

1 **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Allen M. Christensen**

5 House Sponsor: Daniel McCay

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions of the Federal Funds Procedures Act.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ defines terms;

13 ▶ makes certain expenditures from federal Temporary Assistance for Needy Families
14 (TANF) funds subject to the Federal Funds Procedures Act;

15 ▶ amends the definition of "new federal funds" to include a one-time TANF request
16 greater than \$1,000,000 over the amount most recently approved by the Legislature;

17 and

18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **63J-5-102**, as last amended by Laws of Utah 2011, Chapter 326

26 **63J-5-103**, as last amended by Laws of Utah 2013, Chapter 295

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

29 Section 1. Section **63J-5-102** is amended to read:

30 **63J-5-102. Definitions.**

31 (1) As used in this chapter:

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

34 (ii) "Agency" includes executive branch entities and judicial branch entities.

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

36 (b) (i) "Federal funds" means cash or other money received from the United States
37 government or from other individuals or entities for or on behalf of the United States and
38 deposited with the state treasurer or any agency of the state.

39 (ii) "Federal funds" includes federal assistance and federal assistance programs,
40 however described.

41 (iii) "Federal funds" does not include money received from the United States
42 government to reimburse the state for money expended by the state.

43 (c) "Federal funds reauthorization" means:

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

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

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

52 (d) "Federal funds request summary" means a document detailing:

53 (i) the amount of money that is being requested or is available to be received by the
54 state from the federal government for each federal funds reauthorization or new federal funds
55 request;

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

58 requests;

59 (iii) the amount of new state money, if any, that will be required to receive the federal
60 funds or participate in the federal program;

61 (iv) the number of additional permanent full-time employees, additional permanent
62 part-time employees, or combination of additional permanent full-time employees and
63 additional permanent part-time employees, if any, that the state estimates are needed in order to
64 receive the federal funds or participate in the federal program; and

65 (v) any requirements that the state must meet as a condition for receiving the federal
66 funds or participating in the federal program.

67 (e) "Federal maintenance of effort requirements" means any matching, level of effort,
68 or earmarking requirements, as defined in Office of Management and Budget Circular A-133,
69 Compliance Requirement G, that are imposed on an agency as a condition of receiving federal
70 funds.

71 (f) "New federal funds" means:

72 (i) federal assistance or other federal funds that are available from the federal
73 government that:

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

75 (B) exceed the federal funds amount [~~previously~~] most recently approved by the
76 Legislature by more than 25% for a federal grant or program in which the state is currently
77 participating; [~~or~~]

78 (ii) a federal assistance program or other federal program in which the state is not
79 currently participating[~~;~~]; or

80 (iii) a one-time TANF request.

81 (g) "New federal funds request" means:

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

83 [(†)] (A) applying for or otherwise seeking to obtain new federal funds; or

84 [(†)] (B) applying for or seeking to participate in a new federal program that will result
85 in federal funds being transferred to an agency[~~;~~]; or

86 (ii) a one-time TANF request.

87 (h) (i) "New state money" means money, whether specifically appropriated by the
88 Legislature or not, that the federal government requires Utah to expend as a condition for
89 receiving the federal funds or participating in the federal program.

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

92 (i) "One-time TANF request" means a proposed expenditure by the Department of
93 Workforce Services from its reserves of federal Temporary Assistance for Needy Families
94 funds:

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

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

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

101 [(j)] (k) "State" means the state of Utah and all of its agencies, and any administrative
102 subunits of those agencies.

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

106 Section 2. Section **63J-5-103** is amended to read:

107 **63J-5-103. Scope and applicability of chapter.**

108 (1) Except as provided in Subsection (2), and except as otherwise provided by a statute
109 superseding provisions of this chapter by explicit reference to this chapter, the provisions of
110 this chapter apply to each agency and govern each federal funds request.

111 (2) This chapter does not govern federal funds requests for:

112 (a) the Medical Assistance Program, commonly known as Medicaid;

113 (b) the Children's Health Insurance Program;

- 114 (c) the Women, Infant, and Children program;
- 115 (d) the Temporary Assistance [to] for Needy Families program, except for a one-time
- 116 TANF request as defined in Section 63J-5-102;
- 117 (e) Social Security Act money;
- 118 (f) the Substance Abuse Prevention and Treatment program;
- 119 (g) Child Care and Development Block Grant;
- 120 (h) SNAP Administration and Training money;
- 121 (i) Unemployment Insurance Operations money;
- 122 (j) Federal Highway Administration money;
- 123 (k) the Utah National Guard; or
- 124 (l) pass-through federal funds.
- 125 (3) The governor need not seek legislative review or approval of federal funds received
- 126 by the state if:
- 127 (a) the governor has declared a state of emergency; and
- 128 (b) the federal funds are received to assist victims of the state of emergency under
- 129 [~~Subsection~~] Section 53-2a-204~~(1)~~.