

1 **FEDERAL FUNDS CONTINGENCY PLANNING**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ken Ivory**

5 Senate Sponsor: Michael S. Kennedy

6

7 **LONG TITLE**

8 **Committee Note:**

9 The Health and Human Services Interim Committee recommended this bill.

10 Legislative Vote: 9 voting for 4 voting against 6 absent

11 **General Description:**

12 This bill addresses contingency planning related to federal funds.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ requires a state agency to provide a contingency analysis and plan, and a state
16 sovereignty evaluation, when submitting a federal funds reauthorization or a new
17 federal funds request;

18 ▶ requires a state agency that meets certain thresholds for federal funding to create a
19 contingency plan related to that funding;

20 ▶ repeals provisions regarding federal receipts reporting requirements; and

21 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **26B-3-130**, as last amended by Laws of Utah 2023, Chapter 16 and renumbered and
29 amended by Laws of Utah 2023, Chapter 306

30 **63J-5-102**, as last amended by Laws of Utah 2018, Chapter 467

31 **63J-5-103**, as last amended by Laws of Utah 2017, Chapter 247

32 **63J-5-204**, as last amended by Laws of Utah 2016, Chapter 272

33 ENACTS:

34 **63J-5-301**, Utah Code Annotated 1953

35 **63J-5-302**, Utah Code Annotated 1953

36 REPEALS:

37 **63J-1-219**, as last amended by Laws of Utah 2022, Chapter 447

38 **63J-5-101**, as enacted by Laws of Utah 2008, Chapter 382



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **26B-3-130** is amended to read:

42 **26B-3-130. Medicaid intergovernmental transfer report -- Approval**

43 **requirements.**

44 (1) As used in this section:

45 (a) (i) "Intergovernmental transfer" means the transfer of public funds from:

46 (A) a local government entity to another nonfederal governmental entity; or

47 (B) from a nonfederal, government owned health care facility regulated under Chapter
48 2, Part 2, Health Care Facility Licensing and Inspection, to another nonfederal governmental
49 entity.

50 (ii) "Intergovernmental transfer" does not include:

51 (A) the transfer of public funds from one state agency to another state agency; or

52 (B) a transfer of funds from the University of Utah Hospitals and Clinics.

53 (b) (i) "Intergovernmental transfer program" means a federally approved
54 reimbursement program or category that is authorized by the Medicaid state plan or waiver
55 authority for intergovernmental transfers.

56 (ii) "Intergovernmental transfer program" does not include the addition of a provider to
57 an existing intergovernmental transfer program.

58 (c) "Local government entity" means a county, city, town, special service district,

59 special district, or local education agency as that term is defined in Section [63J-5-102](#).

60 (d) "Non-state government entity" means a hospital authority, hospital district, health
61 care district, special service district, county, or city.

62 (2) (a) An entity that receives federal Medicaid dollars from the department as a result
63 of an intergovernmental transfer shall, on or before August 1, 2017, and on or before August 1
64 each year thereafter, provide the department with:

65 (i) information regarding the payments funded with the intergovernmental transfer as
66 authorized by and consistent with state and federal law;

67 (ii) information regarding the entity's ability to repay federal funds, to the extent
68 required by the department in the contract for the intergovernmental transfer; and

69 (iii) other information reasonably related to the intergovernmental transfer that may be
70 required by the department in the contract for the intergovernmental transfer.

71 (b) On or before October 15, 2017, and on or before October 15 each subsequent year,
72 the department shall prepare a report for the Executive Appropriations Committee that
73 includes:

74 (i) the amount of each intergovernmental transfer under Subsection (2)(a);

75 (ii) a summary of changes to CMS regulations and practices that are known by the
76 department regarding federal funds related to an intergovernmental transfer program; and

77 (iii) other information the department gathers about the intergovernmental transfer
78 under Subsection (2)(a).

79 (3) The department shall not create a new intergovernmental transfer program after
80 July 1, 2017, unless the department reports to the Executive Appropriations Committee, in
81 accordance with Section [63J-5-206](#), before submitting the new intergovernmental transfer
82 program for federal approval. The report shall include information required by Subsection
83 [~~63J-5-102(1)(d)~~] [63J-5-102\(1\)\(e\)](#) and the analysis required in Subsections (2)(a) and (b).

