, 2007.

177 (13) "Mosquito abatement district" means a local district that operates under and is
178 subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement District
179 Act, including an entity that was created and operated as a mosquito abatement district under
180 the law in effect before April 30, 2007.

181 (14) "Municipal" means of or relating to a municipality.

182 (15) "Municipality" means a city or town.

183 [~~16~~] "Person" has the same meaning as defined in Section 68-3-12.]

184 [~~17~~] (16) "Political subdivision" means a county, city, town, local district under this
185 title, special service district under Title 17D, Chapter 1, Special Service District Act, an entity
186 created by interlocal cooperation agreement under Title 11, Chapter 13, Interlocal Cooperation
187 Act, or any other governmental entity designated in statute as a political subdivision of the
188 state.

189 [~~18~~] (17) "Private," with respect to real property, means not owned by the United
190 States or any agency of the federal government, the state, a county, or a political subdivision.

191 [~~19~~] (18) "Public entity" means:

192 (a) the United States or an agency of the United States;

193 (b) the state or an agency of the state;

194 (c) a political subdivision of the state or an agency of a political subdivision of the
195 state;

196 (d) another state or an agency of that state; or

197 (e) a political subdivision of another state or an agency of that political subdivision.

198 [~~(20)~~] (19) "Public transit district" means a local district that operates under and is
199 subject to the provisions of this chapter and Chapter 2a, Part 8, Public Transit District Act,
200 including an entity that was created and operated as a public transit district under the law in
201 effect before April 30, 2007.

202 [~~(21)~~] (20) "Revenue bond":

203 (a) means a bond payable from designated taxes or other revenues other than the local
204 district's ad valorem property taxes; and

205 (b) does not include:

206 (i) an obligation constituting an indebtedness within the meaning of an applicable
207 constitutional or statutory debt limit;

208 (ii) a tax and revenue anticipation bond; or

209 (iii) a special assessment bond.

210 [~~(22)~~] (21) "Service area" means a local district that operates under and is subject to
211 the provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an entity that
212 was created and operated as a county service area or a regional service area under the law in
213 effect before April 30, 2007.

214 [~~(23)~~] (22) "Short-term bond" means a bond that is required to be repaid during the
215 fiscal year in which the bond is issued.

216 [~~(24)~~] (23) "Special assessment" means an assessment levied against property to pay
217 all or a portion of the costs of making improvements that benefit the property.

218 [~~(25)~~] (24) "Special assessment bond" means a bond payable from special
219 assessments.

220 [~~(26)~~] (25) "Specialized local district" means a local district that is a cemetery
221 maintenance district, a drainage district, a fire protection district, an improvement district, an
222 irrigation district, a metropolitan water district, a mosquito abatement district, a public transit
223 district, a service area, or a water conservancy district.

224 [~~(27)~~] (26) "Taxable value" means the taxable value of property as computed from the
225 most recent equalized assessment roll for county purposes.

226 [~~(28)~~] (27) "Tax and revenue anticipation bond" means a bond:

227 (a) issued in anticipation of the collection of taxes or other revenues or a combination
228 of taxes and other revenues; and

229 (b) that matures within the same fiscal year as the fiscal year in which the bond is
230 issued.

231 [~~(29)~~] (28) "Unincorporated" means not included within a municipality.

232 [~~(30)~~] (29) "Water conservancy district" means a local district that operates under and
233 is subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy
234 District Act, including an entity that was created and operated as a water conservancy district
235 under the law in effect before April 30, 2007.

236 [~~(31)~~] (30) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain,
237 tunnel, power plant, and any facility, improvement, or property necessary or convenient for
238 supplying or treating water for any beneficial use, and for otherwise accomplishing the
239 purposes of a local district.

240 Section 3. Section **20A-1-102** is amended to read:

241 **20A-1-102. Definitions.**

242 As used in this title:

243 (1) "Active voter" means a registered voter who has not been classified as an inactive
244 voter by the county clerk.

245 (2) "Automatic tabulating equipment" means apparatus that automatically examines
246 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

247 (3) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
248 upon which a voter records his votes and includes ballot sheets, paper ballots, electronic
249 ballots, and secrecy envelopes.

250 (4) "Ballot sheet":

251 (a) means a ballot that:

252 (i) consists of paper or a card where the voter's votes are marked or recorded; and

253 (ii) can be counted using automatic tabulating equipment; and

- 254 (b) includes punch card ballots, and other ballots that are machine-countable.
- 255 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that
256 contain the names of offices and candidates and statements of ballot propositions to be voted
257 on and which are used in conjunction with ballot sheets that do not display that information.
- 258 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
259 on the ballot for their approval or rejection including:
- 260 (a) an opinion question specifically authorized by the Legislature;
- 261 (b) a constitutional amendment;
- 262 (c) an initiative;
- 263 (d) a referendum;
- 264 (e) a bond proposition;
- 265 (f) a judicial retention question; or
- 266 (g) any other ballot question specifically authorized by the Legislature.
- 267 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
268 20A-4-306 to canvass election returns.
- 269 (8) "Bond election" means an election held for the purpose of approving or rejecting
270 the proposed issuance of bonds by a government entity.
- 271 (9) "Book voter registration form" means voter registration forms contained in a
272 bound book that are used by election officers and registration agents to register persons to
273 vote.
- 274 (10) "By-mail voter registration form" means a voter registration form designed to be
275 completed by the voter and mailed to the election officer.
- 276 (11) "Canvass" means the review of election returns and the official declaration of
277 election results by the board of canvassers.
- 278 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots
279 at the canvass.
- 280 (13) "Convention" means the political party convention at which party officers and
281 delegates are selected.

282 (14) "Counting center" means one or more locations selected by the election officer in
283 charge of the election for the automatic counting of ballots.

284 (15) "Counting judge" means a poll worker designated to count the ballots during
285 election day.

286 (16) "Counting poll watcher" means a person selected as provided in Section
287 20A-3-201 to witness the counting of ballots.

288 (17) "Counting room" means a suitable and convenient private place or room,
289 immediately adjoining the place where the election is being held, for use by the poll workers
290 and counting judges to count ballots during election day.

291 [~~(18) "County executive" has the meaning as provided in Subsection 68-3-12(2).]~~

292 [~~(19) "County legislative body" has the meaning as provided in Subsection~~
293 ~~68-3-12(2).]~~

294 [~~(20)~~ (18) "County officers" means those county officers that are required by law to
295 be elected.

296 [~~(21)~~ (19) "Election" means a regular general election, a municipal general election, a
297 statewide special election, a local special election, a regular primary election, a municipal
298 primary election, and a local district election.

