

REGENTS' SCHOLARSHIP AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill amends provisions related to the Regents' Scholarship Program.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the Regents' Scholarship Program for students who graduate from high school after July 1, 2018;
- ▶ enacts provisions related to the modified Regents' Scholarship Program, including provisions related to:
 - the distribution process for Regents' Scholarship Program money;
 - student eligibility for a Regents' scholarship; and
 - required rulemaking of the State Board of Regents; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53B-8-105, as last amended by Laws of Utah 2013, Chapter 64

63G-12-402, as last amended by Laws of Utah 2015, Chapter 370

63I-2-253, as last amended by Laws of Utah 2016, Chapters 128, 229, 236, 271, and

318

ENACTS:

53B-8-201, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

53B-8-202, (Renumbered from 53B-8-108, as last amended by Laws of Utah 2016,
Chapter 188)

53B-8-203, (Renumbered from 53B-8-109, as last amended by Laws of Utah 2013,
Chapter 64)

53B-8-204, (Renumbered from 53B-8-110, as last amended by Laws of Utah 2010,
Chapter 6)

53B-8-205, (Renumbered from 53B-8-111, as last amended by Laws of Utah 2013,
Chapter 64)

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

Section 1. Section **53B-8-105** is amended to read:

53B-8-105. New Century scholarships -- High school requirements.

(1) As used in this section, "complete the requirements for an associate degree" means
that a student:

(a) (i) completes all the required courses for an associate degree from a higher
education institution within the state system of higher education that offers associate degrees;
and

(ii) applies for the associate degree from the institution; or

(b) completes equivalent requirements described in Subsection (1)(a)(i) from a higher
education institution within the state system of higher education that offers baccalaureate
degrees but does not offer associate degrees.

(2) (a) The board shall award New Century scholarships.

(b) The board shall develop and approve the math and science curriculum described
under Subsection (3)(a)(ii).

(3) (a) In order to qualify for a New Century scholarship, a student in Utah schools shall complete the requirements for an:

(i) associate degree; or

(ii) approved math and science curriculum.

(b) The requirements under Subsection (3)(a) shall be completed:

(i) (A) for a student whose class graduates from high school in 2010 or before, by September 1 of the year the student's class graduates from high school; or

(B) for a student whose class graduates from high school in 2011 or after, by the day on which the student's class graduates from high school; and

(ii) with at least a 3.0 grade point average.

(c) In addition to the requirements in Subsection (3)(a), a student in Utah schools whose class graduates from high school in 2011 or after shall:

(i) complete the high school graduation requirements of:

(A) a public high school established by the State Board of Education and the student's school district or charter school; or

(B) a private high school in the state that is accredited by a regional accrediting body approved by the board; and

(ii) complete high school with at least a 3.5 cumulative high school grade point average.

(4) Notwithstanding Subsection (3), for a student who does not receive a high school grade point average, the student shall:

(a) complete the requirements for an associate degree:

(i) (A) for a student who completes high school in 2010 or before, by September 1 of the year the student completes high school; or

(B) for a student who completes high school in 2011 or after, by June 15 of the year the student completes high school; and

(ii) with at least a 3.0 grade point average; and

(b) score a composite ACT score of 26 or higher.

86 (5) To be eligible for the scholarship, a student:

87 (a) shall submit an application to the board with:

88 (i) an official college transcript showing college courses the student has completed to
89 complete the requirements for an associate degree; and

90 (ii) (A) if applicable, an official high school transcript; or

91 (B) if applicable, a copy of the student's ACT scores;

92 (b) shall be a citizen of the United States or a noncitizen who is eligible to receive
93 federal student aid;

94 (c) may not have a criminal record, with the exception of a misdemeanor traffic
95 citation; and

96 (d) if applicable, shall meet the application deadlines as established by the board under
97 Subsection (10).

98 (6) (a) The scholarship may be used at a:

99 (i) higher education institution within the state system of higher education that offers
100 baccalaureate programs; or

101 (ii) private, nonprofit college or university in the state accredited by the Northwest
102 Association of Schools and Colleges that offers baccalaureate programs.

