

**Effective 2/27/2023**

**11-13-103 Definitions.**

As used in this chapter:

- (1)
  - (a) "Additional project capacity" means electric generating capacity provided by a generating unit that first produces electricity on or after May 6, 2002, and that is constructed or installed at or adjacent to the site of a project that first produced electricity before May 6, 2002, regardless of whether:
    - (i) the owners of the new generating unit are the same as or different from the owner of the project; and
    - (ii) the purchasers of electricity from the new generating unit are the same as or different from the purchasers of electricity from the project.
  - (b) "Additional project capacity" does not mean or include replacement project capacity.
- (2) "Board" means the Permanent Community Impact Fund Board created by Section 35A-8-304, and its successors.
- (3) "Candidate" means one or more of:
  - (a) the state;
  - (b) a county, municipality, school district, special district, special service district, or other political subdivision of the state; and
  - (c) a prosecution district.
- (4) "Commercial project entity" means a project entity, defined in Subsection (18), that:
  - (a) has no taxing authority; and
  - (b) is not supported in whole or in part by and does not expend or disburse tax revenues.
- (5) "Direct impacts" means an increase in the need for public facilities or services that is attributable to the project or facilities providing additional project capacity, except impacts resulting from the construction or operation of a facility that is:
  - (a) owned by an owner other than the owner of the project or of the facilities providing additional project capacity; and
  - (b) used to furnish fuel, construction, or operation materials for use in the project.
- (6) "Electric interlocal entity" means an interlocal entity described in Subsection 11-13-203(3).
- (7) "Energy services interlocal entity" means an interlocal entity that is described in Subsection 11-13-203(4).
- (8)
  - (a) "Estimated electric requirements," when used with respect to a qualified energy services interlocal entity, includes any of the following that meets the requirements of Subsection (8) (b):
    - (i) generation capacity;
    - (ii) generation output; or
    - (iii) an electric energy production facility.
  - (b) An item listed in Subsection (8)(a) is included in "estimated electric requirements" if it is needed by the qualified energy services interlocal entity to perform the qualified energy services interlocal entity's contractual or legal obligations to any of its members.
- (9)
  - (a) "Facilities providing replacement project capacity" means facilities that have been, are being, or are proposed to be constructed, reconstructed, converted, repowered, acquired, leased, used, or installed to provide replacement project capacity.

- (b) "Facilities providing replacement project capacity" includes facilities that have been, are being, or are proposed to be constructed, reconstructed, converted, repowered, acquired, leased, used, or installed:
  - (i) to support and facilitate the construction, reconstruction, conversion, repowering, installation, financing, operation, management, or use of replacement project capacity; or
  - (ii) for the distribution of power generated from existing capacity or replacement project capacity to facilities located on real property in which the project entity that owns the project has an ownership, leasehold, right-of-way, or permitted interest.
- (10) "Governing authority" means a governing board or joint administrator.
- (11)
  - (a) "Governing board" means the body established in reliance on the authority provided under Subsection 11-13-206(1)(b) to govern an interlocal entity.
  - (b) "Governing board" includes a board of directors described in an agreement, as amended, that creates a project entity.
  - (c) "Governing board" does not include a board as defined in Subsection (2).
- (12) "Interlocal entity" means:
  - (a) a Utah interlocal entity, an electric interlocal entity, or an energy services interlocal entity; or
  - (b) a separate legal or administrative entity created under Section 11-13-205.
- (13) "Joint administrator" means an administrator or joint board described in Section 11-13-207 to administer a joint or cooperative undertaking.
- (14) "Joint or cooperative undertaking" means an undertaking described in Section 11-13-207 that is not conducted by an interlocal entity.
- (15) "Member" means a public agency that, with another public agency, creates an interlocal entity under Section 11-13-203.
- (16) "Out-of-state public agency" means a public agency as defined in Subsection (19)(c), (d), or (e).
- (17)
  - (a) "Project":
    - (i) means an electric generation and transmission facility owned by a Utah interlocal entity or an electric interlocal entity; and
    - (ii) includes fuel facilities, fuel production facilities, fuel transportation facilities, energy storage facilities, or water facilities that are:
      - (A) owned by that Utah interlocal entity or electric interlocal entity; and
      - (B) required for the generation and transmission facility.
  - (b) "Project" includes a project entity's ownership interest in:
    - (i) facilities that provide additional project capacity;
    - (ii) facilities providing replacement project capacity;
    - (iii) additional generating, transmission, fuel, fuel transportation, water, or other facilities added to a project; and
    - (iv) a Utah interlocal energy hub, as defined in Section 11-13-602.
- (18) "Project entity" means a Utah interlocal entity or an electric interlocal entity that owns a project as defined in this section.
- (19) "Public agency" means:
  - (a) a city, town, county, school district, special district, special service district, an interlocal entity, or other political subdivision of the state;
  - (b) the state or any department, division, or agency of the state;
  - (c) any agency of the United States;

- (d) any political subdivision or agency of another state or the District of Columbia including any interlocal cooperation or joint powers agency formed under the authority of the law of the other state or the District of Columbia; or
  - (e) any Indian tribe, band, nation, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
- (20) "Qualified energy services interlocal entity" means an energy services interlocal entity that at the time that the energy services interlocal entity acquires its interest in facilities providing additional project capacity has at least five members that are Utah public agencies.
- (21) "Replacement project capacity" means electric generating capacity or transmission capacity that:
- (a) replaces all or a portion of the existing electric generating or transmission capacity of a project; and
  - (b) is provided by a facility that is on, adjacent to, in proximity to, or interconnected with the site of a project, regardless of whether:
    - (i) the capacity replacing existing capacity is less than or exceeds the generating or transmission capacity of the project existing before installation of the capacity replacing existing capacity;
    - (ii) the capacity replacing existing capacity is owned by the project entity that is the owner of the project, a segment established by the project entity, or a person with whom the project entity or a segment established by the project entity has contracted; or
    - (iii) the facility that provides the capacity replacing existing capacity is constructed, reconstructed, converted, repowered, acquired, leased, used, or installed before or after any actual or anticipated reduction or modification to existing capacity of the project.
- (22) "Transportation reinvestment zone" means an area created by two or more public agencies by interlocal agreement to capture increased property or sales tax revenue generated by a transportation infrastructure project as described in Section 11-13-227.
- (23) "Utah interlocal entity":
- (a) means an interlocal entity described in Subsection 11-13-203(2); and
  - (b) includes a separate legal or administrative entity created under Laws of Utah 1977, Chapter 47, Section 3, as amended.
- (24) "Utah public agency" means a public agency under Subsection (19)(a) or (b).

Amended by Chapter 16, 2023 General Session