

Effective 7/1/2023

**Chapter 3
Funds and Accounts**

**Part 1
General Provisions**

23A-3-101 Definitions.

Reserved.

Enacted by Chapter 103, 2023 General Session

**Part 2
Funds and Accounts in General**

23A-3-201 Wildlife Resources Account -- Unexpended fund balances .

- (1) There is created a restricted account within the General Fund known as the "Wildlife Resources Account."
- (2) The following money shall be deposited into the Wildlife Resources Account:
 - (a) revenue from the sale of licenses, permits, tags, and certificates of registration issued under this title or a rule or proclamation of the Wildlife Board, except as otherwise provided by this title;
 - (b) revenue from the sale, lease, rental, or other granting of rights of real or personal property acquired with revenue specified in Subsection (2)(a);
 - (c) revenue from fines and forfeitures for violations of this title or a rule, proclamation, or order of the Wildlife Board, minus court costs not to exceed the schedule adopted by the Judicial Council;
 - (d) revenue deposited into the fund under Chapter 11, Part 5, Big Game Byproduct;
 - (e) money appropriated from the General Fund by the Legislature pursuant to Section 23A-4-306;
 - (f) other money received by the division under this title, except as otherwise provided by this title; and
 - (g) interest, dividends, or other income earned on account money.
- (3) Money in the Wildlife Resources Account shall be used for the administration of this title.
- (4) At the close of a fiscal year, the unexpended balance in the Wildlife Resources Account shall convert back into the Wildlife Resources Account for the following fiscal year, except for money:
 - (a) legally obligated by contract;
 - (b) designated for capital outlay projects; or
 - (c) required for a program extending beyond the close of the fiscal year.

Amended by Chapter 347, 2024 General Session

23A-3-202 Grants or gifts accepted by division -- Special account.

The division may accept grants or gifts of money, property, water rights or other endowments that benefit the wildlife resources of the state. The division shall place money as received in a special account to be used for specific use as indicated by the grantor.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-3-203 Support for State-Owned Shooting Ranges Restricted Account.

- (1) There is created in the General Fund a restricted account known as the "Support for State-Owned Shooting Ranges Restricted Account."
- (2) The account shall be funded by:
 - (a) contributions deposited into the Support for State-Owned Shooting Ranges Restricted Account in accordance with Section 41-1a-422;
 - (b) private contributions; and
 - (c) donations or grants from public or private entities.
- (3) Upon appropriation by the Legislature, the division shall distribute money in the Support for State-Owned Shooting Ranges Restricted Account to facilitate construction of new firearm shooting ranges, and operation and maintenance of existing ranges, that are:
 - (a) built on land owned or leased by the state;
 - (b) owned by the division; and
 - (c) operated by the division or the division's contractors.
- (4) The division shall only expend the Support for State-Owned Shooting Ranges Restricted Account to:
 - (a) construct, operate, and maintain firearm shooting ranges described in Subsection (3); and
 - (b) pay the costs of issuing or reordering Support the 2nd Amendment and State-Owned Shooting Ranges support special group license plate decals.
- (5) In accordance with Section 63J-1-602.1, appropriations from the account are nonlapsing.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-3-204 Wildlife Resources Conservation Easement Restricted Account.

- (1) There is created within the General Fund a restricted account known as the "Wildlife Resources Conservation Easement Account."
- (2) The Wildlife Resources Conservation Easement Account consists of:
 - (a) grants from private foundations;
 - (b) grants from local governments, the state, or the federal government;
 - (c) grants from the Land Conservation Board created under Section 4-46-201;
 - (d) donations from landowners for monitoring and managing conservation easements;
 - (e) donations from any other person; and
 - (f) interest on account money.
- (3) Upon appropriation by the Legislature, the division shall use money from the Wildlife Resources Conservation Easement Account to monitor and manage conservation easements held by the division.
- (4) The division may not receive or expend donations from the Wildlife Resources Conservation Easement Account to acquire conservation easements.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-3-205 Wildlife Conservation Fund.

- (1) As used in this section:
 - (a) "Fund" means the Wildlife Conservation Fund created by this section.