103 (b) For a student whose class graduates from high school in 2010 and who completes
104 the requirements under Subsection (3)(a) by September 1, 2010:

105 (i) if used at an institution described in Subsection (6)(a)(i), the value of the
106 scholarship is up to 75% of the tuition costs at the selected institution; or

107 (ii) if used at an institution described in Subsection (6)(a)(ii), the value of the
108 scholarship is up to 75% of the tuition costs at the institution, not to exceed 75% of the average
109 tuition costs at the institutions referred in Subsection (6)(a)(i).

110 (c) (i) For a student whose class graduates in 2011 or after and who completes the
111 requirements under this section, the total value of the scholarship is up to \$5,000, allocated
112 over a time period described in Subsection (6)(d), as prescribed by the board.

113 (ii) The board may increase the scholarship amount described in Subsection (6)(c)(i) by

an amount not to exceed the average percentage tuition increase approved by the board for institutions in the state system of higher education.

(d) The scholarship is valid for the shortest of the following time periods:

(i) two years of full-time equivalent enrollment;

(ii) 60 credit hours; or

(iii) until the student meets the requirements for a baccalaureate degree.

(e) (i) A scholarship holder shall enroll full-time at a higher education institution by no later than the fall term immediately following the student's high school graduation date or receive an approved deferral from the board.

(ii) The board may grant a deferral or leave of absence to a scholarship holder, but the student may only receive scholarship money within five years of the student's high school graduation date.

~~[(7) (a) The board may cancel a New Century scholarship at any time if the student fails to:]~~

~~[(i) register as a full-time student;]~~

~~[(ii) maintain at least a 3.0 grade point average for two consecutive semesters; or]~~

~~[(iii) make reasonable progress towards the completion of a baccalaureate degree.]~~

~~[(b) Beginning July 1, 2013, the]~~

(7) The board may cancel a New Century scholarship at any time if the student fails to:

~~[(i)]~~ (a) register for at least 15 credit hours per semester;

~~[(ii)]~~ (b) maintain a 3.3 grade point average for two consecutive semesters; or

~~[(iii)]~~ (c) make reasonable progress ~~[towards]~~ toward the completion of a baccalaureate degree.

(8) (a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the General Fund to the board for the costs associated with the New Century Scholarship Program authorized under this section.

(b) It is understood that the appropriation is offset in part by the state money that would otherwise be required and appropriated for these students if they were enrolled in a four-year

postsecondary program at a state-operated institution.

(c) Notwithstanding Subsections (2)(a) and (6), if the appropriation under Subsection (8)(a) is insufficient to cover the costs associated with the New Century Scholarship Program, the board may reduce the scholarship amount.

(9) (a) The board shall adopt policies establishing an application process and an appeal process for a New Century scholarship.

(b) The board shall disclose on all applications and related materials that the amount of the scholarship is subject to funding and may be reduced, in accordance with Subsection (8)(c).

(c) The board shall require an applicant for a New Century scholarship to certify under penalty of perjury that:

(i) the applicant is a United States citizen; or

(ii) the applicant is a noncitizen who is eligible to receive federal student aid.

(d) The certification under this Subsection (9) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.

(10) The board may set deadlines for receiving New Century scholarship applications and supporting documentation.

(11) A student may not receive both a New Century scholarship and a Regents' scholarship established in ~~[Section 53B-8-108]~~ Part 2, Regents' Scholarship Program.

Section 2. Section **53B-8-201** is enacted to read:

Part 2. Regents' Scholarship Program

53B-8-201. Regents' Scholarship Program.

(1) As used in this section:

(a) "Eligible institution" means:

(i) a credit-granting institution of higher education within the state system of higher education described in Section [53B-1-102](#); or

(ii) a private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities.

(b) "Eligible student" means a student who:

(i) applies to the board in accordance with the rules described in Subsection (6);

(ii) is enrolled in an eligible institution; and

(iii) meets the criteria established by the board in rules described in Subsection (6).

(c) "Program" means the Regents' Scholarship Program described in this section.

(2) (a) A student who graduates from high school after July 1, 2018:

(i) may receive a Regents' scholarship in accordance with this section; and

(ii) may not may receive a scholarship in accordance with Sections [53B-8-202](#) through [53B-8-205](#).

(b) A student who graduates from high school on or before July 1, 2018:

(i) may receive a scholarship in accordance with Sections [53B-8-202](#) through [53B-8-205](#); and

(ii) may not receive a Regents' scholarship in accordance with this section.

