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TITLE 71

VETERANS

Chapter

- 71-1. Uniform veterans' guardianship act, Repealed.
- 71-2. Memorials.
- 71-3. Use of state armories.
- 71-4. Education and training of spouses and children of veterans.
- 71-5. United Spanish War veterans.
- 71-6. Civil War veterans.
- 71-7. Burial of veterans.
- 71-8. Veterans' affairs, Repealed.

CHAPTER 1

UNIFORM VETERANS' GUARDIANSHIP ACT

(Repealed by Laws 1975, ch. 150, § 1)

Repeal.

Sections 71-1-1 to 71-1-24 (L. 1943, ch. 104, §§ 1 to 23; 1945, ch. 12, § 1; C. 1943, Supp.,

98-5a-1, 98-6-1 to 98-6-23; L. 1975, ch. 67, §§ 8, 9), the Uniform Veterans' Guardianship Act, were repealed by Laws 1975, ch. 150, § 1. For present provisions, see 75-5-314 and 75-5-315.

CHAPTER 2

MEMORIALS

Section

- 71-2-1. Memorials by cities and towns.
- 71-2-2. Memorials by counties.
- 71-2-3. County tax for memorials.

71-2-1. Memorials by cities and towns. The boards of city commissioners, city councils and town boards, respectively, may appropriate from any fund of the city or town available for general purposes such sums as they may deem expedient for the purpose of erecting or contributing to the erection of, a memorial to commemorate the achievements of soldiers, sailors and marines of the state of Utah in the Great World War, where such memorial is erected within their respective cities or towns. The city commissioners, city council or town board may, when authorized by the qualified electors of such city or town, issue general obligation bonds of such city or town and devote the proceeds of the same to the erection of such memorial.

History: L. 1919, ch. 9, § 1; R. S. 1933 & C. 1943, 98-1-1.

Collateral References.

Armed Services ⇔ 54.
6 CJS Armed Services § 24.

71-2-2. Memorials by counties. The board of county commissioners of the several counties may erect and maintain, and contribute to the erection and maintenance of, memorials to the memory of veterans of the several wars in which the United States of America shall have been a belligerent, in the form of public buildings, monuments, recreational areas and facilities, parks and public places; provided, that no board of county commissioners may erect and maintain, or assist in, or contribute to, the erection or maintenance of any such memorial which shall have its site outside of the boundaries of the county.

History: L. 1927, ch. 34, § 1; R. S. 1933 & C. 1943, 98-1-2; L. 1959, ch. 135, § 1.

71-2-3. County tax for memorials. For the raising of funds with which to carry out the provisions of the next preceding section, and for such use only, the county commissioners may levy and collect an annual tax upon the property situate within the county.

History: L. 1927, ch. 34, § 2; R. S. 1933 & C. 1943, 98-1-3; L. 1961, ch. 30, § 13.

Repealing Clause.

Section 14 of Laws 1961, ch. 30 provided: "Section 59-9-6, Utah Code Annotated 1953, is hereby repealed."

Cross-References.

Single aggregate mill levy limitation for counties according to assessed value, 59-9-6.1 to 59-9-6.5.

CHAPTER 3

USE OF STATE ARMORIES

Section

71-3-1. By veterans' organizations permitted.

71-3-1. By veterans' organizations permitted. Under such regulations as the state armory board may prescribe, any organization of veterans of the Civil War, the war with Spain or the World War shall have the right to the free use of armories owned or leased by the state; provided, such use shall not interfere with the use of the same by the national guard or organized militia of this state.

History: L. 1923, ch. 80, § 1; R. S. 1933 & C. 1943, 98-4-1.

Cross-References.

Armory board, 39-2-1 et seq.

Collateral References.

Militia ⇐ 17.

57 CJS Militia § 18.

77 AmJur 2d 1077, Veterans § 175.

CHAPTER 4

EDUCATION AND TRAINING OF SPOUSES AND CHILDREN OF VETERANS

Section

71-4-1. "Educational or training institution" defined.