84 (4) (a) The department shall enter into new Nursing Care Facility Non-State
85 Government-Owned Upper Payment Limit program contracts and contract amendments adding
86 new nursing care facilities and new non-state government entity operators in accordance with
87 this Subsection (4).

88 (b) (i) If the nursing care facility expects to receive less than \$1,000,000 in federal
89 funds each year from the Nursing Care Facility Non-State Government-Owned Upper Payment

90 Limit program, excluding seed funding and administrative fees paid by the non-state
91 government entity, the department shall enter into a Nursing Care Facility Non-State
92 Government-Owned Upper Payment Limit program contract with the non-state government
93 entity operator of the nursing care facility.

94 (ii) If the nursing care facility expects to receive between \$1,000,000 and \$10,000,000
95 in federal funds each year from the Nursing Care Facility Non-State Government-Owned
96 Upper Payment Limit program, excluding seed funding and administrative fees paid by the
97 non-state government entity, the department shall enter into a Nursing Care Facility Non-State
98 Government-Owned Upper Payment Limit program contract with the non-state government
99 entity operator of the nursing care facility after receiving the approval of the Executive
100 Appropriations Committee.

101 (iii) If the nursing care facility expects to receive more than \$10,000,000 in federal
102 funds each year from the Nursing Care Facility Non-State Government-Owned Upper Payment
103 Limit program, excluding seed funding and administrative fees paid by the non-state
104 government entity, the department may not approve the application without obtaining approval
105 from the Legislature and the governor.

106 (c) A non-state government entity may not participate in the Nursing Care Facility
107 Non-State Government-Owned Upper Payment Limit program unless the non-state government
108 entity is a special service district, county, or city that operates a hospital or holds a license
109 under Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

110 (d) Each non-state government entity that participates in the Nursing Care Facility
111 Non-State Government-Owned Upper Payment Limit program shall certify to the department
112 that:

113 (i) the non-state government entity is a local government entity that is able to make an
114 intergovernmental transfer under applicable state and federal law;

115 (ii) the non-state government entity has sufficient public funds or other permissible
116 sources of seed funding that comply with the requirements in 42 C.F.R. Part 433, Subpart B;

117 (iii) the funds received from the Nursing Care Facility Non-State Government-Owned
118 Upper Payment Limit program are:

119 (A) for each nursing care facility, available for patient care until the end of the
120 non-state government entity's fiscal year; and

121 (B) used exclusively for operating expenses for nursing care facility operations, patient
122 care, capital expenses, rent, royalties, and other operating expenses; and

123 (iv) the non-state government entity has completed all licensing, enrollment, and other
124 forms and documents required by federal and state law to register a change of ownership with
125 the department and with CMS.

126 (5) The department shall add a nursing care facility to an existing Nursing Care Facility
127 Non-State Government-Owned Upper Payment Limit program contract if:

128 (a) the nursing care facility is managed by or affiliated with the same non-state
129 government entity that also manages one or more nursing care facilities that are included in an
130 existing Nursing Care Facility Non-State Government-Owned Upper Payment Limit program
131 contract; and

132 (b) the non-state government entity makes the certification described in Subsection
133 (4)(d)(ii).

134 (6) The department may not increase the percentage of the administrative fee paid by a
135 non-state government entity to the department under the Nursing Care Facility Non-State
136 Government-Owned Upper Payment Limit program.

137 (7) The department may not condition participation in the Nursing Care Facility
138 Non-State Government-Owned Upper Payment Limit program on:

139 (a) a requirement that the department be allowed to direct or determine the types of
140 patients that a non-state government entity will treat or the course of treatment for a patient in a
141 non-state government nursing care facility; or

142 (b) a requirement that a non-state government entity or nursing care facility post a
143 bond, purchase insurance, or create a reserve account of any kind.

144 (8) The non-state government entity shall have the primary responsibility for ensuring
145 compliance with Subsection (4)(d)(ii).

146 (9) (a) The department may not enter into a new Nursing Care Facility Non-State
147 Government-Owned Upper Payment Limit program contract before January 1, 2019.

148 (b) Subsection (9)(a) does not apply to:

149 (i) a new Nursing Care Facility Non-State Government-Owned Upper Payment Limit
150 program contract that was included in the federal funds request summary under Section
151 [63J-5-201](#) for fiscal year 2018; or

152 (ii) a nursing care facility that is operated or managed by the same company as a
153 nursing care facility that was included in the federal funds request summary under Section
154 63J-5-201 for fiscal year 2018.

