

UNIFORMED SERVICES AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill adds a definition of armed forces and uniformed services to the statutory construction list of definitions.

Highlighted Provisions:

This bill:

- defines armed forces and uniformed services.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

68-3-12.5, as last amended by Laws of Utah 2011, Chapter 366

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

Section 1. Section **68-3-12.5** is amended to read:

68-3-12.5. Definitions for Utah Code.

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

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



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

30 (2) "Adjudicative proceeding" means:

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

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

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

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

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

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

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

44 (5) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps,
45 and Coast Guard.

46 [~~5~~] (6) "County executive" means:

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

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

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

54 [~~6~~] (7) "County legislative body" means:

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

58 (b) the county council, in the county executive-council optional form of government

59 authorized by Section [17-52-504](#); and

60 (c) the county council, in the council-manager optional form of government authorized
61 by Section [17-52-505](#).

62 [~~(7)~~] [\(8\)](#) "Depose" means to make a written statement made under oath or affirmation.

63 [~~(8)~~] [\(9\)](#) "Executor" includes "administrator" when the subject matter justifies the use.

64 [~~(9)~~] [\(10\)](#) "Guardian" includes a person who:

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

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

68 [~~(10)~~] [\(11\)](#) "Highway" includes:

69 (a) a public bridge;

70 (b) a county way;

71 (c) a county road;

72 (d) a common road; and

73 (e) a state road.

74 [~~(11)~~] [\(12\)](#) "Intellectual disability" means a significant, subaverage general intellectual
75 functioning that:

76 (a) exists concurrently with deficits in adaptive behavior; and

77 (b) is manifested during the developmental period as defined in the current edition of
78 the Diagnostic and Statistical Manual of Mental Disorders, published by the American
79 Psychiatric Association.

80 [~~(12)~~] [\(13\)](#) "Intermediate care facility for people with an intellectual disability" means
81 an intermediate care facility for the mentally retarded, as defined in Title XIX of the Social
82 Security Act.

83 [~~(13)~~] [\(14\)](#) "Land" includes:

84 (a) land;

85 (b) a tenement;

86 (c) a hereditament;

87 (d) a water right;

88 (e) a possessory right; and

89 (f) a claim.

90 [~~(14)~~] (15) "Month" means a calendar month, unless otherwise expressed.
91 [~~(15)~~] (16) "Oath" includes "affirmation."
92 [~~(16)~~] (17) "Person" means:
93 (a) an individual;
94 (b) an association;
95 (c) an institution;
96 (d) a corporation;
97 (e) a company;
98 (f) a trust;
99 (g) a limited liability company;
100 (h) a partnership;
101 (i) a political subdivision;
102 (j) a government office, department, division, bureau, or other body of government;
103 and
104 (k) any other organization or entity.
105 [~~(17)~~] (18) "Personal property" includes:
106 (a) money;
107 (b) goods;
108 (c) chattels;
109 (d) effects;
110 (e) evidences of a right in action;
111 (f) a written instrument by which a pecuniary obligation, right, or title to property is
112 created, acknowledged, transferred, increased, defeated, discharged, or diminished; and
113 (g) a right or interest in an item described in Subsections [~~(17)~~] (18)(a) through (f).
114 [~~(18)~~] (19) "Personal representative," "executor," and "administrator" include:
115 (a) an executor;
116 (b) an administrator;
117 (c) a successor personal representative;
118 (d) a special administrator; and
119 (e) a person who performs substantially the same function as a person described in
120 Subsections [~~(18)~~] (19)(a) through (d) under the law governing the person's status.

121 [~~(19)~~] (20) "Policy board," "policy commission," or "policy council" means a board,
122 commission, or council that:

- 123 (a) is authorized to make policy for the benefit of the general public;
- 124 (b) is created by, and whose duties are provided by, the constitution or statute; and
- 125 (c) performs its duties according to its own rules without supervision other than under
126 the general control of another person as provided by statute.

127 [~~(20)~~] (21) "Population" is shown by the most recent state or national census, unless
128 expressly provided otherwise.

129 [~~(21)~~] (22) "Process" means a writ or summons issued in the course of a judicial
130 proceeding.

131 [~~(22)~~] (23) "Property" includes both real and personal property.

132 [~~(23)~~] (24) "Real estate" or "real property" includes:

- 133 (a) land;
- 134 (b) a tenement;
- 135 (c) a hereditament;
- 136 (d) a water right;
- 137 (e) a possessory right; and
- 138 (f) a claim.

139 [~~(24)~~] (25) "Review board," "review commission," and "review council" mean a board,
140 commission, committee, or council that:

- 141 (a) is authorized to approve policy made for the benefit of the general public by another
142 body or person;
- 143 (b) is created by, and whose duties are provided by, statute; and
- 144 (c) performs its duties according to its own rules without supervision other than under
145 the general control of another person as provided by statute.

146 [~~(25)~~] (26) "Road" includes:

- 147 (a) a public bridge;
- 148 (b) a county way;
- 149 (c) a county road;
- 150 (d) a common road; and
- 151 (e) a state road.

152 [~~(26)~~] (27) "Signature" includes a name, mark, or sign written with the intent to
153 authenticate an instrument or writing.

154 [~~(27)~~] (28) "State," when applied to the different parts of the United States, includes a
155 state, district, or territory of the United States.

156 [~~(28)~~] (29) "Swear" includes "affirm."

157 [~~(29)~~] (30) "Testify" means to make an oral statement under oath or affirmation.

158 (31) "Uniformed services" means:

159 (a) the armed forces;

160 (b) the commissioned corps of the National Oceanic and Atmospheric Administration;

161 and

162 (c) the Commissioned Corps of the United States Public Health Service.

163 [~~(30)~~] (32) "United States" includes each state, district, and territory of the United
164 States of America.

165 [~~(31)~~] (33) "Utah Code" means the 1953 recodification of the Utah Code, as amended,
166 unless the text expressly references a portion of the 1953 recodification of the Utah Code as it
167 existed:

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

169 (b) (i) after the day described in Subsection [~~(31)~~] (33)(a); and

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

172 [~~(32)~~] (34) "Vessel," when used with reference to shipping, includes a steamboat, canal
173 boat, and every structure adapted to be navigated from place to place.

174 [~~(33)~~] (35) "Will" includes a codicil.

175 [~~(34)~~] (36) "Writ" means an order or precept in writing, issued in the name of:

176 (a) the state;

177 (b) a court; or

178 (c) a judicial officer.

179 [~~(35)~~] (37) "Writing" includes:

180 (a) printing;

181 (b) handwriting; and

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

183 in a perceivable format.

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