- 71-4-2. Education or training of unremarried surviving spouses or children of deceased veterans of World War II or the Korean conflict — Eligibility — Expiration dates.
- 71-4-3. Institution to which entitled — Period of education or training.
- 71-4-4. Courses — Full or part time — Change or discontinuance.
- 71-4-5. Supervision and enforcement — Under state department of education — Veterans' organizations to act in advisory capacity.
- 71-4-6. Free tuition, books and supplies.

71-4-1. "Educational or training institution" defined. For the purpose of this act an educational or training institution shall be construed to be any educational or training institution or a university, college, junior college, adult education or vocational school level, that receives funds from the state of Utah.

History: L. 1949, ch. 30, § 1; C. 1943, Supp., 98-7-1.

who were killed in action or died as a result of war service in World War II. — Laws 1949, ch. 30.

Title of Act.

An act providing for the education of unremarried widows and children of persons who served as members of the Army, Navy, Coast Guard or Marine Corps of the United States,

Collateral References.

6 CJS Armed Services § 256.
77 AmJur 2d 1068, Veterans § 165.

71-4-2. Education or training of unremarried surviving spouses or children of deceased veterans of World War II or the Korean conflict — Eligibility — Expiration dates. Any children or unremarried surviving spouse of a person who served as a member of the Army, Navy, Coast Guard or Marine Corps of the United States, and who was killed in action or died as a result of war service in World War II since September 16, 1940, and prior to July 25, 1947, or in the Korean conflict since June 27, 1950, and prior to February 1, 1955, provided the death was not due to that individual's own misconduct, shall be entitled to receive education or training under this act; provided, that the provisions of this act shall expire on July 25, 1968, as it relates to World War II and on June 27, 1978, as it relates to the Korean conflict; and provided further that at the time of application said person shall have been a resident of the state of Utah for a period of at least one year preceding said application; and provided further that the said children or unremarried surviving spouse, except for the provisions of this act, would be financially unable to obtain such education or training.

History: L. 1949, ch. 30, § 2; C. 1943, Supp., 98-7-2; L. 1959, ch. 136, § 1; 1977, ch. 283, § 6.

"own misconduct" near the middle of the section; and made a minor change in phraseology.

Compiler's Notes.

The 1977 amendment substituted "surviving spouse" for "widow" near the beginning and near the end of the section; substituted "that individual's" for "his" before

Effective Date.

Section 2 of Laws 1959, ch. 136 provided that the act take effect upon approval. Approved March 17, 1959.

71-4-3. Institution to which entitled — Period of education or training. Any such eligible person shall be entitled to education or training at any educational or training institution for a period up to four school

years; provided, that his or her work continues to be satisfactory throughout the period, according to the regularly prescribed standards and practices of the institution.

History: L. 1949, ch. 30, § 3; C. 1943, Supp., 98-7-3.

71-4-4. Courses — Full or part time — Change or discontinuance. Such person shall be eligible for and entitled to such course of education and training, full time or the equivalent thereof in part time training, as he or she may elect, at any educational or training institution at which he or she chooses to enroll, which will accept or retain him or her as a student or trainee in any field or branch of knowledge which such institution finds him or her qualified to undertake or pursue based on the standards for other students at said institution; provided, that, for reasons satisfactory to the superintendent of the department of public instruction, he may change a course of instruction; and provided further, that any such course of education or training may be discontinued at any time, if it is found by the superintendent that, according to the regularly prescribed standards and practices of the institution, the conduct or progress of such person is unsatisfactory.

History: L. 1949, ch. 30, § 4; C. 1943, Supp., 98-7-4.

71-4-5. Supervision and enforcement — Under state department of education — Veterans' organizations to act in advisory capacity. Supervision and enforcement of this act shall be under the state department of education. The veterans' organization of Utah shall act in an advisory capacity.

History: L. 1949, ch. 30, § 5; C. 1943, Supp., 98-7-5.

71-4-6. Free tuition, books and supplies. Any educational or training institution shall furnish to an eligible person under this act free tuition, books and supplies, as are generally required for the successful pursuit and completion of the course by other students in the institution.

History: L. 1949, ch. 30, § 6; C. 1943, Supp., 98-7-6.

