

1 **FEDERAL FUNDS CONTINGENCY PLANNING**

2 2024 GENERAL SESSION

3 STATE OF UTAH

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4  
5 **LONG TITLE**

6 **General Description:**

7 This bill addresses contingency planning related to federal funds.

8 **Highlighted Provisions:**

9 This bill:

- 10 ▶ requires a state agency to provide a contingency analysis and plan, and a state  
11 sovereignty evaluation, when submitting a federal funds reauthorization or a new  
12 federal funds request;
- 13 ▶ requires a state agency that meets certain thresholds for federal funding to create a  
14 contingency plan related to that funding;
- 15 ▶ repeals provisions regarding federal receipts reporting requirements; and
- 16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23 **26B-3-130**, as last amended by Laws of Utah 2023, Chapter 16 and renumbered and  
24 amended by Laws of Utah 2023, Chapter 306

25 **63J-5-102**, as last amended by Laws of Utah 2018, Chapter 467

26 **63J-5-103**, as last amended by Laws of Utah 2017, Chapter 247

27 **63J-5-204**, as last amended by Laws of Utah 2016, Chapter 272

28 **ENACTS:**

29 **63J-5-301**, Utah Code Annotated 1953

30 **63J-5-302**, Utah Code Annotated 1953

31 **REPEALS:**

32 **63J-1-219**, as last amended by Laws of Utah 2022, Chapter 447

33           **63J-5-101**, as enacted by Laws of Utah 2008, Chapter 382

34

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

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

37           **26B-3-130. Medicaid intergovernmental transfer report -- Approval**  
38 **requirements.**

39           (1) As used in this section:

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

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

42           (B) from a nonfederal, government owned health care facility regulated under Chapter  
43 2, Part 2, Health Care Facility Licensing and Inspection, to another nonfederal governmental  
44 entity.

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

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

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

48           (b) (i) "Intergovernmental transfer program" means a federally approved

49 reimbursement program or category that is authorized by the Medicaid state plan or waiver  
50 authority for intergovernmental transfers.

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

53           (c) "Local government entity" means a county, city, town, special service district,  
54 special district, or local education agency as that term is defined in Section 63J-5-102.

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

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

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

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

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

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

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

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

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

74 (3) The department shall not create a new intergovernmental transfer program after  
75 July 1, 2017, unless the department reports to the Executive Appropriations Committee, in  
76 accordance with Section 63J-5-206, before submitting the new intergovernmental transfer  
77 program for federal approval. The report shall include information required by Subsection  
78 [~~63J-5-102(1)(d)~~] 63J-5-102(1)(e) and the analysis required in Subsections (2)(a) and (b).

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

83 (b) (i) If the nursing care facility expects to receive less than \$1,000,000 in federal  
84 funds each year from the Nursing Care Facility Non-State Government-Owned Upper Payment  
85 Limit program, excluding seed funding and administrative fees paid by the non-state  
86 government entity, the department shall enter into a Nursing Care Facility Non-State  
87 Government-Owned Upper Payment Limit program contract with the non-state government  
88 entity operator of the nursing care facility.

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

95 Appropriations Committee.

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

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

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

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

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

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

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

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

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

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

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

126 contract; and

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

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

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

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

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

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

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

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

144 (i) a new Nursing Care Facility Non-State Government-Owned Upper Payment Limit  
145 program contract that was included in the federal funds request summary under Section  
146 63J-5-201 for fiscal year 2018; or

147 (ii) a nursing care facility that is operated or managed by the same company as a  
148 nursing care facility that was included in the federal funds request summary under Section  
149 63J-5-201 for fiscal year 2018.