155 Section 2. Section 63J-5-102 is amended to read:

156 **63J-5-102. Definitions.**

157 (1) As used in this chapter:

158 (a) (i) "Agency" means a department, division, committee, commission, council, court,
159 or other administrative subunit of the state.

160 (ii) "Agency" includes:

161 (A) executive branch entities;

162 (B) judicial branch entities; and

163 (C) the State Board of Education.

164 (iii) "Agency" does not mean higher education institutions or political subdivisions.

165 (b) "Contingency analysis and plan" means, with respect to a federal funds

166 reauthorization or new federal funds request, the submitting or requesting agency's:

167 (i) analysis of:

168 (A) the likelihood that the amount or value of the federal funds will be reduced, and
169 how that likelihood changes over time; and

170 (B) the likelihood that the federal funds will become unavailable, and how that
171 likelihood changes over time;

172 (ii) explanation of:

173 (A) whether accepting the federal funds may create an expectation of ongoing funding
174 by any beneficiary of the funds; and

175 (B) as applicable, how the agency will communicate to stakeholders that services
176 funded by the federal funds may or will be temporary;

177 (iii) plan for how the agency will:

178 (A) proceed if the amount or value of the federal funds are unexpectedly reduced in
179 any material degree or amount;

180 (B) proceed if the federal funds become unavailable unexpectedly;

181 (C) wind down the program or services funded by the federal funds when the federal
182 funds are exhausted; and

183 (D) transition any beneficiaries of the funds to a different program or service provider
184 if the agency is unable to continue providing the same program or services due to a decrease or
185 loss of federal funds; and

186 (iv) designation of the federal funds and the program or purpose for which the funds
187 will be used as either:

188 (A) mandatory under federal or state law;

189 (B) high priority; or

190 (C) low priority.

191 ~~[(b)]~~ (c) (i) "Federal funds" means cash or other money received from the United States
192 government or from other individuals or entities for or on behalf of the United States and
193 deposited with the state treasurer or any agency of the state.

194 (ii) "Federal funds" includes federal assistance and federal assistance programs,
195 however described.

196 ~~[(iii) "Federal funds" does not include money received from the United States~~
197 ~~government to reimburse the state or local government entity for money expended by the state~~
198 ~~or local government entity.]~~

199 ~~[(c)]~~ (d) "Federal funds reauthorization" means:

200 (i) the formal submission from an agency to the federal government applying for or
201 seeking reauthorization of federal funds which the state is currently receiving;

202 (ii) the formal submission from an agency to the federal government applying for or
203 seeking reauthorization to participate in a federal program in which the state is currently
204 participating that will result in federal funds being transferred to an agency; or

205 (iii) that period after the first year of a previously authorized and awarded grant or
206 funding award, during which federal funds are disbursed or are scheduled to be disbursed after
207 the first year because the term of the grant or financial award extends for more than one year.

208 ~~[(d)]~~ (e) (i) "Federal funds request summary" means a document detailing:

209 (A) the amount of money that is being requested or is available to be received by the
210 state from the federal government for each federal funds reauthorization or new federal funds
211 request;

212 (B) those federal funds reauthorizations and new federal funds requests that are
213 included as part of the agency's proposed budget for the fiscal year, and the amount of those

214 requests;

215 (C) a contingency analysis and plan for each federal funds reauthorization and each
216 new federal funds request;

217 [~~(C)~~] (D) the amount of new state money, if any, that will be required to receive the
218 federal funds or participate in the federal program;

219 [~~(D)~~] (E) the number of additional permanent full-time employees, additional
220 permanent part-time employees, or combination of additional permanent full-time employees
221 and additional permanent part-time employees, if any, that the state estimates are needed in
222 order to receive the federal funds or participate in the federal program; [~~and~~]

223 [~~(E)~~] (F) any requirements that the state must meet as a condition for receiving the
224 federal funds or participating in the federal program[~~;~~]; and

225 (G) a state sovereignty evaluation as defined in Subsection (1)(n).

226 (ii) "Federal funds request summary" includes, if available:

227 (A) the letter awarding an agency a grant of federal funds or other official
228 documentation awarding an agency a grant of federal funds; and

229 (B) a document detailing federal maintenance of effort requirements.

230 [~~(e)~~] (f) "Federal maintenance of effort requirements" means any matching, level of
231 effort, or earmarking requirements, as defined in Office of Management and Budget
232 requirements, that are imposed on an agency as a condition of receiving federal funds.

