

- 28 (ii) tax revenue;
- 29 (iii) state funds; or
- 30 (iv) public funds.

31 (c) (i) "Taxed interlocal entity" means a project entity that:

32 (A) is not exempt from a tax or fee in lieu of taxes imposed in accordance with Part 3,  
33 Project Entity Provisions;

34 (B) does not receive a payment of funds from a federal agency or office, state agency or  
35 office, political subdivision, or other public agency or office other than a payment that does not  
36 materially exceed the greater of the fair market value and the cost of a service provided or  
37 property conveyed by the project entity; and

38 (C) does not receive, expend, or have the authority to compel payment from tax  
39 revenue.

40 (ii) ~~[Before and on May 1, 2014, "taxed]~~ "Taxed interlocal entity" includes an  
41 interlocal entity that:

42 (A) ~~§~~ → [†] ← ~~§~~ was created before 1981 for the purpose of providing power supply at  
42a wholesale

43 to its members; ~~§~~ → [or

44 ~~—(H) is described in Subsection 11-13-204(7);] ← ~~§~~~~

45 (B) does not receive a payment of funds from a federal agency or office, state agency or  
46 office, political subdivision, or other public agency or office other than a payment that does not  
47 materially exceed the greater of the fair market value and the cost of a service provided or  
48 property conveyed by the interlocal entity; ~~H~~ → [F] and [f] ← ~~H~~

49 (C) does not receive, expend, or have the authority to compel payment from tax  
50 revenue ~~H~~ → [F] . [f] [~~; and~~

51 ~~—(D) is substantially a wholesale electric power supplier that supplies minimal or no~~  
52 ~~retail electric power service.] ← ~~H~~~~

53 (d) (i) "Use" means to use, own, manage, hold, keep safe, maintain, invest, deposit,  
54 administer, receive, expend, appropriate, disburse, or have custody.

55 (ii) "Use" includes, when constituting a noun, the corresponding nominal form of each  
56 term in Subsection (1)(d)(i), individually.

57 (2) Notwithstanding any other provision of law, the use of an asset by a taxed interlocal  
58 entity does not constitute the use of a public asset.