

Effective 5/10/2016

11-13-602 Definitions.

As used in this part:

- (1) "Asset" means funds, money, an account, real or personal property, or personnel.
- (2)
 - (a) "Associated entity" means a taxed interlocal entity that adopts a segment's organizing resolution.
 - (b) "Associated entity" does not include any other segment.
- (3) "Fiduciary duty" means a duty expressly designated as a fiduciary duty of:
 - (a) a director or an officer of a taxed interlocal entity in:
 - (i) the organization agreement of the taxed interlocal entity; or
 - (ii) an agreement executed by the director or the officer and the taxed interlocal entity; or
 - (b) a director or an officer of a segment in:
 - (i) the organizing resolution of the segment; or
 - (ii) an agreement executed by the director or the officer and the segment.
- (4) "Governing body" means the body established in an organizing resolution to govern a segment.
- (5) "Governmental law" means:
 - (a) Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;
 - (b) Title 63A, Chapter 3, Division of Finance;
 - (c) Title 63G, Chapter 6a, Utah Procurement Code;
 - (d) a law imposing an obligation on a taxed interlocal entity similar to an obligation imposed by a law described in Subsection (5)(a), (b), or (c);
 - (e) an amendment to or replacement or renumbering of a law described in Subsection (5)(a), (b), (c), or (d); or
 - (f) a law superseding a law described in Subsection (5)(a), (b), (c), or (d).
- (6) "Indexed office" means the address identified under Subsection 63G-7-401(5)(a)(i) by a segment's associated entity in the associated entity's statement described in Subsection 63G-7-401(5).
- (7) "Organization agreement" means an agreement, as amended, that creates a taxed interlocal entity.
- (8) "Organizing resolution" means a resolution described in Subsection 11-13-604(1) that creates a segment.
- (9) "Principal county" means the county in which the indexed office of a segment's associated entity is located.
- (10) "Project" means:
 - (a) the same as that term is defined in Section 11-13-103; or
 - (b) facilities, improvements, or contracts undertaken by a taxed interlocal entity in accordance with Subsection 11-13-204(2).
- (11) "Public asset" means:
 - (a) an asset used by a public entity;
 - (b) tax revenue;
 - (c) state funds; or
 - (d) public funds.
- (12) "Segment" means a segment created in accordance with Section 11-13-604.
- (13) "Taxed interlocal entity" means:
 - (a) a project entity that:

- (i) is not exempt from a tax or fee in lieu of taxes imposed in accordance with Part 3, Project Entity Provisions;
 - (ii) does not receive a payment of funds from a federal agency or office, state agency or office, political subdivision, or other public agency or office other than a payment that does not materially exceed the greater of the fair market value and the cost of a service provided or property conveyed by the project entity; and
 - (iii) does not receive, expend, or have the authority to compel payment from tax revenue; or
- (b) an interlocal entity that:
- (i) was created before 1981 for the purpose of providing power supply at wholesale to its members;
 - (ii) does not receive a payment of funds from a federal agency or office, state agency or office, political subdivision, or other public agency or office other than a payment that does not materially exceed the greater of the fair market value and the cost of a service provided or property conveyed by the interlocal entity; and
 - (iii) does not receive, expend, or have the authority to compel payment from tax revenue.
- (14)
- (a) "Use" means to use, own, manage, hold, keep safe, maintain, invest, deposit, administer, receive, expend, appropriate, disburse, or have custody.
 - (b) "Use" includes, when constituting a noun, the corresponding nominal form of each term in Subsection (13)(a), individually.

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