(3) (a) Subject to legislative appropriations and Subsection (3)(d), beginning with an appropriation for fiscal year 2019, the board shall annually distribute money for the Regents' Scholarship Program described in this section to each eligible institution to award as Regents' scholarships to eligible students.

(b) The board shall annually determine the amount of a Regents' scholarship based on:

(i) the number of eligible students in the state; and

(ii) money available for the program.

(c) The board shall annually determine the total amount of money to distribute to an eligible institution based on the eligible institution's share of all eligible students in the state.

(d) An eligible institution that is a private, nonprofit college or university shall, to receive money distributed by the board described in Subsection (3)(a), enter into a written agreement with the board in which the eligible institution agrees to:

(i) provide the board with access to information and data necessary for the purposes of the program; and

(ii) comply with an audit by the board described in Subsection (5) if the board conducts an audit.

198 (4) (a) Except as provided in Subsection (4)(b), an eligible institution shall provide to
199 an eligible student a Regents' scholarship in the amount determined by the board described in
200 Subsection (3)(b).

201 (b) An eligible institution may reduce the amount of a Regents' scholarship provided to
202 an eligible student based on other state aid awarded to the eligible student for tuition and fees.

203 (5) The board may:

204 (a) audit an eligible institution's administration of Regents' scholarships; and

205 (b) require an eligible institution to repay to the board money distributed to the eligible
206 institution under this section that is not provided to an eligible student as a Regents'
207 scholarship.

208 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
209 board shall make rules that establish:

210 (a) requirements related to an eligible institution's administration of Regents'
211 scholarships;

212 (b) a process for a student to apply to the board to determine the student's eligibility for
213 a Regents' scholarship;

214 (c) criteria to determine a student's eligibility for a Regents' scholarship, including:

215 (i) minimum secondary education academic performance standards;

216 (ii) the completion of secondary core curriculum and graduation requirements;

217 (iii) the completion of a Free Application for Federal Student Aid;

218 (iv) need-based measures that address college affordability and access; and

219 (v) minimum enrollment requirements in an eligible institution; and

220 (d) a requirement for each eligible institution to annually report to the board on all
221 Regents' scholarships awarded by the eligible institution.

222 (7) The board shall annually report on the program to the Higher Education
223 Appropriations Subcommittee.

224 (8) (a) The State Board of Education, a school district, or a public high school shall
225 cooperate with the board and eligible institutions to facilitate the program, including by

exchanging relevant data where allowed by law.

(b) The State Board of Education shall annually provide to the board a list of directory information, including name and address, for each grade 8 student in the state.

Section 3. Section **53B-8-202**, which is renumbered from Section 53B-8-108 is renumbered and amended to read:

[53B-8-108]. 53B-8-202. Regents' Scholarship Program -- General provisions -- Board policies.

(1) This section only applies to a student who graduates from high school on or before July 1, 2018.

~~[(1)]~~ (2) The Regents' Scholarship Program is created to award merit scholarships to students who complete a rigorous core course of study in high school.

~~[(2)]~~ (3) (a) A student who is awarded the Base Regents' scholarship established in Section ~~[53B-8-109]~~ 53B-8-203 may also be awarded each of the supplemental awards established in Sections ~~[53B-8-110 and 53B-8-111]~~ 53B-8-204 and 53B-8-205.

(b) A student may not receive both a Regents' scholarship and a New Century scholarship established in Section 53B-8-105.

~~[(3)]~~ (4) A Regents' scholarship may only be used at a:

(a) credit-granting higher education institution within the state system of higher education; or

(b) private, nonprofit college or university in the state that is accredited by the Northwest ~~[Association of Schools and Colleges]~~ Commission on Colleges and Universities.

~~[(4)]~~ (5) (a) A scholarship holder shall enroll full-time at a higher education institution described in Subsection ~~[(3)]~~ (4) by no later than the fall term immediately following the student's high school graduation date or receive an approved deferral from the board.

(b) The board may grant a deferral or leave of absence to a scholarship holder, but the student may only receive scholarship money within five years of the student's high school graduation date.

~~[(5)]~~ (6) (a) The board shall annually report on the Regents' Scholarship Program at the

beginning of each school year to the Higher Education Appropriations Subcommittee.

(b) The board shall ensure that the report includes the number of students in each school district and public high school who meet the academic criteria for the Base Regents' scholarship and for the Exemplary Academic Achievement Scholarship.