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

151 **63J-5-102. Definitions.**

152 (1) As used in this chapter:

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

155 (ii) "Agency" includes:

156 (A) executive branch entities;

157 (B) judicial branch entities; and  
158 (C) the State Board of Education.  
159 (iii) "Agency" does not mean higher education institutions or political subdivisions.  
160 (b) "Contingency analysis and plan" means, with respect to a federal funds  
161 reauthorization or new federal funds request, the submitting or requesting agency's:  
162 (i) analysis of:  
163 (A) the likelihood that the amount or value of the federal funds will be reduced, and  
164 how that likelihood changes over time; and  
165 (B) the likelihood that the federal funds will become unavailable, and how that  
166 likelihood changes over time;  
167 (ii) explanation of:  
168 (A) whether accepting the federal funds may create an expectation of ongoing funding  
169 by any beneficiary of the funds; and  
170 (B) as applicable, how the agency will communicate to stakeholders that services  
171 funded by the federal funds may or will be temporary;  
172 (iii) plan for how the agency will:  
173 (A) proceed if the amount or value of the federal funds are unexpectedly reduced in  
174 any material degree or amount;  
175 (B) proceed if the federal funds become unavailable unexpectedly;  
176 (C) wind down the program or services funded by the federal funds when the federal  
177 funds are exhausted; and  
178 (D) transition any beneficiaries of the funds to a different program or service provider  
179 if the agency is unable to continue providing the same program or services due to a decrease or  
180 loss of federal funds; and  
181 (iv) designation of the federal funds and the program or purpose for which the funds  
182 will be used as either:  
183 (A) mandatory under federal or state law;  
184 (B) high priority; or  
185 (C) low priority.  
186 [~~(b)~~] (c) (i) "Federal funds" means cash or other money received from the United States  
187 government or from other individuals or entities for or on behalf of the United States and

188 deposited with the state treasurer or any agency of the state.

189 (ii) "Federal funds" includes federal assistance and federal assistance programs,  
190 however described.

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

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

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

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

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

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

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

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

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

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

214 ~~[(d)]~~ (E) the number of additional permanent full-time employees, additional  
215 permanent part-time employees, or combination of additional permanent full-time employees  
216 and additional permanent part-time employees, if any, that the state estimates are needed in  
217 order to receive the federal funds or participate in the federal program; ~~[and]~~

218 ~~[(e)]~~ (F) any requirements that the state must meet as a condition for receiving the

219 federal funds or participating in the federal program[-]; and  
220 (G) a state sovereignty evaluation as defined in Subsection (1)(n).  
221 (ii) "Federal funds request summary" includes, if available:  
222 (A) the letter awarding an agency a grant of federal funds or other official  
223 documentation awarding an agency a grant of federal funds; and  
224 (B) a document detailing federal maintenance of effort requirements.  
225 ~~(f)~~ (f) "Federal maintenance of effort requirements" means any matching, level of  
226 effort, or earmarking requirements, as defined in Office of Management and Budget  
227 requirements, that are imposed on an agency as a condition of receiving federal funds.  
228 ~~(g)~~ (g) (i) "Intergovernmental transfer program" means an existing reimbursement  
229 program or category that is authorized by the Medicaid state plan or waiver authority for  
230 intergovernmental transfers.  
231 (ii) "Intergovernmental transfer program" does not include the addition of a provider to  
232 an existing intergovernmental transfer program.  
233 ~~(h)~~ (h) "Local education agency" or "LEA" means:  
234 (i) a school district;  
235 (ii) a charter school; or  
236 (iii) the Utah Schools for the Deaf and the Blind.  
237 ~~(i)~~ (i) "New federal funds" means:  
238 (i) federal assistance or other federal funds that are available from the federal  
239 government that:  
240 (A) the state is not currently receiving; or  
241 (B) exceed the federal funds amount most recently approved by the Legislature by  
242 more than 25% for a federal grant or program in which the state is currently participating;  
243 (ii) a federal assistance program or other federal program in which the state is not  
244 currently participating; or  
245 (iii) a one-time TANF request.  
246 ~~(j)~~ (j) "New federal funds request" means:  
247 (i) the formal submission from an agency to the federal government:  
248 (A) applying for or otherwise seeking to obtain new federal funds; or  
249 (B) applying for or seeking to participate in a new federal program that will result in

250 federal funds being transferred to an agency; or

251 (ii) a one-time TANF request.