- (b) "Wildlife conservation permit program" means a program under which the division issues permit opportunities to be sold by a conservation organization for auction to the highest bidder at a fund-raising event.
 - (c) "Wildlife exposition program" means a program under which the division allocates permits to a drawing administered by a selected conservation organization as part of a regional or national exposition for the purpose of generating revenue to fund wildlife conservation activities in Utah.
- (2) There is created an expendable special revenue fund known as the "Wildlife Conservation Fund."
- (3) The fund consists of:
- (a) wildlife conservation permit program revenue transferred to the division pursuant to rules, made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (b) wildlife exposition program revenue transferred to the division pursuant to rules, made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (c) money appropriated to the fund by the Legislature;
 - (d) contributions, grants, gifts, transfers, bequests, and donations to the fund accepted by the division and specifically directed to the fund; and
 - (e) interest and earnings on the fund.
- (4)
- (a) The fund shall earn interest and other earnings.
 - (b) The interest and earnings described in Subsection (4)(a) shall be deposited into the fund.
- (5)
- (a) The division shall use proceeds in the fund to carry out the purposes of the wildlife conservation permit program or wildlife exposition program.
 - (b) Deposits into and expenditures from the fund shall specifically identify the wildlife conservation permit program or wildlife exposition program to which the deposits and expenditures apply.
 - (c) The division shall make expenditures from the fund consistent with the rules governing the applicable program.
- (6) The division shall annually report to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee regarding:
- (a) the amount of money in the fund;
 - (b) the sources of money in the fund; and
 - (c) how the money is expended.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-3-206 Donations related to donation of wild game meat -- Wild Game Meat Donation Fund.

- (1) As used in this section:
- (a) "Fund" means the expendable special revenue fund created in this section.
 - (b) "Nonprofit charitable organization" means the same as that term is defined in Section 4-34-102.
 - (c) "Wild game" means the same as that term is defined in Section 4-32-105.
- (2) There is created an expendable special revenue fund known as the "Wild Game Meat Donation Fund."
- (3) The fund consists of:

- (a) donations made to the division for the purpose of addressing the processing of wild game meat that is donated in accordance with Section 4-34-108 to a nonprofit charitable organization to feed individuals in need;
 - (b) appropriations from the Legislature; and
 - (c) interest and earnings on the fund.
- (4) The state treasurer shall invest the money in the fund according to Title 51, Chapter 7, State Money Management Act, except that the state treasurer shall deposit in the fund interest or other earnings derived from those investments.
- (5) The division may use money in the fund only to address the processing of wild game meat that is donated in accordance with Section 4-34-108 to a nonprofit charitable organization to feed individuals in need.
- (6) The division shall coordinate with the Department of Agriculture and Food to implement this section.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-3-207 Wildlife Habitat Account.

- (1) There is created a restricted account within the General Fund known as the "Wildlife Habitat Account."
- (2) The contents of the Wildlife Habitat Account shall consist of:
- (a) revenue from the sale of licenses, permits, and certificates of registration as provided in Section 23A-3-208;
 - (b) money donated to the division for a purpose specified in Subsection (6); and
 - (c) interest and earnings on account money.
- (3) The division shall use the revenue from the sale of licenses, permits, and certificates of registration that is deposited to the account pursuant to Section 23A-3-208, after appropriation by the Legislature, as provided in Subsections (4) through (6).
- (4)
- (a) The division shall allocate in a fiscal year up to \$70,000 or 10% of the annual deposits to the Wildlife Habitat Account, whichever amount is greater, for the development, restoration, and preservation of wetlands that are beneficial to waterfowl.
 - (b) Up to 20% of the money allocated to waterfowl projects may be appropriated by the Legislature for use by a nonprofit conservation organization for wetland development projects within the state that benefit waterfowl.
- (5)
- (a) The division shall allocate in a fiscal year up to \$230,000 or 10% of the annual deposits to the Wildlife Habitat Account, whichever amount is greater, to upland game projects as follows:
 - (i) the control of predators;
 - (ii) the development, improvement, restoration, or maintenance of critical habitat through the establishment of landowner incentives, cooperative programs, or other means;
 - (iii) the acquisition or preservation of critical habitat;
 - (iv) landowner habitat education and assistance programs;
 - (v) public access to private lands; and
 - (vi) upland game transplant and reintroduction programs.
 - (b) Money allocated to upland game may not be used for the acquisition, development, improvement, restoration, or maintenance of habitat within commercial hunting areas.
 - (c) No more than 5% of the money allocated to upland game may be used for landowner habitat education programs.