(c) The State Board of Education, school districts, and public high schools shall cooperate with the board to facilitate the collection and distribution of Regents' Scholarship Program data.

~~[(6)]~~ (7) The State Board of Education shall annually provide the board a complete list of directory information, including student name and address, for all grade 8 students in the state.

~~[(7)]~~ (8) The board shall adopt policies establishing:

(a) the high school and college course requirements described in Subsection ~~[53B-8-109(1)(d)(i)]~~ 53B-2-203(2)(d)(i);

(b) the additional weights assigned to grades earned in certain courses described in Subsections ~~[53B-8-109(4) and 53B-8-111(7)]~~ 53B-8-203(5) and 53B-8-205(8);

(c) the regional accrediting bodies that may accredit a private high school described in Subsection ~~[53B-8-109(1)(a)(ii)]~~ 53B-8-203(2)(a)(ii);

(d) (i) the application process and an appeal process for a Regents' scholarship, including procedures to allow a student to apply for the scholarship on-line; and

(ii) a disclosure on all applications and related materials that the amount of the awards is subject to funding and may be reduced, in accordance with Subsection ~~[(8)]~~ (9)(b); and

(e) how college credits correlate to high school units for purposes of Subsection ~~[53B-8-109(1)(d)(i)]~~ 53B-8-203(2)(d)(i).

~~[(8)]~~ (9) (a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the Education Fund to the board for the costs associated with the Regents' Scholarship Program authorized under this section and Sections ~~[53B-8-109, 53B-8-110, and 53B-8-111]~~ 53B-8-203, 53B-8-204, and 53B-8-205.

(b) Notwithstanding the provisions of this section and Sections ~~[53B-8-109,~~

~~53B-8-110, and 53B-8-111]~~ 53B-8-203, 53B-8-204, and 53B-8-205, if the appropriation under Subsection ~~[(8)]~~ (9)(a) is insufficient to cover the costs associated with the Regents' Scholarship Program, the board may reduce the amount of the Base Regents' scholarships and supplemental awards.

~~[(9)]~~ (10) The board may set deadlines for receiving Regents' scholarship applications and supporting documentation.

Section 4. Section **53B-8-203**, which is renumbered from Section 53B-8-109 is renumbered and amended to read:

~~[53B-8-109].~~ **53B-8-203. Regents' Scholarship Program -- Base Regents' scholarship -- Qualifications -- Application.**

(1) This section only applies to a student who graduates from high school on or before July 1, 2018.

~~[(1)]~~ (2) A student qualifies for a Base Regents' scholarship if the student:

(a) completes the high school graduation requirements of:

(i) a public school established by the State Board of Education and the student's school district or charter school; or

(ii) a private high school in the state that is accredited by a regional accrediting body approved by the board;

(b) completes high school with at least a 3.0 cumulative grade point average;

(c) has at least one reported ACT test score; and

(d) (i) completes the following high school or college credit in grades 9~~[=]~~ through 12:

(A) four units of credit of English;

(B) four units of credit of mathematics;

(C) three and one-half units of credit of social science;

(D) three units of credit of lab-based natural science; and

(E) two units of credit of sequential world or classical language other than English; and

(ii) except as provided in Subsection ~~[(4)]~~ (5), earns a course grade on a transcript of "C" or above in each individual course listed in Subsection ~~[(1)]~~ (2)(d)(i).

310 ~~[(2)]~~ (3) The board shall establish policies to determine specific courses that meet the
311 requirements under Subsection ~~[(1)]~~ (2)(d)(i).

312 ~~[(3)]~~ (4) To be eligible for the scholarship, a student:

313 (a) shall submit an application to the board with:

314 (i) a copy of the student's official high school transcript and ACT scores; and

315 (ii) if applicable, a college transcript showing a college course the student has
316 completed to meet the requirements of Subsection ~~[(1)]~~ (2)(d);

317 (b) shall be a citizen of the United States or a noncitizen who is eligible to receive
318 federal student aid;

319 (c) may not have a criminal record, with the exception of a misdemeanor traffic
320 citation; and

321 (d) if applicable, shall meet the application deadlines as established by the board under
322 Subsection ~~[53B-8-108(9)]~~ 53B-8-202(10).