233 [~~(f)~~] (g) (i) "Intergovernmental transfer program" means an existing reimbursement
234 program or category that is authorized by the Medicaid state plan or waiver authority for
235 intergovernmental transfers.

236 (ii) "Intergovernmental transfer program" does not include the addition of a provider to
237 an existing intergovernmental transfer program.

238 [~~(g)~~] (h) "Local education agency" or "LEA" means:

239 (i) a school district;

240 (ii) a charter school; or

241 (iii) the Utah Schools for the Deaf and the Blind.

242 [~~(h)~~] (i) "New federal funds" means:

243 (i) federal assistance or other federal funds that are available from the federal
244 government that:

245 (A) the state is not currently receiving; or

246 (B) exceed the federal funds amount most recently approved by the Legislature by
247 more than 25% for a federal grant or program in which the state is currently participating;

248 (ii) a federal assistance program or other federal program in which the state is not
249 currently participating; or

250 (iii) a one-time TANF request.

251 ~~[(j)]~~ (j) "New federal funds request" means:

252 (i) the formal submission from an agency to the federal government:

253 (A) applying for or otherwise seeking to obtain new federal funds; or

254 (B) applying for or seeking to participate in a new federal program that will result in
255 federal funds being transferred to an agency; or

256 (ii) a one-time TANF request.

257 ~~[(j)]~~ (k) (i) "New state money" means money, whether specifically appropriated by the
258 Legislature or not, that the federal government requires Utah to expend as a condition for
259 receiving the federal funds or participating in the federal program.

260 (ii) "New state money" includes money expended to meet federal maintenance of effort
261 requirements.

262 ~~[(k)]~~ (l) "One-time TANF request" means a proposed expenditure by the Department of
263 Workforce Services from its reserves of federal Temporary Assistance for Needy Families
264 funds:

265 (i) for a project or program that will last for a fixed amount of time and is not an
266 ongoing project or program of the Department of Workforce Services; and

267 (ii) that is greater than \$1,000,000 over the amount most recently approved by the
268 Legislature.

269 ~~[(l)]~~ (i) ~~"Pass-through federal funds" means federal funds provided to an agency that are~~
270 ~~distributed to local governments or private entities without being used by the agency.]~~

271 ~~[(ii) "Pass-through federal funds" does not include federal funds provided to the State~~
272 ~~Board of Education that are distributed to a local education agency or other subrecipient~~
273 ~~without being used by the State Board of Education.]~~

274 (m) "State" means the state of Utah and all of its agencies, and any administrative
275 subunits of those agencies.

276 (n) (i) "State sovereignty evaluation" means an analysis of the extent to which
 277 accepting the federal funds or participating in the federal program may impair, restrict, or limit
 278 the sovereignty of the state or the police power jurisdiction of the state.

279 (ii) "State sovereignty evaluation" includes the consideration of:

280 (A) the possible impacts of accepting the federal funds, alone;

281 (B) the possible impacts of accepting the federal funds in light of other federal funds or
 282 federal programs the agency receives or participates in; and

283 (C) the possible impacts of accepting the federal funds at the time the federal funds
 284 would be accepted and throughout the anticipated duration of the federal funding.

285 (2) When this chapter describes an employee as a "permanent full-time employee" or a
 286 "permanent part-time employee," it is not intended to, and may not be construed to, affect the
 287 employee's status as an at-will employee.

288 Section 3. Section **63J-5-103** is amended to read:

289 **63J-5-103. Scope and applicability of chapter.**

290 (1) Except as [~~provided in Subsection (2), and except as~~] otherwise provided by a
 291 statute superseding provisions of this chapter by explicit reference to this chapter, the
 292 provisions of this chapter apply to each agency and govern each federal funds request.

