

**Effective 5/5/2021**

**35A-8-302 Definitions.**

As used in this part:

- (1) "Bonus payments" means that portion of the bonus payments received by the United States government under the Leasing Act paid to the state under Section 35 of the Leasing Act, 30 U.S.C. Sec. 191, together with any interest that had accrued on those payments.
- (2) "Impact board" means the Permanent Community Impact Fund Board created under Section 35A-8-304.
- (3) "Impact fund" means the Permanent Community Impact Fund established by this chapter.
- (4) "Interlocal agency" means a legal or administrative entity created by a subdivision or combination of subdivisions under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.
- (5) "Leasing Act" means the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 181 et seq.
- (6) "Qualifying sales and use tax distribution reduction" means that, for the calendar year beginning on January 1, 2008, the total sales and use tax distributions a city received under Section 59-12-205 were reduced by at least 15% from the total sales and use tax distributions the city received under Section 59-12-205 for the calendar year beginning on January 1, 2007.
- (7)
  - (a) "Planning" means any of the following performed by or on behalf of the state, a subdivision, or an interlocal entity:
    - (i) a study, analysis, plan, or survey; or
    - (ii) activities necessary to obtain a permit or land use approval, including review to determine the need, cost, or feasibility of obtaining a permit or land use approval.
  - (b) "Planning" includes:
    - (i) the preparation of maps and guidelines;
    - (ii) land use planning;
    - (iii) a study or analysis of:
      - (A) the social or economic impacts associated with natural resource development;
      - (B) the demand for the transportation of individuals or goods;
      - (C) state, regional, and local development and growth;
      - (D) population and employment;
      - (E) development related to natural resources; and
      - (F) as related to any other activity described in this Subsection (7), engineering, financial analysis, legal analysis, or any other analysis helpful to the state, subdivision, or interlocal agency; and
    - (iv) any activity described in this Subsection (7) regardless of whether the activity is for a public facility or a public service.
- (8) "Public facility" means a facility:
  - (a) in whole or in part, owned, controlled, or operated by the state, a subdivision, or an interlocal agency; and
  - (b) that serves a public purpose.
- (9)
  - (a) "Public service" means a service that:
    - (i) is provided, in whole or in part, by or on behalf of the state, a subdivision, or an interlocal agency; and
    - (ii) serves a public purpose.
  - (b) "Public service" includes:

- (i) a service described in Subsection (9)(a) regardless of whether the service is provided in connection with a public facility;
  - (ii) the cost of providing a service described in Subsection (9)(a), including administrative costs, wages, and legal fees; and
  - (iii) a contract with a public postsecondary institution to fund research, education, or a public service program.
- (10) "Subdivision" means a county, city, town, county service area, special service district, special improvement district, water conservancy district, water improvement district, sewer improvement district, housing authority, building authority, school district, or public postsecondary institution organized under the laws of this state.
- (11)
- (a) "Throughput infrastructure project" means the following facilities, whether located within, partially within, or outside of the state:
    - (i) a bulk commodities ocean terminal;
    - (ii) a pipeline for the transportation of liquid or gaseous hydrocarbons;
    - (iii) electric transmission lines and ancillary facilities;
    - (iv) a shortline freight railroad and ancillary facilities;
    - (v) a plant or facility for storing, distributing, or producing hydrogen, including the liquification of hydrogen, for use as a fuel in zero emission motor vehicles, for electricity generation, or for industrial use; or
    - (vi) a plant for the production of zero emission hydrogen fueled trucks.
  - (b) "Throughput infrastructure project" includes:
    - (i) an ownership interest or a joint or undivided ownership interest in a facility;
    - (ii) a membership interest in the owner of a facility; or
    - (iii) a contractual right, whether secured or unsecured, to use all or a portion of the throughput, transportation, or transmission capacity of a facility.

Amended by Chapter 339, 2021 General Session