299 [~~(22)~~ (20) "Election Assistance Commission" means the commission established by
300 Public Law 107-252, the Help America Vote Act of 2002.

301 [~~(23)~~ (21) "Election cycle" means the period beginning on the first day persons are
302 eligible to file declarations of candidacy and ending when the canvass is completed.

303 [~~(24)~~ (22) "Election judge" means a poll worker that is assigned to:

- 304 (a) preside over other poll workers at a polling place;
- 305 (b) act as the presiding election judge; or
- 306 (c) serve as a canvassing judge, counting judge, or receiving judge.

307 [~~(25)~~ (23) "Election officer" means:

- 308 (a) the lieutenant governor, for all statewide ballots;
- 309 (b) the county clerk or clerks for all county ballots and for certain ballots and elections

310 as provided in Section 20A-5-400.5;

311 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
312 provided in Section 20A-5-400.5;

313 (d) the local district clerk or chief executive officer for certain ballots and elections as
314 provided in Section 20A-5-400.5; and

315 (e) the business administrator or superintendent of a school district for certain ballots
316 or elections as provided in Section 20A-5-400.5.

317 [~~(26)~~] (24) "Election official" means any election officer, election judge, or poll
318 worker.

319 [~~(27)~~] (25) "Election results" means, for bond elections, the count of those votes cast
320 for and against the bond proposition plus any or all of the election returns that the board of
321 canvassers may request.

322 [~~(28)~~] (26) "Election returns" includes the pollbook, all affidavits of registration, the
323 military and overseas absentee voter registration and voting certificates, one of the tally sheets,
324 any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
325 spoiled ballots, the ballot disposition form, and the total votes cast form.

326 [~~(29)~~] (27) "Electronic ballot" means a ballot that is recorded using a direct electronic
327 voting device or other voting device that records and stores ballot information by electronic
328 means.

329 [~~(30)~~] (28) (a) "Electronic voting device" means a voting device that uses electronic
330 ballots.

331 (b) "Electronic voting device" includes a direct recording electronic voting device.

332 [~~(31)~~] (29) "Inactive voter" means a registered voter who has been sent the notice
333 required by Section 20A-2-306 and who has failed to respond to that notice.

334 [~~(32)~~] (30) "Inspecting poll watcher" means a person selected as provided in this title
335 to witness the receipt and safe deposit of voted and counted ballots.

336 [~~(33)~~] (31) "Judicial office" means the office filled by any judicial officer.

337 [~~(34)~~] (32) "Judicial officer" means any justice or judge of a court of record or any

338 county court judge.

339 ~~[(35)]~~ (33) "Local district" means a local government entity under Title 17B, Limited
340 Purpose Local Government Entities - Local Districts, and includes a special service district
341 under Title 17D, Chapter 1, Special Service District Act.

342 ~~[(36)]~~ (34) "Local district officers" means those local district officers that are required
343 by law to be elected.

344 ~~[(37)]~~ (35) "Local election" means a regular municipal election, a local special
345 election, a local district election, and a bond election.

346 ~~[(38)]~~ (36) "Local political subdivision" means a county, a municipality, a local
347 district, or a local school district.

348 ~~[(39)]~~ (37) "Local special election" means a special election called by the governing
349 body of a local political subdivision in which all registered voters of the local political
350 subdivision may vote.

351 ~~[(40)]~~ (38) "Municipal executive" means:

352 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
353 and

354 (b) the mayor in the council-manager form of government defined in Subsection
355 10-3b-103(6).

356 ~~[(41)]~~ (39) "Municipal general election" means the election held in municipalities and
357 local districts on the first Tuesday after the first Monday in November of each odd-numbered
358 year for the purposes established in Section 20A-1-202.

359 ~~[(42)]~~ (40) "Municipal legislative body" means the council of the city or town in any
360 form of municipal government.

361 ~~[(43)]~~ (41) "Municipal officers" means those municipal officers that are required by
362 law to be elected.

363 ~~[(44)]~~ (42) "Municipal primary election" means an election held to nominate
364 candidates for municipal office.

365 ~~[(45)]~~ (43) "Official ballot" means the ballots distributed by the election officer to the

366 poll workers to be given to voters to record their votes.

367 [~~(46)~~] (44) "Official endorsement" means:

368 (a) the information on the ballot that identifies:

369 (i) the ballot as an official ballot;

370 (ii) the date of the election; and

371 (iii) the facsimile signature of the election officer; and

372 (b) the information on the ballot stub that identifies:

373 (i) the poll worker's initials; and

374 (ii) the ballot number.

375 [~~(47)~~] (45) "Official register" means the official record furnished to election officials
376 by the election officer that contains the information required by Section 20A-5-401.

377 [~~(48)~~] (46) "Paper ballot" means a paper that contains:

378 (a) the names of offices and candidates and statements of ballot propositions to be
379 voted on; and

380 (b) spaces for the voter to record his vote for each office and for or against each ballot
381 proposition.

382 [~~(49)~~] (47) "Political party" means an organization of registered voters that has
383 qualified to participate in an election by meeting the requirements of Title 20A, Chapter 8,
384 Political Party Formation and Procedures.

385 [~~(50)~~] (48) (a) "Poll worker" means a person assigned by an election official to assist
386 with an election, voting, or counting votes.

387 (b) "Poll worker" includes election judges.

388 (c) "Poll worker" does not include a watcher.

389 [~~(51)~~] (49) "Pollbook" means a record of the names of voters in the order that they
390 appear to cast votes.

391 [~~(52)~~] (50) "Polling place" means the building where voting is conducted.

392 [~~(53)~~] (51) "Position" means a square, circle, rectangle, or other geometric shape on a
393 ballot in which the voter marks his choice.

