

**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-3-204 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) "Land use authority" means:
    - (i) a land use authority, as that term is defined in Section 10-9a-103, of a municipality; or
    - (ii) a land use authority, as that term is defined in Section 17-27a-103, of a county.
  - (c) "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.
  - (d) "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)
  - (a) Before the division may use or approve the use of money in the fund to purchase or acquire a grazing permit, the division shall obtain approval from:
    - (i) the land use authority for the land in which the grazing permit is located;
    - (ii) the Department of Natural Resources created in Section 79-2-201; and
    - (iii) the Department of Agriculture and Food created in Section 4-2-102.
  - (b) If a request to purchase or acquire a grazing permit under Subsection (6)(a) is not denied by a land use authority, the Department of Natural Resources, or the Department of Agriculture and Food within 60 days after the day on which the division submits the request, the division may consider the request as approved.
  - (c) An action of a land use authority under this Subsection (6) is not a land use decision subject to:
    - (i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or
    - (ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.
- (7) 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.

Amended by Chapter 147, 2025 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

***Superseded 1/1/2026***

**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

***Effective 1/1/2026***

**23A-3-214 Species Protection Account -- Reporting.**

- (1) There is created within the General Fund a restricted account known as the "Species Protection Account."
- (2) The Species Protection Account shall consist of:
  - (a) revenue remitted by a county to the Division of Finance in accordance with:
    - (i) Title 17, Chapter 56, Species Protection Funding Act; or
    - (ii) Section 59-2-924.5;
  - (b) revenue generated by the brine shrimp tax provided for in Title 59, Chapter 23, Brine Shrimp Royalty Act;
  - (c) tax revenue deposited into the Species Protection Account in accordance with Section 59-24-105;
  - (d) tax revenue collected in accordance with Title 59, Chapter 32, Wind or Solar Electric Generation Facility Capacity Tax;
  - (e) revenue collected in accordance with Title 79, Chapter 6, Part 11, Energy Project Assessment; and
  - (f) interest earned on money in the Species Protection Account.
- (3) Money in the Species Protection 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 Species Protection 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.
- (6) The division shall report to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee by no later than November 30, 2026, concerning:
  - (a) the amount of revenue deposited into the Species Protection Account under each revenue source outlined in Subsection (2); and
  - (b) how the division spent the money deposited.

Amended by Chapter 258, 2025 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

***Effective 7/1/2025***

**23A-3-216 Guide, Outfitter, and Spotter Fund.**

- (1) There is created an expendable special revenue fund known as the "Guide, Outfitter, and Spotter Fund."
- (2) The Guide, Outfitter, and Spotter Fund shall consist of:
  - (a) revenue from fees collected under Section 23A-4-1202;
  - (b) money appropriated by the Legislature; and
  - (c) interest, dividends, or other income earned on fund money.
- (3) The division shall use the money in the Guide, Outfitter, and Spotter Fund to administer Chapter 4, Part 12, Guide, Outfitter, and Spotter.

Enacted by Chapter 140, 2025 General Session