293 [~~(2)(a) This chapter does not govern federal funds requests for:~~]

294 [~~(i) except as provided in Section 63J-5-206, the Medical Assistance Program,~~
 295 ~~commonly known as Medicaid; and]~~

296 [~~(ii) except as provided in Section 63J-5-206, the Children's Health Insurance~~
 297 ~~Program;]~~

298 [~~(b) Until Subsections (2)(c) and (d) apply, this chapter does not govern federal funds~~
 299 ~~requests for:]~~

300 [~~(i) the Women, Infant, and Children program;]~~

301 [~~(ii) the Temporary Assistance for Needy Families program, except for a one-time~~
 302 ~~TANF request as defined in Section 63J-5-102;]~~

303 [~~(iii) Social Security Act money;]~~

304 [~~(iv) the Substance Abuse Prevention and Treatment program;]~~

305 [~~(v) Child Care and Development Block Grant;]~~

306 [~~(vi) SNAP Administration and Training money;]~~

307 [~~(vii) Unemployment Insurance Operations money;~~]
308 [~~(viii) Federal Highway Administration money;~~]
309 [~~(ix) the Utah National Guard; or~~]
310 [~~(x) pass-through federal funds;~~]
311 [~~(c) Federal funds requests described in Subsection (2)(b) are subject to the provisions~~
312 ~~of this chapter;~~]
313 [~~(i) beginning on January 1, 2018, for each agency that receives more than~~
314 ~~\$200,000,000 annually in federal funds; or~~]
315 [~~(ii) beginning on July 1, 2018, for each agency that receives \$200,000,000 or less~~
316 ~~annually in federal funds;~~]
317 [~~(d) Maintenance of effort reporting requirements described in Subsection~~
318 ~~63J-5-102(1)(d)(ii)(B) may not be required until;~~]
319 [~~(i) January 1, 2018, for each agency that receives more than \$200,000,000 annually in~~
320 ~~federal funds; or~~]
321 [~~(ii) July 1, 2018, for each agency that receives \$200,000,000 or less annually in~~
322 ~~federal funds;~~]
323 [~~(3)~~] (2) The governor need not seek legislative review or approval of federal funds
324 received by the state if:
325 (a) the governor has declared a state of emergency; and
326 (b) the federal funds are received to assist victims of the state of emergency under
327 Section 53-2a-204.
328 Section 4. Section 63J-5-204 is amended to read:
329 **63J-5-204. Legislative review and approval of certain federal funds requests.**
330 (1) As used in this section:
331 (a) "High impact federal funds request" means a new federal funds request that will or
332 could:
333 (i) result in the state receiving total payments of \$10,000,000 or more per year from the
334 federal government;
335 (ii) require the state to add 11 or more permanent full-time employees, 11 or more
336 permanent part-time employees, or combination of permanent full-time and permanent
337 part-time employees equal to 11 or more in order to receive the new federal funds or participate

338 in the new federal program; or

339 (iii) require the state to expend more than \$1,000,000 of new state money in a fiscal
340 year in order to receive or administer the new federal funds or participate in the new federal
341 program.

342 (b) "Medium impact federal funds request" means a new federal funds request that will
343 or could:

344 (i) result in the state receiving total payments of more than \$1,000,000 but less than
345 \$10,000,000 per year from the federal government;

346 (ii) require the state to add more than zero but less than 11 permanent full-time
347 employees, more than zero but less than 11 permanent part-time employees, or a combination
348 of permanent full-time employees and permanent part-time employees equal to more than zero
349 but less than 11 in order to receive or administer the new federal funds or participate in the new
350 federal program; or

351 (iii) require the state to expend \$1 to \$1,000,000 of new state money in a fiscal year in
352 order to receive or administer the new federal funds or participate in the new federal program.

353 (2) (a) (i) Before obligating the state to accept or receive new federal funds or to
354 participate in a new federal program under a medium impact federal funds request that was not
355 authorized during a legislative session as provided in Section [63J-5-201](#), an agency shall:

356 (A) submit the federal funds request summary to the governor, the Judicial Council, or
357 the State Board of Education, as appropriate, for approval or rejection; and

358 (B) if the governor, the Judicial Council, or the State Board of Education approves the
359 new federal funds request, submit the federal funds request summary to the Legislative
360 Executive Appropriations Committee for its review and recommendations.

361 (ii) The procedures required under Subsection (2)(a)(i) shall be performed, if possible,
362 before the date that the medium impact funds request is formally submitted, but not later than
363 three months after the date of formal submission.