394 [~~(54)~~] (52) "Provisional ballot" means a ballot voted provisionally by a person:
395 (a) whose name is not listed on the official register at the polling place;
396 (b) whose legal right to vote is challenged as provided in this title; or
397 (c) whose identity was not sufficiently established by a poll worker.
398 [~~(55)~~] (53) "Provisional ballot envelope" means an envelope printed in the form
399 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
400 information to verify a person's legal right to vote.
401 [~~(56)~~] (54) "Primary convention" means the political party conventions at which
402 nominees for the regular primary election are selected.
403 [~~(57)~~] (55) "Protective counter" means a separate counter, which cannot be reset, that
404 is built into a voting machine and records the total number of movements of the operating
405 lever.
406 [~~(58)~~] (56) "Qualify" or "qualified" means to take the oath of office and begin
407 performing the duties of the position for which the person was elected.
408 [~~(59)~~] (57) "Receiving judge" means the poll worker that checks the voter's name in
409 the official register, provides the voter with a ballot, and removes the ballot stub from the
410 ballot after the voter has voted.
411 [~~(60)~~] (58) "Registration form" means a book voter registration form and a by-mail
412 voter registration form.
413 [~~(61)~~] (59) "Regular ballot" means a ballot that is not a provisional ballot.
414 [~~(62)~~] (60) "Regular general election" means the election held throughout the state on
415 the first Tuesday after the first Monday in November of each even-numbered year for the
416 purposes established in Section 20A-1-201.
417 [~~(63)~~] (61) "Regular primary election" means the election on the fourth Tuesday of
418 June of each even-numbered year, at which candidates of political parties and nonpolitical
419 groups are voted for nomination.
420 [~~(64)~~] (62) "Resident" means a person who resides within a specific voting precinct in
421 Utah.

422 [~~(65)~~] (63) "Sample ballot" means a mock ballot similar in form to the official ballot
423 printed and distributed as provided in Section 20A-5-405.

424 [~~(66)~~] (64) "Scratch vote" means to mark or punch the straight party ticket and then
425 mark or punch the ballot for one or more candidates who are members of different political
426 parties.

427 [~~(67)~~] (65) "Secrecy envelope" means the envelope given to a voter along with the
428 ballot into which the voter places the ballot after he has voted it in order to preserve the
429 secrecy of the voter's vote.

430 [~~(68)~~] (66) "Special election" means an election held as authorized by Section
431 20A-1-204.

432 [~~(69)~~] (67) "Spoiled ballot" means each ballot that:

433 (a) is spoiled by the voter;

434 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

435 (c) lacks the official endorsement.

436 [~~(70)~~] (68) "Statewide special election" means a special election called by the
437 governor or the Legislature in which all registered voters in Utah may vote.

438 [~~(71)~~] (69) "Stub" means the detachable part of each ballot.

439 [~~(72)~~] (70) "Substitute ballots" means replacement ballots provided by an election
440 officer to the poll workers when the official ballots are lost or stolen.

441 [~~(73)~~] (71) "Ticket" means each list of candidates for each political party or for each
442 group of petitioners.

443 [~~(74)~~] (72) "Transfer case" means the sealed box used to transport voted ballots to the
444 counting center.

445 [~~(75)~~] (73) "Vacancy" means the absence of a person to serve in any position created
446 by statute, whether that absence occurs because of death, disability, disqualification,
447 resignation, or other cause.

448 [~~(76)~~] (74) "Valid voter identification" means:

449 (a) a form of identification that bears the name and photograph of the voter which may

450 include:

- 451 (i) a currently valid Utah driver license;
- 452 (ii) a currently valid identification card that is issued by:
 - 453 (A) the state; or
 - 454 (B) a branch, department, or agency of the United States;
- 455 (iii) a currently valid Utah permit to carry a concealed weapon;
- 456 (iv) a currently valid United States passport; or
- 457 (v) a valid tribal identification card, whether or not the card includes a photograph of
458 the voter;
- 459 (b) two forms of identification that bear the name of the voter and provide evidence
460 that the voter resides in the voting precinct, which may include:
 - 461 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
462 election;
 - 463 (ii) a bank or other financial account statement, or a legible copy thereof;
 - 464 (iii) a certified birth certificate;
 - 465 (iv) a valid Social Security card;
 - 466 (v) a check issued by the state or the federal government or a legible copy thereof;
 - 467 (vi) a paycheck from the voter's employer, or a legible copy thereof;
 - 468 (vii) a currently valid Utah hunting or fishing license;
 - 469 (viii) a currently valid United States military identification card;
 - 470 (ix) certified naturalization documentation;
 - 471 (x) a currently valid license issued by an authorized agency of the United States;
 - 472 (xi) a certified copy of court records showing the voter's adoption or name change;
 - 473 (xii) a Bureau of Indian Affairs card;
 - 474 (xiii) a tribal treaty card;
 - 475 (xiv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
 - 476 (xv) a currently valid identification card issued by:
 - 477 (A) a local government within the state;

478 (B) an employer for an employee; or
479 (C) a college, university, technical school, or professional school located within the
480 state;
481 (xvi) a current Utah vehicle registration; or
482 (xvii) a form of identification listed in Subsection [~~(76)~~] (74)(a) that does not contain
483 a photograph, but establishes the name of the voter and provides evidence that the voter
484 resides in the voting precinct, if at least one other form of identification listed in Subsection
485 [~~(76)~~] (74)(b)(i) through (xv) is also presented.
486 [~~(77)~~] (75) "Valid write-in candidate" means a candidate who has qualified as a
487 write-in candidate by following the procedures and requirements of this title.
488 [~~(78)~~] (76) "Voter" means a person who meets the requirements for voting in an
489 election, meets the requirements of election registration, is registered to vote, and is listed in
490 the official register book.
491 [~~(79)~~] (77) "Voter registration deadline" means the registration deadline provided in
492 Section 20A-2-102.5.
493 [~~(80)~~] (78) "Voting area" means the area within six feet of the voting booths, voting
494 machines, and ballot box.
495 [~~(81)~~] (79) "Voting booth" means:
496 (a) the space or compartment within a polling place that is provided for the
497 preparation of ballots, including the voting machine enclosure or curtain; or
498 (b) a voting device that is free standing.
499 [~~(82)~~] (80) "Voting device" means:
500 (a) an apparatus in which ballot sheets are used in connection with a punch device for
501 piercing the ballots by the voter;
502 (b) a device for marking the ballots with ink or another substance;
503 (c) an electronic voting device or other device used to make selections and cast a
504 ballot electronically, or any component thereof;
505 (d) an automated voting system under Section 20A-5-302; or

506 (e) any other method for recording votes on ballots so that the ballot may be tabulated
507 by means of automatic tabulating equipment.

508 ~~[(83)]~~ (81) "Voting machine" means a machine designed for the sole purpose of
509 recording and tabulating votes cast by voters at an election.

510 ~~[(84)]~~ (82) "Voting poll watcher" means a person appointed as provided in this title to
511 witness the distribution of ballots and the voting process.

512 ~~[(85)]~~ (83) "Voting precinct" means the smallest voting unit established as provided
513 by law within which qualified voters vote at one polling place.

514 ~~[(86)]~~ (84) "Watcher" means a voting poll watcher, a counting poll watcher, an
515 inspecting poll watcher, and a testing watcher.

516 ~~[(87)]~~ (85) "Western States Presidential Primary" means the election established in
517 Title 20A, Chapter 9, Part 8.