- (d) The division shall use money allocated to upland game for programs and activities relating to upland game species based generally upon the proportion of average annual hunter participation for each species.
 - (e) Projects for which free public access is assured shall receive first priority for funding from money allocated to upland game.
 - (f) Projects for which public access is assured shall receive second priority for funding from money allocated to upland game.
- (6) The division shall use remaining money in the Wildlife Habitat Account for the following purposes:
- (a) the enhancement, acquisition, preservation, protection, and management of aquatic and terrestrial wildlife habitat; and
 - (b) to improve access for fishing and hunting.
- (7) The division shall seek the advice and recommendations of the Habitat Council, created by the division, regarding the expenditure of account money.
- (8) Donations of money deposited into the Wildlife Habitat Account and interest earned on that money shall be expended:
- (a) as directed by the donor; and
 - (b) without being appropriated by the Legislature.

Renumbered and Amended by Chapter 103, 2023 General Session

Amended by Chapter 122, 2023 General Session

23A-3-208 Portion of revenue from license, permit, and certificate of registration fees deposited into Wildlife Habitat Account.

- (1) Fifty cents of the fee charged for a one-day fishing license shall be deposited in the Wildlife Habitat Account created in Section 23A-3-207.
- (2) Three dollars and fifty cents of the fee charged for any of the following licenses or permits shall be deposited in the Wildlife Habitat Account created in Section 23A-3-207:
 - (a) a fishing license, except any one-day fishing license;
 - (b) a hunting license;
 - (c) a combination license;
 - (d) a furbearer license; or
 - (e) a fishing permit.
- (3) Four dollars and seventy-five cents of the fee charged for any of the following certificates of registration or permits shall be deposited in the Wildlife Habitat Account created in Section 23A-3-207:
 - (a) a certificate of registration for the dedicated hunter program;
 - (b) a big game permit;
 - (c) a bear permit;
 - (d) a turkey permit; or
 - (e) a muskrat permit.

Amended by Chapter 347, 2024 General Session

23A-3-209 Predator Control Restricted Account.

- (1) There is created a restricted account within the General Fund known as the "Predator Control Restricted Account."
- (2) The Predator Control Restricted Account includes:

- (a) deposits made to the Predator Control Restricted Account from fees established on hunting permits in accordance with Section 23A-4-703; and
 - (b) other amounts deposited in the Predator Control Restricted Account from donations or appropriations.
- (3) The division shall use money from the Predator Control Restricted Account to fund a predator control program to control populations of predatory animals that endanger the health of nonpredatory wildlife populations in the state, consistent with the policies of the Wildlife Board.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-3-210 State Fish Hatchery Maintenance Account.

- (1) There is created a restricted account within the General Fund known as the "State Fish Hatchery Maintenance Account."
- (2) The following money shall be deposited into the State Fish Hatchery Maintenance Account:
 - (a) \$4 of a fishing license fee or combination license fee; and
 - (b) interest and earnings on account money.
- (3) The division, after appropriation by the Legislature, shall use money in the State Fish Hatchery Maintenance Account for major repairs or replacement of facilities and equipment at fish hatcheries owned and operated by the division for the production and distribution of fish to enhance sport fishing opportunities in the state.

Renumbered and Amended by Chapter 103, 2023 General Session

Amended by Chapter 120, 2023 General Session

Renumbered 1/1/2025

23A-3-211 Aquatic Invasive Species Interdiction Account.

- (1) There is created within the General Fund a restricted account known as the "Aquatic Invasive Species Interdiction Account."
- (2) The Aquatic Invasive Species Interdiction Account shall consist of:
 - (a) nonresident aquatic invasive species fees collected under Subsection 23A-10-304(2);
 - (b) resident aquatic invasive species fees collected under Subsection 23A-10-304(1); and
 - (c) other amounts deposited in the Aquatic Invasive Species Interdiction Account from donations, appropriations, contractual agreements, and accrued interest.
- (3) Upon appropriation, the division shall use the aquatic invasive species fees collected under Subsections 23A-10-304(1) and (2) and deposited in the Aquatic Invasive Species Account to fund aquatic invasive species prevention and containment efforts.