CHAPTER 5

UNITED SPANISH WAR VETERANS

Section

- 71-5-1. Annual appropriation — Purposes.
- 71-5-2. Requisitions.
- 71-5-3. Bond required of adjutant — Action thereon.

71-5-1. Annual appropriation — Purposes. For the purposes of providing a permanent annual fund for the regular and contingent expenses of the Department of Utah of the United Spanish War Veterans, including the annual encampments and the printing of the proceedings thereof, and of providing funds for the department commander to attend the annual national encampments, and for reasonable compensation for the services of the adjutant of the Department of Utah of United Spanish War Veterans whose services are continuous while holding such position, there is hereby appropriated and set aside, annually, the sum of \$1,500 out of the moneys in the state treasury not otherwise appropriated.

History: L. 1921, ch. 79, § 1; R. S. 1933, 98-3-1; L. 1935, ch. 103, § 1; C. 1943, 98-3-1; L. 1948 (1st S. S.), ch. 13, § 1.

71-5-2. Requisitions. The adjutant of the Department of Utah of the United Spanish War Veterans shall present his written requisition for such sum in quarterly payments to the state auditor, who shall draw his warrant on the state treasurer for such sums.

History: L. 1921, ch. 79, § 2; R. S. 1933, 98-3-2; L. 1935, ch. 103, § 1; C. 1943, 98-3-2; L. 1948 (1st S. S.), ch. 13, § 1.

71-5-3. Bond required of adjutant — Action thereon. The Department of Utah of the United Spanish War Veterans shall require the adjutant to give a good and sufficient bond in the sum of \$2,000, running to the council of administration of the department of Utah, for the faithful performance of his duties. Such bond shall be filed with the state auditor, who may bring action thereon in the name of the state of Utah, should said adjutant fail to perform his duties concerning said appropriation.

History: C. 1943, 98-3-3, added by L. 1948 (1st S. S.), ch. 13, § 2.

CHAPTER 6

CIVIL WAR VETERANS

Section

- 71-6-1. Annual appropriation for Civil War veterans.
- 71-6-2. Disbursements.
- 71-6-3. Written request in behalf of beneficiary.
- 71-6-4. Burial expenses.
- 71-6-5. Veterans not to be buried in Potter's Field.

71-6-1. Annual appropriation for Civil War veterans. For the purposes of providing a fund to enable certain veterans of the Civil War and their widows and also army nurses, who are heads of families, and who have been actual and bona fide residents of the state of Utah for not less

than two years, to remain in their own homes in this state, and of providing for other Civil War veterans, who by reason of sickness or other disability are in need, and of providing for the burial of such veterans under the provisions of this chapter, there is hereby appropriated and set aside, annually, the sum of \$6,000, or so much thereof as may be necessary.

History: L. 1921, ch. 38, § 1; R. S. 1933 & C. 1943, 98-2-1. **Collateral References.**
Armed Services ⇔ 125.
6 CJS Armed Services § 253.

71-6-2. Disbursements. Such fund shall be disbursed under the supervision of the department commander of the Grand Army of the Republic, department of Utah, to the beneficiaries under this chapter; and the said department commander and the attorney general are hereby empowered to make all necessary rules and regulations for the distribution of said funds.

History: L. 1921, ch. 38, § 2; R. S. 1933 & C. 1943, 98-2-2.

71-6-3. Written request in behalf of beneficiary. Whenever it is shown that any person coming under the provisions of section 71-6-1 is entitled to any of such funds, the said department commander shall present his written requisition in behalf of the beneficiary, approved by the attorney general, for such sum or sums as may be necessary, not to exceed in any one case \$15 per month, to the state auditor, who shall draw his warrant on the state treasurer in favor of such beneficiary.

History: L. 1921, ch. 38, § 3; R. S. 1933 & C. 1943, 98-2-3.

71-6-4. Burial expenses. A sum not exceeding \$100 shall be allowed from said fund for the burial expenses of any such Civil War veteran who shall die a resident of this state, upon application therefor by the family of the deceased soldier of said department commander. Upon satisfactory proof that the deceased soldier was within the purview of this chapter the department commander shall certify the fact to the state auditor, who, on approval by the attorney general, shall issue his warrant on the state treasurer for the amount specified in this section payable to the undertaker in charge of the burial of such deceased soldier.