323 ~~[(4)]~~ (5) For purposes of determining if a student meets the grade requirements of
324 Subsection ~~[(1)]~~ (2)(d)(ii), the board shall assign additional weights to grades earned in courses
325 described in Subsection ~~[(1)]~~ (2)(d)(i) that are advanced placement, concurrent enrollment, or
326 International Baccalaureate program courses.

327 ~~[(5)]~~ (6) (a) The amount of the Base Regents' scholarship is \$1,000.

328 (b) The board may adjust the amount of the Base Regents' scholarship by up to a
329 percentage of the average percentage tuition increase approved by the board for institutions in
330 the system of higher education.

331 ~~[(6)]~~ (7) (a) The board shall require an applicant for a Regents' scholarship to certify
332 under penalty of perjury that:

333 (i) the applicant is a United States citizen; or

334 (ii) the applicant is a noncitizen who is eligible to receive federal student aid.

335 (b) The certification under this Subsection ~~[(6)]~~ (7) shall include a statement advising
336 the signer that providing false information subjects the signer to penalties for perjury.

337 Section 5. Section **53B-8-204**, which is renumbered from Section 53B-8-110 is

renumbered and amended to read:

[~~53B-8-110~~]. 53B-8-204. Regents' Scholarship Program -- Supplemental award to encourage college savings.

(1) This section only applies to a student who graduates from high school on or before July 1, 2018.

~~[(1)]~~ (2) A student who qualifies for the Base Regents' Scholarship in accordance with the provisions of Section [~~53B-8-109~~] 53B-8-203 may be awarded up to an additional \$400 as provided in this section.

~~[(2)]~~ (3) A student who qualifies for the Base Regents' Scholarship shall be awarded \$100 for a year that:

(a) the student was 14, 15, 16, or 17 years of age; and

(b) at least \$100 in contributions, excluding transfers, investment earnings, and interest, was deposited in a Utah Educational Savings Plan account that designated the student as the beneficiary.

Section 6. Section **53B-8-205**, which is renumbered from Section 53B-8-111 is renumbered and amended to read:

[~~53B-8-111~~]. 53B-8-205. Supplemental scholarship award -- Exemplary academic achievement -- Regents' diploma.

(1) This section only applies to a student who graduates from high school on or before July 1, 2018.

~~[(1)]~~ (2) A student who qualifies for the Base Regents' scholarship in accordance with the provisions of Section [~~53B-8-109~~] 53B-8-203 shall qualify for an additional Exemplary Academic Achievement scholarship if the student:

(a) completes high school with a cumulative grade point average of 3.5 or higher;

(b) except as provided in Subsection [~~(7)~~] (8), earns a course grade on a transcript of "B" or above in each individual course listed in Subsection [~~53B-8-109(1)(d)(i)~~]

53B-8-203(2)(d)(i); and

(c) (i) scores a composite ACT score of 26 or higher; and

(ii) if determined by the board's policies, achieves additional ACT college readiness benchmark scores in English, mathematics, reading, and science.

~~[(2)]~~ (3) For a student who graduates from high school in the 2009-10 school year:

(a) if used at a higher education institution described in Subsection ~~[53B-8-108(3)(a)]~~ 53B-8-202(4)(a), the value of an Exemplary Academic Achievement scholarship is up to 75% of the tuition costs at the selected institution; or

(b) if used at a higher education institution described in Subsection ~~[53B-8-108(3)(b)]~~ 53B-8-202(4)(b), the value of an Exemplary Academic Achievement scholarship is up to 75% of the tuition costs at the institution, not to exceed 75% of the average tuition costs at the institutions described in Subsection ~~[53B-8-108(3)(a)]~~ 53B-8-202(4)(a).

~~[(3)]~~ (4) (a) For a student who graduates from high school in or after the 2010-11 school year, the total value of an Exemplary Academic Achievement scholarship is up to \$5,000, allocated over a time period described in Subsection ~~[(4)]~~ (5), as prescribed by the board.

(b) The board may adjust the amount of the Exemplary Academic Achievement scholarship by up to a percentage of the average percentage tuition increase approved by the board for institutions in the state system of higher education.

~~[(4)]~~ (5) An Exemplary Academic Achievement scholarship is valid for the shortest of the following time periods:

(a) two years of full-time equivalent enrollment;

(b) 65 credit hours; or

(c) until the student meets the requirements for a baccalaureate degree.

