

**Superseded 1/1/2017**

**59-12-702 Definitions.**

As used in this part:

- (1) "Administrative unit" means a division of a private nonprofit organization or institution that:
  - (a) would, if it were a separate entity, be a botanical organization or cultural organization; and
  - (b) consistently maintains books and records separate from those of its parent organization.
- (2) "Botanical organization" means:
  - (a) a private nonprofit organization or institution having as its primary purpose the advancement and preservation of plant science through horticultural display, botanical research, and community education; or
  - (b) an administrative unit.
- (3) "Cultural facility" is as defined in Section 59-12-602.
- (4)
  - (a) "Cultural organization":
    - (i) means:
      - (A) a private nonprofit organization or institution having as its primary purpose the advancement and preservation of:
        - (I) natural history;
        - (II) art;
        - (III) music;
        - (IV) theater;
        - (V) dance; or
        - (VI) cultural arts, including literature, a motion picture, or storytelling;
      - (B) an administrative unit; and
    - (ii) includes, for purposes of Subsections 59-12-704(1)(d) and (6) only:
      - (A) a private nonprofit organization or institution having as its primary purpose the advancement and preservation of history; or
      - (B) a municipal or county cultural council having as its primary purpose the advancement and preservation of:
        - (I) history;
        - (II) natural history;
        - (III) art;
        - (IV) music;
        - (V) theater; or
        - (VI) dance.
  - (b) "Cultural organization" does not include:
    - (i) an agency of the state;
    - (ii) except as provided in Subsection (4)(a)(ii)(B), a political subdivision of the state;
    - (iii) an educational institution whose annual revenues are directly derived more than 50% from state funds; or
    - (iv) in a county of the first or second class, a radio or television broadcasting network or station, cable communications system, newspaper, or magazine.
- (5) "Institution" means an institution listed in Subsections 53B-1-102(1)(b) through (k).
- (6) "Recreational facility" means a publicly owned or operated park, campground, marina, dock, golf course, playground, athletic field, gymnasium, swimming pool, trail system, or other facility used for recreational purposes.
- (7) "Rural radio station" means a nonprofit radio station based in a county of the third, fourth, fifth, or sixth class.

(8) In a county of the first class, "zoological facility" means a public, public-private partnership, or private nonprofit building, exhibit, utility and infrastructure, walkway, pathway, roadway, office, administration facility, public service facility, educational facility, enclosure, public viewing area, animal barrier, animal housing, animal care facility, and veterinary and hospital facility related to the advancement, exhibition, or preservation of a mammal, bird, reptile, or an amphibian.

(9)

(a)

(i) Except as provided in Subsection (9)(a)(ii), "zoological organization" means a public, public-private partnership, or private nonprofit organization having as its primary purpose the advancement and preservation of zoology.

(ii) In a county of the first class, "zoological organization" means a nonprofit organization having as its primary purpose the advancement and exhibition of a mammal, bird, reptile, or an amphibian to an audience of 75,000 or more persons annually.

(b) "Zoological organization" does not include an agency of the state, educational institution, radio or television broadcasting network or station, cable communications system, newspaper, or magazine.