518 ~~[(88)]~~ (86) "Write-in ballot" means a ballot containing any write-in votes.

519 ~~[(89)]~~ (87) "Write-in vote" means a vote cast for a person whose name is not printed
520 on the ballot according to the procedures established in this title.

521 Section 4. Section **45-1-101** is amended to read:

522 **45-1-101. Legal notice publication requirements.**

523 (1) As used in this section:

524 (a) ~~[(f)]~~ "Legal notice" means:

525 ~~[(A)]~~ (i) a communication required to be made public by a state statute or state agency
526 rule; or

527 ~~[(B)]~~ (ii) a notice required for judicial proceedings or by judicial decision.

528 ~~[(f)]~~ (b) "Legal notice" does not include a public notice published by a public body in
529 accordance with the provisions of Sections 52-4-202 and 63F-1-701.

530 ~~[(b) "Person" is as defined in Section 68-3-12.]~~

531 (2) Notwithstanding any other legal notice provision established in this Utah Code, a
532 person required to publish legal notice:

533 (a) until January 1, 2010, shall publish as required by the state statute establishing the

534 legal notice requirement; and

535 (b) beginning on January 1, 2010, shall publish legal notice:

536 (i) as required by the statute establishing the notice requirement; and

537 (ii) on a website established by the collective efforts of Utah's newspapers.

538 (3) Beginning on January 1, 2012, notwithstanding any provision of law requiring

539 publication of legal notice in a newspaper, a person who publishes legal notice that is required

540 to be given in a county of the first or second class:

541 (a) is not required to comply with the requirement to publish legal notice in a

542 newspaper;

543 (b) is required to publish legal notice on the website described in Subsection (2)(b)(ii);

544 and

545 (c) may, in addition to complying with Subsection (3)(b), publish legal notice in a

546 newspaper.

547 (4) The website described in Subsection (2)(b)(ii) may not:

548 (a) charge a fee to publish a legal notice on the website before January 1, 2012; and

549 (b) charge more than \$10 to publish a legal notice on the website on or after January 1,

550 2012.

551 Section 5. Section **63M-7-502** is amended to read:

552 **63M-7-502. Definitions.**

553 As used in this chapter:

554 (1) "Accomplice" means a person who has engaged in criminal conduct as defined in

555 Section 76-2-202.

556 (2) "Board" means the Crime Victim Reparations Board created under Section

557 63M-7-504.

558 (3) "Bodily injury" means physical pain, illness, or any impairment of physical

559 condition.

560 (4) "Claim" means:

561 (a) the victim's application or request for a reparations award; and

562 (b) the formal action taken by a victim to apply for reparations pursuant to Sections
563 63M-7-501 through 63M-7-525.

564 (5) "Claimant" means any of the following claiming reparations under this chapter:

565 (a) a victim;

566 (b) a dependent of a deceased victim;

567 (c) a representative other than a collateral source; or

568 (d) the person or representative who files a claim on behalf of a victim.

569 (6) "Child" means an unemancipated person who is under 18 years of age.

570 (7) "Collateral source" means the definition as provided in Section 63M-7-513.

571 (8) "Contested case" means a case which the claimant contests, claiming the award

572 was either inadequate or denied, or which a county attorney, a district attorney, a law

573 enforcement officer, or other individual related to the criminal investigation proffers

574 reasonable evidence of the claimant's lack of cooperation in the prosecution of a case after an

575 award has already been given.

576 (9) (a) "Criminally injurious conduct" other than acts of war declared or not declared

577 means conduct that:

578 (i) is or would be subject to prosecution in this state under Section 76-1-201;

579 (ii) occurs or is attempted;

580 (iii) causes, or poses a substantial threat of causing, bodily injury or death;

581 (iv) is punishable by fine, imprisonment, or death if the person engaging in the

582 conduct possessed the capacity to commit the conduct; and

583 (v) does not arise out of the ownership, maintenance, or use of a motor vehicle,

584 aircraft, or water craft, unless the conduct is intended to cause bodily injury or death, or is

585 conduct which is or would be punishable under Title 76, Chapter 5, Offenses Against the

586 Person, or as any offense chargeable as driving under the influence of alcohol or drugs.

587 (b) "Criminally injurious conduct" includes an act of terrorism, as defined in 18

588 U.S.C. Sec. 2331 committed outside of the United States against a resident of this state.

589 "Terrorism" does not include an "act of war" as defined in 18 U.S.C. Sec. 2331.

590 (10) "Dependent" means a natural person to whom the victim is wholly or partially
591 legally responsible for care or support and includes a child of the victim born after the victim's
592 death.

593 (11) "Dependent's economic loss" means loss after the victim's death of contributions
594 of things of economic value to the victim's dependent, not including services the dependent
595 would have received from the victim if the victim had not suffered the fatal injury, less
596 expenses of the dependent avoided by reason of victim's death.

597 (12) "Dependent's replacement services loss" means loss reasonably and necessarily
598 incurred by the dependent after the victim's death in obtaining services in lieu of those the
599 decedent would have performed for the victim's benefit if the victim had not suffered the fatal
600 injury, less expenses of the dependent avoided by reason of the victim's death and not
601 subtracted in calculating the dependent's economic loss.

602 (13) "Director" means the director of the Office of Crime Victim Reparations.

603 (14) "Disposition" means the sentencing or determination of penalty or punishment to
604 be imposed upon a person:

605 (a) convicted of a crime;

606 (b) found delinquent; or

607 (c) against whom a finding of sufficient facts for conviction or finding of delinquency
608 is made.

609 (15) "Economic loss" means economic detriment consisting only of allowable
610 expense, work loss, replacement services loss, and if injury causes death, dependent's
611 economic loss and dependent's replacement service loss. Noneconomic detriment is not loss,
612 but economic detriment is loss although caused by pain and suffering or physical impairment.

613 (16) "Elderly victim" means a person 60 years of age or older who is a victim.

614 (17) "Fraudulent claim" means a filed claim based on material misrepresentation of
615 fact and intended to deceive the reparations staff for the purpose of obtaining reparation funds
616 for which the claimant is not eligible as provided in Section 63M-7-510.

617 (18) "Fund" means the Crime Victim Reparations Fund created in Section 51-9-404.

618 (19) "Law enforcement officer" means a law enforcement officer as defined in Section
619 53-13-103.

620 (20) "Medical examination" means a physical examination necessary to document
621 criminally injurious conduct but does not include mental health evaluations for the prosecution
622 and investigation of a crime.