~~[(5) (a) The board may cancel an Exemplary Academic Achievement scholarship at any time if the student fails to:]~~

~~[(i) register as a full-time student;]~~

~~[(ii) maintain a 3.0 grade point average for two consecutive semesters; or]~~

~~[(iii) make reasonable progress towards the completion of a baccalaureate degree.]~~

~~[(b) Beginning July 1, 2013, the]~~

(6) The board may cancel an Exemplary Academic Achievement scholarship at any time if the student fails to:

(i) (a) register for at least 15 credit hours per semester;
(ii) (b) maintain a 3.3 grade point average for two consecutive semesters; or
(iii) (c) make reasonable progress ~~towards~~ toward the completion of a baccalaureate degree.

~~(6)~~ (7) A student who qualifies for the Exemplary Academic Achievement scholarship under this section may also receive a Regents' diploma endorsement to be issued by the board.

~~(7)~~ (8) For purposes of determining if a student meets the grade requirements of Subsection ~~(1)~~ (2)(b), the board shall assign additional weights to grades earned in courses described in Subsection ~~[53B-8-109(1)(d)(i)]~~ 53B-8-203(2)(d)(i) that are advanced placement, concurrent enrollment, or International Baccalaureate program courses.

Section 7. Section **63G-12-402** is amended to read:

63G-12-402. Receipt of state, local, or federal public benefits -- Verification -- Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.

(1) (a) Except as provided in Subsection (3) or when exempted by federal law, an agency or political subdivision of the state shall verify the lawful presence in the United States of an individual at least 18 years of age who applies for:

(i) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or
(ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by an agency or political subdivision of this state.

(b) For purpose of a license issued under Title 58, Chapter 55, Utah Construction Trades Licensing Act, to an applicant that is an unincorporated entity, the Department of Commerce shall verify in accordance with this Subsection (1) the lawful presence in the United States of each individual who:

(i) owns an interest in the contractor that is an unincorporated entity; and
(ii) engages, or will engage, in a construction trade in Utah as an owner of the

contractor described in Subsection (1)(b)(i).

(2) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

(3) Verification of lawful presence under this section is not required for:

(a) any purpose for which lawful presence in the United States is not restricted by law, ordinance, or regulation;

(b) assistance for health care items and services that:

(i) are necessary for the treatment of an emergency medical condition, as defined in 42 U.S.C. Sec. 1396b(v)(3), of the individual involved; and

(ii) are not related to an organ transplant procedure;

(c) short-term, noncash, in-kind emergency disaster relief;

(d) public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not the symptoms are caused by the communicable disease;

(e) programs, services, or assistance such as soup kitchens, crisis counseling and intervention, and short-term shelter, specified by the United States Attorney General, in the sole and unreviewable discretion of the United States Attorney General after consultation with appropriate federal agencies and departments, that:

(i) deliver in-kind services at the community level, including through public or private nonprofit agencies;

(ii) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the income or resources of the individual recipient; and

(iii) are necessary for the protection of life or safety;

(f) the exemption for paying the nonresident portion of total tuition as set forth in Section 53B-8-106;

(g) an applicant for a license under Section 61-1-4, if the applicant:

(i) is registered with the Financial Industry Regulatory Authority; and

(ii) files an application with the state Division of Securities through the Central

450 Registration Depository;

451 (h) a state public benefit to be given to an individual under Title 49, Utah State

452 Retirement and Insurance Benefit Act;

453 (i) a home loan that will be insured, guaranteed, or purchased by:

454 (i) the Federal Housing Administration, the Veterans Administration, or any other
455 federal agency; or

456 (ii) an enterprise as defined in 12 U.S.C. Sec. 4502;

457 (j) a subordinate loan or a grant that will be made to an applicant in connection with a
458 home loan that does not require verification under Subsection (3)(i);

459 (k) an applicant for a license issued by the Department of Commerce or individual
460 described in Subsection (1)(b), if the applicant or individual provides the Department of
461 Commerce:

462 (i) certification, under penalty of perjury, that the applicant or individual is:

463 (A) a United States citizen;

464 (B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or

465 (C) lawfully present in the United States; and

466 (ii) (A) the number assigned to a driver license or identification card issued under Title
467 53, Chapter 3, Uniform Driver License Act; or

468 (B) the number assigned to a driver license or identification card issued by a state other
469 than Utah if, as part of issuing the driver license or identification card, the state verifies an
470 individual's lawful presence in the United States; and

471 (l) an applicant for:

472 (i) a Regents' scholarship described in [~~Section 53B-8-109~~] Title 53B, Chapter 8, Part
473 2, Regents' Scholarship Program;

474 (ii) a New Century scholarship described in Section 53B-8-105; or

475 (iii) a privately funded scholarship:

476 (A) for an individual who is a graduate of a high school located within Utah; and

477 (B) administered by an institution of higher education as defined in Section 53B-2-101.

