

51-8-102 Definitions.

As used in this chapter:

- (1) "Charitable purpose" means the relief of poverty, the advancement of education or religion, the promotion of health, the promotion of governmental purposes, and any other purpose the achievement of which is beneficial to the community.
- (2)
 - (a) "Endowment fund" means an institutional fund, or any part of an institutional fund, not wholly expendable by the institution on a current basis under the terms of a gift instrument.
 - (b) "Endowment fund" does not include assets of an institution designated by the institution as an endowment fund for its own use.
- (3) "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.
- (4)
 - (a) "Governing board" means the body responsible for the management of an institution or of an institutional fund.
 - (b) "Governing board" means, for a higher education institution, the board of trustees of the higher education institution.
- (5) "Higher education institution" means the institutions specified in Section 53B-1-102.
- (6) "Institution" means:
 - (a) a person, other than an individual, organized and operated exclusively for charitable purposes;
 - (b) a government or a governmental subdivision, agency, or instrumentality to the extent that it holds funds exclusively for a charitable purpose; and
 - (c) a trust that had both charitable and noncharitable interests, after all noncharitable interests have terminated.
- (7)
 - (a) "Institutional fund" means a fund held by an institution exclusively for charitable purposes.
 - (b) "Institutional fund" does not include:
 - (i) program-related assets;
 - (ii) a fund held for an institution by a trustee that is not an institution;
 - (iii) a fund in which a beneficiary that is not an institution has an interest, other than an interest that could arise upon violation or failure of the purposes of the fund; or
 - (iv) operating funds.
- (8) "Manager" means either:
 - (a) the state treasurer; or
 - (b) a higher education institution that accepts the responsibility for the management of institutional funds of a different higher education institution.
- (9) "Operating funds" means money used for the general operation of a higher education institution that is received by the higher education institution from:
 - (a) state appropriations;
 - (b) government contracts;
 - (c) government grants; or
 - (d) tuition and fees collected from students.
- (10) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, instrumentality, or any other legal or commercial entity.

- (11) "Program-related asset" means an asset held by an institution primarily to accomplish a charitable purpose of the institution and not primarily for appreciation or the production of income.
- (12) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

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