

**Effective 5/10/2016**

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

(1) As used in this chapter:

(a)

- (i) "Agency" means a department, division, committee, commission, council, court, or other administrative subunit of the state.
- (ii) "Agency" includes:
  - (A) executive branch entities;
  - (B) judicial branch entities; and
  - (C) the State Board of Education.
- (iii) "Agency" does not mean higher education institutions or political subdivisions.

(b)

- (i) "Federal funds" means cash or other money received from the United States government or from other individuals or entities for or on behalf of the United States and deposited with the state treasurer or any agency of the state.
- (ii) "Federal funds" includes federal assistance and federal assistance programs, however described.
- (iii) "Federal funds" does not include money received from the United States government to reimburse the state for money expended by the state.

(c) "Federal funds reauthorization" means:

- (i) the formal submission from an agency to the federal government applying for or seeking reauthorization of federal funds which the state is currently receiving;
- (ii) the formal submission from an agency to the federal government applying for or seeking reauthorization to participate in a federal program in which the state is currently participating that will result in federal funds being transferred to an agency; or
- (iii) that period after the first year of a previously authorized and awarded grant or funding award, during which federal funds are disbursed or are scheduled to be disbursed after the first year because the term of the grant or financial award extends for more than one year.

(d)

- (i) "Federal funds request summary" means a document detailing:
  - (A) the amount of money that is being requested or is available to be received by the state from the federal government for each federal funds reauthorization or new federal funds request;
  - (B) those federal funds reauthorizations and new federal funds requests that are included as part of the agency's proposed budget for the fiscal year, and the amount of those requests;
  - (C) the amount of new state money, if any, that will be required to receive the federal funds or participate in the federal program;
  - (D) the number of additional permanent full-time employees, additional permanent part-time employees, or combination of additional permanent full-time employees and additional permanent part-time employees, if any, that the state estimates are needed in order to receive the federal funds or participate in the federal program; and
  - (E) any requirements that the state must meet as a condition for receiving the federal funds or participating in the federal program.
- (ii) "Federal funds request summary" includes, if available:
  - (A) the letter awarding an agency a grant of federal funds; or
  - (B) other official documentation awarding an agency a grant of federal funds.

- (e) "Federal maintenance of effort requirements" means any matching, level of effort, or earmarking requirements, as defined in Office of Management and Budget requirements, that are imposed on an agency as a condition of receiving federal funds.
  - (f) "Local education agency" or "LEA" means:
    - (i) a school district;
    - (ii) a charter school; or
    - (iii) the Utah Schools for the Deaf and the Blind.
  - (g) "New federal funds" means:
    - (i) federal assistance or other federal funds that are available from the federal government that:
      - (A) the state is not currently receiving; or
      - (B) exceed the federal funds amount most recently approved by the Legislature by more than 25% for a federal grant or program in which the state is currently participating;
    - (ii) a federal assistance program or other federal program in which the state is not currently participating; or
    - (iii) a one-time TANF request.
  - (h) "New federal funds request" means:
    - (i) the formal submission from an agency to the federal government:
      - (A) applying for or otherwise seeking to obtain new federal funds; or
      - (B) applying for or seeking to participate in a new federal program that will result in federal funds being transferred to an agency; or
    - (ii) a one-time TANF request.
  - (i)
    - (i) "New state money" means money, whether specifically appropriated by the Legislature or not, that the federal government requires Utah to expend as a condition for receiving the federal funds or participating in the federal program.
    - (ii) "New state money" includes money expended to meet federal maintenance of effort requirements.
  - (j) "One-time TANF request" means a proposed expenditure by the Department of Workforce Services from its reserves of federal Temporary Assistance for Needy Families funds:
    - (i) for a project or program that will last for a fixed amount of time and is not an ongoing project or program of the Department of Workforce Services; and
    - (ii) that is greater than \$1,000,000 over the amount most recently approved by the Legislature.
  - (k)
    - (i) "Pass-through federal funds" means federal funds provided to an agency that are distributed to local governments or private entities without being used by the agency.
    - (ii) "Pass-through federal funds" does not include federal funds provided to the State Board of Education that are distributed to a local education agency or other subrecipient without being used by the State Board of Education.
  - (l) "State" means the state of Utah and all of its agencies, and any administrative subunits of those agencies.
- (2) When this chapter describes an employee as a "permanent full-time employee" or a "permanent part-time employee," it is not intended to, and may not be construed to, affect the employee's status as an at-will employee.

Amended by Chapter 272, 2016 General Session