623 (21) "Mental health counseling" means outpatient and inpatient counseling
624 necessitated as a result of criminally injurious conduct. The definition of mental health
625 counseling is subject to rules promulgated by the board pursuant to Title 63G, Chapter 3, Utah
626 Administrative Rulemaking Act.

627 (22) "Misconduct" as provided in Subsection 63M-7-512(1)(b) means conduct by the
628 victim which was attributable to the injury or death of the victim as provided by rules
629 promulgated by the board pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking
630 Act.

631 (23) "Noneconomic detriment" means pain, suffering, inconvenience, physical
632 impairment, and other nonpecuniary damage, except as provided in this chapter.

633 (24) "Pecuniary loss" does not include loss attributable to pain and suffering except as
634 otherwise provided in this chapter.

635 (25) "Offender" means a person who has violated the criminal code through criminally
636 injurious conduct regardless of whether the person is arrested, prosecuted, or convicted.

637 (26) "Offense" means a violation of the criminal code.

638 (27) "Office of Crime Victim Reparations" or "office" means the office of the
639 reparations staff for the purpose of carrying out the provisions of this chapter.

640 (28) "Perpetrator" means the person who actually participated in the criminally
641 injurious conduct.

642 [~~(29) "Personal property" has the same definition as provided in Section 68-3-12.~~]

643 [~~(30)~~ (29) "Reparations officer" means a person employed by the office to investigate
644 claims of victims and award reparations under this chapter, and includes the director when the
645 director is acting as a reparations officer.

646 [~~(31)~~] (30) "Reparations staff" means the director, the reparations officers, and any
647 other staff employed to administer the Crime Victim Reparations Act.

648 [~~(32)~~] (31) "Replacement service loss" means expenses reasonably and necessarily
649 incurred in obtaining ordinary and necessary services in lieu of those the injured person would
650 have performed, not for income but the benefit of the injured person or the injured person's
651 dependents if the injured person had not been injured.

652 [~~(33)~~] (32) "Representative" means the victim, immediate family member, legal
653 guardian, attorney, conservator, executor, or an heir of a person but does not include service
654 providers.

655 [~~(34)~~] (33) "Restitution" means money or services an appropriate authority orders an
656 offender to pay or render to a victim of the offender's conduct.

657 [~~(35)~~] (34) "Secondary victim" means a person who is traumatically affected by the
658 criminally injurious conduct subject to rules promulgated by the board pursuant to Title 63G,
659 Chapter 3, Utah Administrative Rulemaking Act.

660 [~~(36)~~] (35) "Service provider" means a person or agency who provides a service to
661 crime victims for a monetary fee except attorneys as provided in Section 63M-7-524.

662 [~~(37)~~] (36) (a) "Victim" means a person who suffers bodily or psychological injury or
663 death as a direct result of criminally injurious conduct or of the production of pornography in
664 violation of Sections 76-5a-1 through 76-5a-4 if the person is a minor.

665 (b) "Victim" does not include a person who participated in or observed the judicial
666 proceedings against an offender unless otherwise provided by statute or rule.

667 (c) "Victim" includes a resident of this state who is injured or killed by an act of
668 terrorism, as defined in 18 U.S.C. 2331, committed outside of the United States.

669 [~~(38)~~] (37) "Work loss" means loss of income from work the injured victim would
670 have performed if the injured victim had not been injured and expenses reasonably incurred by
671 the injured victim in obtaining services in lieu of those the injured victim would have
672 performed for income, reduced by any income from substitute work the injured victim was
673 capable of performing but unreasonably failed to undertake.

674 Section 6. Section **68-3-2** is amended to read:

675 **68-3-2. Statutes in derogation of common law not strictly construed -- Rules of**
676 **equity prevail.**

677 (1) The rule of the common law that ~~[statutes]~~ a statute in derogation ~~[thereof are]~~ of
678 the common law is to be strictly construed ~~[has no application to the statutes of this state. The~~
679 ~~statutes establish the laws]~~ does not apply to the Utah Code.

680 (2) A statute of the Utah Code establishes the law of this state respecting the subjects
681 to which ~~[they relate, and their provisions and all proceedings under them are to be liberally]~~
682 the statute relates.

683 (3) Each provision of, and each proceeding under, the Utah Code shall be construed
684 with a view to effect the objects of the ~~[statutes]~~ provision and to promote justice. ~~[Whenever~~
685 ~~there is any variance]~~

686 (4) When there is a conflict between the rules of equity and the rules of common law
687 in reference to the same matter, ~~the~~ rules of equity ~~[shall]~~ prevail.

688 Section 7. Section **68-3-3** is amended to read:

689 **68-3-3. Retroactive effect.**

690 ~~[No part of these revised statutes is]~~ A provision of the Utah Code is not retroactive,
691 unless ~~[expressly so]~~ the provision is expressly declared to be retroactive.

692 Section 8. Section **68-3-12** is amended to read:

693 **68-3-12. Rules of construction.**

694 (1) (a) In the construction of ~~[these statutes]~~ a statute in the Utah Code, the general
695 rules listed in this Subsection (1) shall be observed, unless the construction would be:

696 (i) inconsistent with the manifest intent of the Legislature; or

697 (ii) repugnant to the context of the statute.

698 (b) The singular ~~[number]~~ includes the plural, and the plural includes the singular.

699 (c) ~~[Words]~~ A word used in one gender ~~[comprehend]~~ includes the other gender.

700 (d) ~~[Words]~~ A word used in the present tense ~~[include]~~ includes the future tense.

701 (e) In accordance with Title 46, Chapter 4, Part 5, Electronic Records in Government

702 Agencies, ~~[words]~~ a word related to the medium used in the provision of a government
703 ~~[services]~~ service may include an electronic or other ~~[mediums]~~ medium.

704 (f) "Include," "includes," or "including" means that the items listed are not an
705 exclusive list, unless the word "only" or similar language is used to expressly indicate that the
706 list is an exclusive list.

707 (g) "May" means that an action is authorized or permissive.

708 (h) "May not" means that an action is not authorized and is prohibited.

709 (i) "Must" means, depending on the context in which it is used, that:

710 (i) an action is required or mandatory;

711 (ii) an action or result is compelled by necessity;

712 (iii) an item is indispensable; or

713 (iv) an action or event is a condition precedent to:

714 (A) the authority to act;

715 (B) a prohibition;

716 (C) the accrual or loss of a right; or

717 (D) the imposition or removal of an obligation.

718 (j) "Shall" means that an action is required or mandatory.