Renumbered and Amended by Chapter 103, 2023 General Session

Amended by Chapter 244, 2023 General Session

23A-3-214 Species Protection Account.

- (1) There is created within the General Fund a restricted account known as the Species Protection Account.
- (2) The account shall consist of:
 - (a) revenue generated by the brine shrimp tax provided for in Title 59, Chapter 23, Brine Shrimp Royalty Act; and
 - (b) interest earned on money in the account.
- (3) Money in the account may be appropriated by the Legislature to:

- (a) develop and implement species status assessments and species protection measures;
 - (b) obtain biological opinions of proposed species protection measures;
 - (c) conduct studies, investigations, and research into the effects of proposed species protection measures;
 - (d) verify species protection proposals that are not based on valid biological data;
 - (e) implement Great Salt Lake wetlands mitigation projects in connection with the western transportation corridor;
 - (f) pay for the state's voluntary contributions to the Utah Reclamation Mitigation and Conservation Account under the Central Utah Project Completion Act, Pub. L. No. 102-575, Titles II-VI, 106 Stat. 4605-4655; and
 - (g) pay for expenses of the State Tax Commission under Title 59, Chapter 23, Brine Shrimp Royalty Act.
- (4) The purposes specified in Subsections (3)(a) through (3)(d) may be accomplished by the state or, in an appropriation act, the Legislature may authorize the department to award grants to political subdivisions of the state to accomplish those purposes.
- (5) Money in the account may not be used to develop or implement a habitat conservation plan required under federal law unless the federal government pays for at least 1/3 of the habitat conservation plan costs.

Renumbered and Amended by Chapter 88, 2024 General Session

23A-3-215 Fee to cover cost of electronic payments.

- (1) As used in this section:
- (a) "Electronic payment" means use of a form of payment processed through electronic means, including use of a credit card, debit card, or automatic clearinghouse transaction.
 - (b) "Electronic payment fee" means the fee assessed to defray:
 - (i) a charge, discount fee, or process fee charged by a processing agent to process an electronic payment, including a credit card company; or
 - (ii) costs associated with the purchase of equipment necessary for processing an electronic payment.
- (2)
- (a) The division may impose and collect an electronic payment fee on an electronic payment related to a license, permit, or certificate of registration, including a license, permit, or certification of registration under:
 - (i) Chapter 4, Licenses, Permits, Certificates of Registration, and Tags;
 - (ii) Section 23A-6-404;
 - (iii) Section 23A-7-202;
 - (iv) Subsection 23A-9-305(3);
 - (v) Subsection 23A-11-203(3); and
 - (vi) Subsection 23A-12-202(1)(b).
 - (b) The division may charge an electronic payment fee under this section in an amount not to exceed 3% of the electronic payment.
 - (c) With regard to the electronic payment fee, the division is not required to separately identify the electronic payment fee from a fee imposed for a license, permit, or certificate of registration listed in Subsection (2)(a).
- (3) The division shall deposit the fee into the Wildlife Resources Account created in Section 23A-3-201.

Enacted by Chapter 347, 2024 General Session

Part 3

Utah Natural Resources Legacy Fund

23A-3-301 Definitions.

As used in this part:

- (1) "Board" means the Utah Natural Resources Legacy Fund Board created in Section 23A-3-305.
- (2) "Legacy fund" means the Utah Natural Resources Legacy Fund created in Section 23A-3-304.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-3-302 Application to mineral estates.

This part does not change law regarding:

- (1) the primacy of a mineral estate;
- (2) limiting access to a mineral estate; or
- (3) limiting development of a mineral estate.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-3-303 Reporting.

The division shall annually report to the governor and the Natural Resources, Agriculture, and Environment Interim Committee on or before September 1 with respect to:

- (1) federal grants, state appropriations, and other contributions, grants, gifts, transfers, bequests, and donations received and credited to the legacy fund during the preceding fiscal year; and
- (2) expenditures from the legacy fund under Section 23A-3-306.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-3-304 Utah Natural Resources Legacy Fund.