History: L. 1921, ch. 38, § 4; R. S. 1933 & C. 1943, 98-2-4. **Collateral References.**
Armed Services ⇔ 125.
6 CJS Armed Services § 253.

71-6-5. Veterans not to be buried in Potter's Field. The body of no person coming under the provisions of this chapter shall be buried in any portion of any cemetery or burial ground used for the burial of paupers.

History: L. 1921, ch. 38, § 5; R. S. 1933 & C. 1943, 98-2-5.

CHAPTER 7

BURIAL OF VETERANS

Section

71-7-1. Veterans not to be buried in ground used for paupers.

71-7-2. Political subdivisions may provide proper burial sites.

71-7-1. Veterans not to be buried in ground used for paupers. The body of a person who dies while in the military service of the United States of America during any period of war, police action, or other period of national emergency, or the body of any veteran of the military service of the United States of America who served during any war, police action, or other period of national emergency, shall not be buried in any portion of any cemetery or burial ground used for the burial of paupers.

History: L. 1961, ch. 21, § 1.

subdivisions may grant burial space for such burial. — Laws 1961, ch. 21.

Title of Act.

An act relating to the burial of veterans of the military services of the United States and to those persons who make the supreme sacrifice in the military service; providing that such persons shall not be buried in potter's field; and providing that political

Cross-References.

Veterans' graves records maintained by archivist, 63-2-72.

Collateral References.

Armed Services ⇔ 125.
6 CJS Armed Services § 253.

71-7-2. Political subdivisions may provide proper burial sites. For the purpose of giving effect to this act, cities, towns, counties or other political subdivisions of the state of Utah may grant burial sites to chartered veterans' organizations without financial consideration therefor, or may provide a proper site for the burial of any persons covered by this act without financial consideration.

History: L. 1961, ch. 21, § 2.

CHAPTER 8

VETERANS' AFFAIRS

(Repealed by Laws 1979, ch. 102, § 17)

Repeal.

Sections 71-8-1 to 71-8-3 (L. 1973, ch. 171, §§ 1 to 3), were repealed by Laws 1979, ch. 102, § 17.

TITLE 72

WAREHOUSES AND WAREHOUSE RECEIPTS

(Repealed by Laws 1965, ch. 154, § 10-102)

CHAPTER 1

GENERAL PROVISIONS

(Repealed by Laws 1965, ch. 154, § 10-102)

Repeal.

Sections 72-1-1 to 72-1-26 (L. 1911, ch. 139, §§ 1 to 26; C. L. 1917, §§ 6201 to 6226; L. 1929, ch. 70, § 3; R. S. 1933 & C. 1943, 99-0-1 to

99-0-26), containing general provisions relating to warehouse receipts and obligations of warehouseman, were repealed by Laws 1965, ch. 154, § 10-102. For present provisions, see 70A-7-101 et seq.

CHAPTER 2

WAREHOUSEMAN'S LIEN

(Repealed by Laws 1965, ch. 154, § 10-102)

Repeal.

Sections 72-2-1 to 72-2-10 (L. 1911, ch. 139, §§ 27 to 36; C. L. 1917, §§ 6227 to 6236; R. S. 1933 & C. 1943, 99-0-27 to 99-0-36), relating to

warehouseman's lien, are repealed by Laws 1965, ch. 154, § 10-102. For present provisions, see 70A-7-206, 70A-7-209, 70A-7-307, 70A-7-308.

CHAPTER 3

NEGOTIATION OF RECEIPTS

(Repealed by Laws 1965, ch. 154, § 10-102)

Repeal.

Sections 72-3-1 to 72-3-20 (L. 1911, ch. 139, §§ 37 to 55, 58; C. L. 1917, §§ 6237 to 6255, 6258; L. 1929, ch. 70, §§ 1, 2; R. S. 1933 & C.

1943, 99-0-27 to 99-0-56), relating to negotiation of receipts, were repealed by Laws 1965, ch. 154, § 10-102. For present provisions, see 70A-7-501 et seq.