719 (2) (a) Except as provided in Subsection (2)(b) or (c), the use of the following terms in
720 the Utah Code is strongly discouraged:

721 (i) "shall not";

722 (ii) "should not";

723 (iii) "must not"; or

724 (iv) "but not limited to" after "include," "includes," or "including."

725 (b) A term described in Subsection (2)(a) may be used when unusual circumstances
726 exist that require the use of the term, including the use of the term:

727 (i) in an interstate compact; or

728 (ii) to ensure consistency with a federal law or rule.

729 (c) (i) Except as provided in Subsection (2)(c)(ii), the use of the word "should" is

730 strongly discouraged.

731 (ii) The word "should" may be used to:

732 (A) refer to a recommended action, including a provision that a person shall or may
733 recommend whether an action "should" be taken;

734 (B) indicate an expected standard of knowledge, including a provision that a person
735 "should" know:

736 (I) whether a fact exists; or

737 (II) that an action is likely to cause a specified result; or

738 (C) refer to a determination as to whether an action "should" have occurred.

739 (d) The use of the word "must" is strongly discouraged when the term "shall" can be
740 used in its place.

741 ~~[(2) In the construction of these statutes, the definitions listed in this Subsection (2)~~
742 ~~shall be observed, unless the definition would be inconsistent with the manifest intent of the~~
743 ~~Legislature, or repugnant to the context of the statute.]~~

744 ~~[(a) "Adjudicative proceeding" means:]~~

745 ~~[(i) all actions by a board, commission, department, officer, or other administrative~~
746 ~~unit of the state that determine the legal rights, duties, privileges, immunities, or other legal~~
747 ~~interests of one or more identifiable persons, including all actions to grant, deny, revoke,~~
748 ~~suspend, modify, annul, withdraw, or amend an authority, right, or license; and]~~

749 ~~[(ii) judicial review of all such actions.]~~

750 ~~[(b) "Advisory board," "advisory commission," and "advisory council" means a board,~~
751 ~~commission, or council that:]~~

752 ~~[(i) provides advice and makes recommendations to another person or entity who~~
753 ~~makes policy for the benefit of the general public;]~~

754 ~~[(ii) is created by and whose duties are provided by statute or by executive order; and]~~

755 ~~[(iii) performs its duties only under the supervision of another person as provided by~~
756 ~~statute.]~~

757 ~~[(c) "Councilman" includes a town trustee or a city commissioner, and "city~~

- 758 commissioner" includes a councilman.]
- 759 ~~[(d) "County executive" means:]~~
- 760 ~~[(i) the county commission in the county commission or expanded county commission~~
- 761 ~~form of government established under Title 17, Chapter 52, Forms of County Government;]~~
- 762 ~~[(ii) the county executive in the "county executive-council" optional form of~~
- 763 ~~government authorized by Section 17-52-504; and]~~
- 764 ~~[(iii) the county manager in the "council-manager" optional form of government~~
- 765 ~~authorized by Section 17-52-505.]~~
- 766 ~~[(e) "County legislative body" means:]~~
- 767 ~~[(i) the county commission in the county commission or expanded county commission~~
- 768 ~~form of government established under Title 17, Chapter 52, Forms of County Government;]~~
- 769 ~~[(ii) the county council in the "county executive-council" optional form of government~~
- 770 ~~authorized by Section 17-52-504; and]~~
- 771 ~~[(iii) the county council in the "council-manager" optional form of government~~
- 772 ~~authorized by Section 17-52-505.]~~
- 773 ~~[(f) "Executor" includes administrator, and the term "administrator" includes executor,~~
- 774 ~~when the subject matter justifies such use.]~~
- 775 ~~[(g) "Guardian" includes a person who has qualified as a guardian of a minor or~~
- 776 ~~incapacitated person pursuant to testamentary or court appointment and a person who is~~
- 777 ~~appointed by a court to manage the estate of a minor or incapacitated person.]~~
- 778 ~~[(h) "Highway" and "road" include public bridges and may be held equivalent to the~~
- 779 ~~words "county way," "county road," "common road," and "state road."]~~
- 780 ~~[(i) "Him," "his," and other masculine pronouns include "her," "hers," and similar~~
- 781 ~~feminine pronouns unless the context clearly indicates a contrary intent or the subject matter~~
- 782 ~~relates clearly and necessarily to the male sex only.]~~
- 783 ~~[(j) "Insane person" include idiots, lunatics, distracted persons, and persons of~~
- 784 ~~unsound mind.]~~
- 785 ~~[(k) "Land," "real estate," and "real property" include land, tenements, hereditaments,~~

786 ~~water rights, possessory rights, and claims.]~~

787 ~~[(t) "Man" or "men" when used alone or in conjunction with other syllables as in~~
788 ~~"workman," includes "woman" or "women" unless the context clearly indicates a contrary~~
789 ~~intent or the subject matter relates clearly and necessarily to the male sex only.]~~

790 ~~[(m) "Month" means a calendar month, unless otherwise expressed, and the word~~
791 ~~"year," or the abbreviation "A.D." is equivalent to the expression "year of our Lord."]~~

792 ~~[(n) "Oath" includes "affirmation," and the word "swear" includes "affirm." Every~~
793 ~~oral statement under oath or affirmation is embraced in the term "testify," and every written~~
794 ~~one, in the term "depose."]~~

795 ~~[(o) "Person" includes individuals, bodies politic and corporate, partnerships,~~
796 ~~associations, and companies.]~~

797 ~~[(p) "Personal property" includes every description of money, goods, chattels, effects,~~
798 ~~evidences of rights in action, and all written instruments by which any pecuniary obligation,~~
799 ~~right, or title to property is created, acknowledged, transferred, increased, defeated,~~
800 ~~discharged, or diminished, and every right or interest therein.]~~

801 ~~[(q) "Personal representative," "executor," and "administrator" includes an executor,~~
802 ~~administrator, successor personal representative, special administrator, and persons who~~
803 ~~perform substantially the same function under the law governing their status.]~~

804 ~~[(r) "Policy board," "policy commission," or "policy council" means a board,~~
805 ~~commission, or council that:]~~

806 ~~[(i) possesses a portion of the sovereign power of the state to enable it to make policy~~
807 ~~for the benefit of the general public;]~~

808 ~~[(ii) is created by and whose duties are provided by the constitution or by statute;]~~

809 ~~[(iii) performs its duties according to its own rules without supervision other than~~
810 ~~under the general control of another person as provided by statute; and]~~

811 ~~[(iv) is permanent and continuous and not temporary and occasional.]~~

812 ~~[(s) "Population" shall be as shown by the last preceding state or national census,~~
813 ~~unless otherwise specially provided.]~~