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

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

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

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

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

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

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

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

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

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

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

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

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

280 (2) When this chapter describes an employee as a "permanent full-time employee" or a

281 "permanent part-time employee," it is not intended to, and may not be construed to, affect the  
282 employee's status as an at-will employee.

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

284 **63J-5-103. Scope and applicability of chapter.**

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

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

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

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

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

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

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

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

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

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

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

302 [~~(vii) Unemployment Insurance Operations money;]~~

303 [~~(viii) Federal Highway Administration money;]~~

304 [~~(ix) the Utah National Guard; or]~~

305 [~~(x) pass-through federal funds;]~~

306 [~~(c) Federal funds requests described in Subsection (2)(b) are subject to the provisions  
307 of this chapter;]~~

308 [~~(i) beginning on January 1, 2018, for each agency that receives more than  
309 \$200,000,000 annually in federal funds; or]~~

310 [~~(ii) beginning on July 1, 2018, for each agency that receives \$200,000,000 or less  
311 annually in federal funds;]~~

312           ~~[(d) Maintenance of effort reporting requirements described in Subsection~~  
313 ~~63J-5-102(1)(d)(ii)(B) may not be required until:]~~

314           ~~[(i) January 1, 2018, for each agency that receives more than \$200,000,000 annually in~~  
315 ~~federal funds; or]~~

316           ~~[(ii) July 1, 2018, for each agency that receives \$200,000,000 or less annually in~~  
317 ~~federal funds.]~~

318           ~~[(3)]~~ (2) The governor need not seek legislative review or approval of federal funds  
319 received by the state if:

320           (a) the governor has declared a state of emergency; and

321           (b) the federal funds are received to assist victims of the state of emergency under  
322 Section 53-2a-204.

323           Section 4. Section **63J-5-204** is amended to read:

324           **63J-5-204. Legislative review and approval of certain federal funds requests.**

325           (1) As used in this section:

326           (a) "High impact federal funds request" means a new federal funds request that will or  
327 could:

328           (i) result in the state receiving total payments of \$10,000,000 or more per year from the  
329 federal government;

330           (ii) require the state to add 11 or more permanent full-time employees, 11 or more  
331 permanent part-time employees, or combination of permanent full-time and permanent  
332 part-time employees equal to 11 or more in order to receive the new federal funds or participate  
333 in the new federal program; or

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

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

339           (i) result in the state receiving total payments of more than \$1,000,000 but less than  
340 \$10,000,000 per year from the federal government;

341           (ii) require the state to add more than zero but less than 11 permanent full-time  
342 employees, more than zero but less than 11 permanent part-time employees, or a combination

343 of permanent full-time employees and permanent part-time employees equal to more than zero  
344 but less than 11 in order to receive or administer the new federal funds or participate in the new  
345 federal program; or

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

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

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

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

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

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

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

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

363 (iii) recommend to the governor that the governor call a special session of the  
364 Legislature to review and approve or reject the acceptance of the new federal funds.

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

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

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

373 (ii) ~~[The]~~ Except as provided in Subsection (3)(a)(iii), the procedures required under

374 Subsection (3)(a)(i) shall be performed, if possible, before the date that the high impact funds  
375 request is formally submitted, but not later than three months after the date of formal  
376 submission.

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

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

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

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

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

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

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

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

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

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

403 **63J-5-301. Definitions.**

404 As used in this part:

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

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

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

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

411 **63J-5-302. Federal funds contingency plan.**

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

414 (2) A federal funds contingency plan shall:

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

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

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

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

422 (a) at least every other year; and

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

425 (4) On or before December 15 of each year that a qualifying agency prepares a federal  
426 funds contingency plan or an update to a federal funds contingency plan, the qualifying agency  
427 shall provide a copy of the contingency plan or update to:

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

429 (b) the Executive Appropriations Committee; and

430 (c) the Legislative Fiscal Analyst.

431 Section 7. **Repealer.**

432 This bill repeals:

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

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

435 Section 8. **Effective date.**

436        This bill takes effect on May 1, 2024.