478 (4) (a) An agency or political subdivision required to verify the lawful presence in the
479 United States of an applicant under this section shall require the applicant to certify under
480 penalty of perjury that:

481 (i) the applicant is a United States citizen; or

482 (ii) the applicant is:

483 (A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and

484 (B) lawfully present in the United States.

485 (b) The certificate required under this Subsection (4) shall include a statement advising
486 the signer that providing false information subjects the signer to penalties for perjury.

487 (5) An agency or political subdivision shall verify a certification required under
488 Subsection (4)(a)(ii) through the federal SAVE program.

489 (6) (a) An individual who knowingly and willfully makes a false, fictitious, or
490 fraudulent statement or representation in a certification under Subsection (3)(k) or (4) is subject
491 to the criminal penalties applicable in this state for:

492 (i) making a written false statement under Subsection 76-8-504(2); and

493 (ii) fraudulently obtaining:

494 (A) public assistance program benefits under Sections 76-8-1205 and 76-8-1206; or

495 (B) unemployment compensation under Section 76-8-1301.

496 (b) If the certification constitutes a false claim of United States citizenship under 18
497 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the United
498 States Attorney General for the applicable district based upon the venue in which the
499 application was made.

500 (c) If an agency or political subdivision receives verification that a person making an
501 application for a benefit, service, or license is not a qualified alien, the agency or political
502 subdivision shall provide the information to the Office of the Attorney General unless
503 prohibited by federal mandate.

504 (7) An agency or political subdivision may adopt variations to the requirements of this
505 section that:

(a) clearly improve the efficiency of or reduce delay in the verification process; or
(b) provide for adjudication of unique individual circumstances where the verification procedures in this section would impose an unusual hardship on a legal resident of Utah.

(8) It is unlawful for an agency or a political subdivision of this state to provide a state, local, or federal benefit, as defined in 8 U.S.C. Sec. 1611 and 1621, in violation of this section.

(9) A state agency or department that administers a program of state or local public benefits shall:

(a) provide an annual report to the governor, the president of the Senate, and the speaker of the House regarding its compliance with this section; and

(b) (i) monitor the federal SAVE program for application verification errors and significant delays;

(ii) provide an annual report on the errors and delays to ensure that the application of the federal SAVE program is not erroneously denying a state or local benefit to a legal resident of the state; and

(iii) report delays and errors in the federal SAVE program to the United States Department of Homeland Security.

Section 8. Section **63I-2-253** is amended to read:

63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.

(1) Section **53A-1-403.5** is repealed July 1, 2017.

(2) Section **53A-1-411** is repealed July 1, 2017.

(3) Section **53A-1-709** is repealed July 1, 2020.

(4) Subsection **53A-1a-513(4)** is repealed July 1, 2017.

(5) Section **53A-1a-513.5** is repealed July 1, 2017.

(6) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2019.

(7) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is repealed July 1, 2017.

(8) Sections **53A-24-601** and **53A-24-602** are repealed January 1, 2018.

(9) (a) Subsections **53B-2a-103(2)** and **(4)** are repealed July 1, 2019.

(b) When repealing Subsections [53B-2a-103](#)(2) and (4), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection [36-12-12](#)(3), make necessary changes to subsection numbering and cross references.

(10) (a) The following sections are repealed on July 1, 2023:

(i) Section [53B-8-202](#);

(ii) Section [53B-8-203](#);

(iii) Section [53B-8-204](#); and

(iv) Section [53B-8-205](#).

(b) (i) Subsection [53B-8-201](#)(2) is repealed on July 1, 2023.

(ii) When repealing Subsection [53B-8-201](#)(2), the Office of Legislative Research and General Counsel shall, in addition to its authority under Subsection [36-12-12](#)(3), make necessary changes to subsection numbering and cross references.

~~[(10)]~~ (11) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is repealed July 1, 2023.