- 814 ~~[(t) "Property" includes both real and personal property.]~~
- 815 ~~[(u) "Review board," "review commission," or "review council" means a board,~~
- 816 ~~commission, or council that:]~~
- 817 ~~[(i) possesses a portion of the sovereign power of the state only to the extent to enable~~
- 818 ~~it to approve policy made for the benefit of the general public by another body or person;]~~
- 819 ~~[(ii) is created by and whose duties are provided by statute;]~~
- 820 ~~[(iii) performs its duties according to its own rules without supervision other than~~
- 821 ~~under the general control of another person as provided by statute; and]~~
- 822 ~~[(iv) is permanent and continuous and not temporary and occasional.]~~
- 823 ~~[(v) "Sheriff," "county attorney," "district attorney," "clerk," or other words used to~~
- 824 ~~denote an executive or ministerial officer, may include any deputy, or other person performing~~
- 825 ~~the duties of such officer, either generally or in special cases; and the words "county clerk"~~
- 826 ~~may be held to include "clerk of the district court."]~~
- 827 ~~[(w) "Signature" includes any name, mark, or sign written with the intent to~~
- 828 ~~authenticate any instrument or writing.]~~
- 829 ~~[(x) "State," when applied to the different parts of the United States, includes the~~
- 830 ~~District of Columbia and the territories; and the words "United States" may include the~~
- 831 ~~District and the territories.]~~
- 832 ~~[(y) "Town" may mean incorporated town and may include city, and the word "city"~~
- 833 ~~may mean incorporated town.]~~
- 834 ~~[(z) "Vessel," when used with reference to shipping, includes steamboats, canal boats,~~
- 835 ~~and every structure adapted to be navigated from place to place.]~~
- 836 ~~[(aa) "Will" includes codicils.]~~
- 837 ~~[(bb) "Writ" means an order or precept in writing, issued in the name of the state or of~~
- 838 ~~a court or judicial officer; and "process" means a writ or summons issued in the course of~~
- 839 ~~judicial proceedings.]~~
- 840 ~~[(cc) "Writing" includes:]~~
- 841 ~~[(i) printing;]~~

842 ~~[(ii) handwriting; and]~~
843 ~~[(iii) information stored in an electronic or other medium if the information is~~
844 ~~retrievable in a perceivable format.]~~

845 Section 9. Section **68-3-12.5** is enacted to read:

846 **68-3-12.5. Definitions for Utah Code.**

847 (1) The definitions listed in this section apply to the Utah Code, unless:

848 (a) the definition is inconsistent with the manifest intent of the Legislature or
849 repugnant to the context of the statute; or

850 (b) a different definition is expressly provided for the respective title, chapter, part,
851 section, or subsection.

852 (2) "Adjudicative proceeding" means:

853 (a) an action by a board, commission, department, officer, or other administrative unit
854 of the state that determines the legal rights, duties, privileges, immunities, or other legal
855 interests of one or more identifiable persons, including an action to grant, deny, revoke,
856 suspend, modify, annul, withdraw, or amend an authority, right, or license; and

857 (b) judicial review of an action described in Subsection (2)(a).

858 (3) "Administrator" includes "executor" when the subject matter justifies the use.

859 (4) "Advisory board," "advisory commission," and "advisory council" mean a board,
860 commission, committee, or council that:

861 (a) is created by, and whose duties are provided by, statute or executive order;

862 (b) performs its duties only under the supervision of another person as provided by
863 statute; and

864 (c) provides advice and makes recommendations to another person that makes policy
865 for the benefit of the general public.

866 (5) "County executive" means:

867 (a) the county commission, in the county commission or expanded county commission
868 form of government established under Title 17, Chapter 52, Changing Forms of County
869 Government;

870 (b) the county executive, in the county executive-council optional form of government
871 authorized by Section 17-52-504; or

872 (c) the county manager, in the council-manager optional form of government
873 authorized by Section 17-52-505.

874 (6) "County legislative body" means:

875 (a) the county commission, in the county commission or expanded county commission
876 form of government established under Title 17, Chapter 52, Changing Forms of County
877 Government;

878 (b) the county council, in the county executive-council optional form of government
879 authorized by Section 17-52-504; and

880 (c) the county council, in the council-manager optional form of government authorized
881 by Section 17-52-505.

882 (7) "Depose" means to make a written statement made under oath or affirmation.

883 (8) "Executor" includes "administrator" when the subject matter justifies the use.

884 (9) "Guardian" includes a person who:

885 (a) qualifies as a guardian of a minor or incapacitated person pursuant to testamentary
886 or court appointment; or

887 (b) is appointed by a court to manage the estate of a minor or incapacitated person.

888 (10) "Highway" includes:

889 (a) a public bridge;

890 (b) a county way;

891 (c) a county road;

892 (d) a common road; and

893 (e) a state road.

894 (11) "Land" includes:

895 (a) land;

896 (b) a tenement;

897 (c) a hereditament;

- 898 (d) a water right;
- 899 (e) a possessory right; and
- 900 (f) a claim.
- 901 (12) "Month" means a calendar month, unless otherwise expressed.
- 902 (13) "Oath" includes "affirmation."
- 903 (14) "Person" means:
- 904 (a) an individual;
- 905 (b) an association;
- 906 (c) an institution;
- 907 (d) a corporation;
- 908 (e) a company;
- 909 (f) a trust;
- 910 (g) a limited liability company;
- 911 (h) a partnership;
- 912 (i) a political subdivision;
- 913 (j) a government office, department, division, bureau, or other body of government;
- 914 and
- 915 (k) any other organization or entity.
- 916 (15) "Personal property" includes:
- 917 (a) money;
- 918 (b) goods;
- 919 (c) chattels;
- 920 (d) effects;
- 921 (e) evidences of a right in action;
- 922 (f) a written instrument by which a pecuniary obligation, right, or title to property is
- 923 created, acknowledged, transferred, increased, defeated, discharged, or diminished; and
- 924 (g) a right or interest in an item described in Subsections (15)(a) through (f).
- 925 (16) "Personal representative," "executor," and "administrator" include:

- 926 (a) an executor;
927 (b) an administrator;
928 (c) a successor personal representative;
929 (d) a special administrator; and
930 (e) a person who performs substantially the same function as a person described in
931 Subsections (16)(a) through (d) under the law governing the person's status.
932 (17) "Policy board," "policy commission," or "policy council" means a board,
933 commission, or council that:
934 (a) is authorized to make policy for the benefit of the general public;
935 (b) is created by, and whose duties are provided by, the constitution or statute; and
936 (c) performs its duties according to its own rules without supervision other than under
937 the general control of another person as provided by statute.
938 (18) "Population" is shown by the most recent state or national census, unless
939 expressly provided otherwise.
940 (19) "Process" means a writ or summons issued in the course of a judicial proceeding.
941 (20) "Property" includes both real and personal property.
942 (21) "Real estate" or "real property" includes:
943 (a) land;
944 (b) a tenement;
945 (c) a hereditament;
946 (d) a water right;
947 (e) a possessory right; and
948 (f) a claim.
949 (22) "Review board," "review commission," and "review council" mean a board,
950 commission, committee, or council that:
951 (a) is authorized to approve policy made for the benefit of the general public by
952 another body or person;
953 (b) is created by, and whose duties are provided by, statute; and

954 (c) performs its duties according to its own rules without supervision other than under
955 the general control of another person as provided by statute.