364 (b) The Legislative Executive Appropriations Committee shall review the federal funds
365 request summary and may:

366 (i) recommend that the agency accept the new federal funds;

367 (ii) recommend that the agency not accept the new federal funds; or

368 (iii) recommend to the governor that the governor call a special session of the

369 Legislature to review and approve or reject the acceptance of the new federal funds.

370 (3) (a) (i) Before obligating the state to accept or receive new federal funds or to
371 participate in a new federal program under a high impact federal funds request that was not
372 authorized during a legislative session as provided in Section 63J-5-201, an agency shall:

373 (A) submit the federal funds request summary to the governor, the Judicial Council, or
374 the State Board of Education, as appropriate, for approval or rejection; and

375 (B) if the governor, the Judicial Council, or the State Board of Education approves the
376 new federal funds request, submit the federal funds request summary to the Legislature for its
377 approval or rejection in an annual general session or a special session.

378 (ii) ~~[The]~~ Except as provided in Subsection (3)(a)(iii), the procedures required under
379 Subsection (3)(a)(i) shall be performed, if possible, before the date that the high impact funds
380 request is formally submitted, but not later than three months after the date of formal
381 submission.

382 (iii) For a high impact federal funds request for the Medical Assistance Program,
383 commonly known as Medicaid, or the Children's Health Insurance Program, the procedures
384 required under Subsection (3)(a)(i) shall be performed, if possible, before the date that the high
385 impact funds request is formally submitted, but not later than the end of the earlier of the next
386 annual general session or special session of the Legislature after the date of formal submission.

387 (b) (i) If the Legislature approves the new federal funds request, the agency may accept
388 the new federal funds or participate in the new federal program.

389 (ii) If the Legislature fails to approve the new federal funds request, the agency may not
390 accept the new federal funds or participate in the new federal program.

391 (4) If an agency fails to comply with the procedures of this section or fails to obtain the
392 Legislature's approval:

393 (a) the governor, the Judicial Council, or the State Board of Education, as appropriate,
394 may require the agency to withdraw the new federal funds request or refuse or return the new
395 federal funds;

396 (b) the Legislature may, if federal law allows, opt out or decline to participate in the
397 new federal program or decline to receive the new federal funds; or

398 (c) the Legislature may reduce the agency's General Fund appropriation in an amount
399 less than, equal to, or greater than the amount of federal funds received by the agency.

400 (5) If a letter or other official documentation awarding an agency a grant of federal
401 funds is not available to be included in the agency's federal funds request summary to the
402 governor, the Judicial Council, or the State Board of Education, as appropriate, under this
403 section, the agency shall submit to the governor, the Judicial Council, or the State Board of
404 Education, as appropriate, the letter or other official documentation awarding the agency a
405 grant of federal funds before expending the federal funds granted.

406 Section 5. Section **63J-5-301** is enacted to read:

407 **Part 3. Federal Funds Contingency Plan**

408 **63J-5-301. Definitions.**

409 As used in this part:

410 (1) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C.
411 Sec. 7501, that is reported as part of a single audit.

412 (2) "Qualifying agency" means an agency that, in a single fiscal year, has federal
413 receipts composing more than 33% of the agency's total budget.

414 (3) "Single audit" means the same as that term is defined in 31 U.S.C. Sec. 7501.

415 Section 6. Section **63J-5-302** is enacted to read:

416 **63J-5-302. Federal funds contingency plan.**

417 (1) A qualifying agency shall prepare a federal funds contingency plan that meets the
418 requirements described in Subsection (2).

419 (2) A federal funds contingency plan shall:

420 (a) identify short-term and long-term risks to the agency if there is a reduction in the
421 amount or value of federal funds the agency receives;

422 (b) identify short-term and long-term strategies the agency may use to respond to the
423 risks described in Subsection (2)(a); and

424 (c) designate agency personnel who are responsible for implementing the strategies
425 described in Subsection (2)(b).

426 (3) A qualifying agency shall update the agency's federal funds contingency plan:

427 (a) at least every other year; and

428 (b) in any year in which the qualifying agency submits a new federal funds request that
429 exceeds \$10,000,000.

430 (4) On or before December 15 of each year that a qualifying agency prepares a federal

431 funds contingency plan or an update to a federal funds contingency plan, the qualifying agency
432 shall provide a copy of the contingency plan or update to:

433 (a) the Governor's Office of Planning and Budget;

434 (b) the Executive Appropriations Committee; and

435 (c) the Legislative Fiscal Analyst.

436 Section 7. **Repealer.**

437 This bill repeals:

438 Section **63J-1-219, Definitions -- Federal receipts reporting requirements.**

439 Section **63J-5-101, Title.**

440 Section 8. **Effective date.**

441 This bill takes effect on May 1, 2024.