- (1) There is created an expendable special revenue fund known as the "Utah Natural Resources Legacy Fund."
- (2) The legacy fund consists of:
 - (a) appropriations to the legacy fund by the Legislature;
 - (b) federal grants accepted by the department or a division of the department and specifically directed to the legacy fund; and
 - (c) contributions, grants, gifts, transfers, bequests, and donations to the legacy fund accepted by the department and specifically directed to the legacy fund.
- (3)
 - (a) The legacy fund shall earn interest.
 - (b) The interest described in Subsection (3)(a) shall be deposited into the legacy fund.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-3-305 Utah Natural Resources Legacy Fund Board.

- (1) Subject to Subsection (12), there is created within the department the Utah Natural Resources Legacy Fund Board that consists of eight members as follows:
 - (a) the following voting members:
 - (i) two members representing the agriculture industry, appointed by the commissioner of the Department of Agriculture and Food;
 - (ii) one member representing a non-government entity that has as a primary purpose conserving non-game wildlife and habitat, appointed by the director;
 - (iii) one member representing hunting, fishing, and trapping interests in Utah, appointed by the director;
 - (iv) one member representing mineral extraction and development interests, appointed by the director of the Division of Oil, Gas, and Mining;
 - (v) one member representing water development and distribution interests, appointed by the executive director; and
 - (vi) one at-large member, appointed by the executive director; and
 - (b) the director as a nonvoting member.
- (2) A voting member of the board shall be appointed for a three-year term.
- (3) Notwithstanding Subsection (2), terms of board members are staggered as follows so that approximately one-third of the board is appointed every year:
 - (a) the initial individuals appointed under Subsections (1)(a)(i) and (ii) shall be appointed for three-year terms;
 - (b) the initial individuals appointed under Subsections (1)(a)(iii) and (iv) shall be appointed for two-year terms; and
 - (c) the initial individuals appointed under Subsections (1)(a)(v) and (vi) shall be appointed for one-year terms.
- (4) An individual may be appointed to more than one term.
- (5) When a vacancy occurs in the membership for any reason, an individual shall be appointed in accordance with Subsection (1) to replace the member for the unexpired term.
- (6) The board shall elect one member to serve as chair of the board.
- (7) The board shall meet regularly as called by the chair.
- (8) Four voting members constitute a quorum.
- (9) An action by the majority of voting members present when a quorum is present is an action of the board.
- (10) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (11) The division shall staff the board.
- (12) The board is not created and may not begin operation until the legacy fund described in Section 23A-3-304 holds at least \$200,000.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-3-306 Uses of legacy fund.

- (1) Each year, when the board creates a budget, the board shall allocate:
 - (a) 40% of the budget:
 - (i) for staff and expenses to administer the legacy fund under this part;
 - (ii) to conduct research, monitoring, and management actions that benefit non-game species; or

- (iii) to otherwise reduce the likelihood of future species listings under the Endangered Species Act, 16 U.S.C. Sec. 1531 et seq.; and
- (b) 60% of the budget to fund the following projects that provide the following landscape level conservation benefits:
 - (i) preserving open spaces, wildlife habitat, and critical agricultural lands;
 - (ii) providing perpetual access for hunting, fishing, or trapping;
 - (iii) addressing and mitigating impacts detrimental to wildlife habitat, the environment, and the multiple use of renewable natural resources attributable to residential, mineral, and industrial development; or
 - (iv) preserving a viable agricultural industry.
- (2)
 - (a) The board shall make recommendations to the division regarding expenditures from the legacy fund for the purposes described in Subsection (1)(b).
 - (b) The division shall consider the board's recommendations in approving an expenditure from the legacy fund under Subsection (1) and, if the division rejects the board's recommendation, the director shall provide the board with a written explanation of the reason for the rejection.
- (3) In performing the actions described in Subsection (1)(b), the division shall comply with Section 23A-6-202.
- (4) This section does not give the division the power of eminent domain.
- (5) The division may not use assets from the legacy fund for litigation.
- (6) Money in the legacy fund may not be used to develop or implement a habitat conservation plan required under federal law unless the federal government pays for at least one-third of the habitat conservation plan costs.

Renumbered and Amended by Chapter 103, 2023 General Session