956 (23) "Road" includes:

957 (a) a public bridge;

958 (b) a county way;

959 (c) a county road;

960 (d) a common road; and

961 (e) a state road.

962 (24) "Signature" includes a name, mark, or sign written with the intent to authenticate
963 an instrument or writing.

964 (25) "State," when applied to the different parts of the United States, includes a state,
965 district, or territory of the United States.

966 (26) "Swear" includes "affirm."

967 (27) "Testify" means to make an oral statement under oath or affirmation.

968 (28) "United States" includes each state, district, and territory of the United States of
969 America.

970 (29) "Utah Code" means the 1953 recodification of the Utah Code, as amended, unless
971 the text expressly references a portion of the 1953 recodification of the Utah Code as it
972 existed:

973 (a) on the day on which the 1953 recodification of the Utah Code was enacted; or

974 (b) (i) after the day described in Subsection (29)(a); and

975 (ii) before the most recent amendment to the referenced portion of the 1953
976 recodification of the Utah Code.

977 (30) "Vessel," when used with reference to shipping, includes a steamboat, canal boat,
978 and every structure adapted to be navigated from place to place.

979 (31) "Will" includes a codicil.

980 (32) "Writ" means an order or precept in writing, issued in the name of:

981 (a) the state;

982 (b) a court; or

983 (c) a judicial officer.

984 (33) "Writing" includes:

985 (a) printing;

986 (b) handwriting; and

987 (c) information stored in an electronic or other medium if the information is

988 retrievable in a perceivable format.

989 Section 10. Section **68-3-14** is amended to read:

990 **68-3-14. Annual reports -- Executive summary -- Electronic copy.**

991 Whenever an annual report to the Legislature and to the governor, or to either one, is
992 required by [~~these statutes~~] a statute in the Utah Code, that requirement may be fulfilled by:

993 (1) sending an executive summary, highlighting the contents of the annual report and
994 the address of the electronic or hard copy of the annual report to each legislator and to the
995 governor, or to either one, as required by the statute;

996 (2) providing an electronic copy of the annual report on the state's Internet site; and

997 (3) providing the executive summary and the address of the electronic copy of the
998 annual report to the Office of Legislative Research and General Counsel, if the annual report is
999 required to be provided to the Legislature.

1000 Section 11. Section **76-6-506** is amended to read:

1001 **76-6-506. Financial transaction card offenses -- Definitions.**

1002 As used in this part:

1003 (1) "Authorized credit card merchant" means a person [~~as defined in Section 68-3-12~~]
1004 who is authorized by an issuer to furnish money, goods, services, or anything else of value
1005 upon presentation of a financial transaction card by a card holder and to present valid credit
1006 card sales drafts to the issuer for payment.

1007 (2) "Automated banking device" means any machine which, when properly activated
1008 by a financial transaction card or a personal identification code, may be used for any of the
1009 purposes for which a financial transaction card may be used.

1010 (3) "Card holder" means any person or organization named on the face of a financial
1011 transaction card to whom or for whose benefit a financial transaction card is issued.

1012 (4) "Credit card sales draft" means any sales slip, draft, or other written or electronic
1013 record of a sale of money, goods, services, or anything else of value made or purported to be
1014 made to or at the request of a card holder with a financial transaction card, financial
1015 transaction card credit number, or personal identification code, whether the record of the sale
1016 or purported sale is evidenced by a sales draft, voucher, or other similar document in writing
1017 or electronically recorded and transmitted.

1018 (5) "Financial transaction card" means:

1019 (a) any credit card, credit plate, bank services card, banking card, check guarantee
1020 card, debit card, telephone credit card, or any other card, issued by an issuer for the use of the
1021 card holder in obtaining money, goods, services, or anything else of value on credit, or in
1022 certifying or guaranteeing to a person or business the availability to the card holder of the
1023 funds on deposit that are equal to or greater than the amount necessary to honor a draft or
1024 check payable to the order of the person or business; or

1025 (b) any instrument or device used in providing the card holder access to a demand or
1026 time deposit account for the purpose of making deposits of money or checks in the account, or
1027 withdrawing funds from the account in the form of money, money orders, travelers' checks or
1028 other form representing value, or transferring funds from any demand or time deposit account
1029 to any credit card account in full or partial satisfaction of any outstanding balance existing in
1030 the credit card account.

1031 (6) "Issuer" means a business organization or financial institution or its agent that
1032 issues a financial transaction card.

1033 (7) "Personal identification code" means any numerical or alphabetical code assigned
1034 to a card holder by the issuer to permit the authorized electronic use of the holder's financial
1035 transaction card.

1036 Section 12. Section **78B-6-1402** is amended to read:

1037 **78B-6-1402. Definitions.**

1038 As used in this part:

1039 (1) "Action involving public participation in the process of government" means any
1040 lawsuit, cause of action, claim, cross-claim, counterclaim, or other judicial pleading or filing
1041 requesting relief to which this act applies.

1042 (2) "Government" includes a branch, department, agency, instrumentality, official,
1043 employee, agent, or other person acting under color of law of the United States, a state, or
1044 subdivision of a state or other public authority.

1045 (3) "Moving party" means any person on whose behalf the motion is filed.

1046 [~~(4) "Person" means the same as defined in Section 68-3-12.~~]

1047 [~~(5)~~ (4) "Process of government" means the mechanisms and procedures by which the
1048 legislative and executive branches of government make decisions, and the activities leading up
1049 to the decisions, including the exercise by a citizen of the right to influence those decisions
1050 under the First Amendment to the U.S. Constitution.

1051 [~~(6)~~ (5) "Responding party" means any person against whom the motion described in
1052 Section 78B-6-1403 is filed.

1053 [~~(7) "State" means the same as defined in Section 68-3-12.~~]