

HB0088S07 compared with HB0088S05

~~{Omitted text}~~ shows text that was in HB0088S05 but was omitted in HB0088S07

inserted text shows text that was not in HB0088S05 but was inserted into HB0088S07

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1

Public Assistance Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Trevor Lee

Senate Sponsor:

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LONG TITLE

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General Description:

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This bill addresses lawful presence for receipt of public benefits.

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Highlighted Provisions:

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This bill:

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- ~~{removes authority for an agency or political subdivision of the state}~~ amends provisions regarding exceptions to ~~{skip}~~ verification of lawful presence for the receipt of ~~{a state or local}~~ certain public ~~{benefit or a federal public benefit the state administers}~~ assistance benefits;and

11

- ~~{prohibits an agency or political subdivision of the state from providing state or local public benefits to an individual who is unlawfully present in the United States, with certain exceptions;}~~

14

- ~~{requires an agency or department to conduct certain audits;}~~

15

- ~~{provides that the Office of the Legislative Auditor General may conduct a certain audit under certain circumstances;}~~

17

- ~~{allows a certain individual a private right of action against a certain governmental employee under certain circumstances;}~~

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- 19 ▸ {~~provides for criminal or civil penalties under certain circumstances; and~~}
- 20 ▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53H-11-203 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

53H-11-414 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

63G-12-402 , as last amended by Laws of Utah 2025, First Special Session, Chapter 9

76-14-207 , as renumbered and amended by Laws of Utah 2025, Chapter 173

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

Section 1. Section 53H-11-203 is amended to read:

53H-11-203. Resident tuition -- Requirements -- Rules.

- (1) If allowed under federal law, a student, other than a nonimmigrant alien within the meaning of [paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code] 8 U.S.C. Sec. 1101(15)(a), shall be exempt from paying the nonresident portion of total tuition if the student:
- (a) attended high school in this state for three or more years;
 - (b) graduated from a high school in this state or received the equivalent of a high school diploma in this state; and
 - (c) registers as an entering student at an institution of higher education.
- [~~(2) In addition to the requirements under Subsection (1), a student without lawful immigration status shall file an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status, or will file an application as soon as he is eligible to do so.~~]
- [~~(3)~~] (2) The board shall make rules for the implementation of this section.

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[(4)] (3) Nothing in this section limits the ability of institutions of higher education to assess nonresident tuition on students who do not meet the requirements under this section.

Section 2. Section 53H-11-414 is amended to read:

53H-11-414. Utah Promise Program.

(1) As used in this section:

(a)

(i) "Cost of attendance" means the estimated costs associated with attending a Utah postsecondary institution, as established by the Utah postsecondary institution in accordance with board policies.

(ii) "Cost of attendance" includes costs payable to the Utah postsecondary institution, other direct educational expenses, transportation, and living expenses while attending the Utah postsecondary institution.

(b) "Eligible student" means a financially needy student who is:

(i) unconditionally admitted to and enrolled at a Utah postsecondary institution on at least a half-time basis, as defined by the board, in an eligible postsecondary program leading to a defined education or training objective, as defined by the board;

(ii) making satisfactory academic progress, as defined by the Utah postsecondary institution in published policies or rules, toward an education or training objective;

(iii)

[(A)] a resident student under Section 53H-11-202 and rules of the board; [or] and

[(B)] ~~exempt from paying the nonresident portion of total tuition under Section 53H-11-203; and]~~

(iv) not a graduate student.

(c) "Financially needy student" means a student who demonstrates the financial inability to meet all or a portion of the cost of attendance at a Utah postsecondary institution for any period of attendance as defined by the board, after considering the student's expected family contribution.

(d) "Fiscal year" means the fiscal year of the state.

(e) "Partner award" means a financial award described in this section.

(f) "Program" means the Utah Promise Program.

(g) "Promise partner" means an employer that participates in the program described in this section.

(h) "Utah postsecondary institution" means:

(i) an institution of higher education; or

(ii) a Utah private, nonprofit postsecondary educational institution.

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- 75 (2) The Legislature finds that:
- 76 (a) the prosperity, economic success, and general welfare of the people of Utah and of the state are
directly related to the educational levels and skills of the citizens of the state; and
- 79 (b) financial assistance, to bridge the gap between a financially needy student's resources and the cost
of attendance at a Utah postsecondary institution, is a necessary component for ensuring access to
postsecondary education and training.
- 82 (3) There is created the Utah Promise Program to provide financial assistance to students.
- 83 (4) The board shall annually submit an electronic report to the Higher Education Appropriations
Subcommittee regarding the Utah Promise Program.
- 85 (5)
- (a) As part of the Utah Promise Program and in accordance with this section, the board shall allocate
available money to each Utah postsecondary institution to use to award promise grants to eligible
students to pay the eligible student's cost of attendance.
- 89 (b) An eligible student may apply for a promise grant in accordance with procedures established by
board rule.
- 91 (c) The amount of a promise grant to an eligible student may not exceed the amount equal to the
difference between:
- 93 (i) the eligible student's cost of attendance; and
- 94 (ii) the total value of other financial aid that the eligible student receives toward the eligible student's
cost of attendance.
- 96 (d) An eligible student may transfer a promise grant to one or more other Utah postsecondary
institutions.
- 98 (6) In administering this section, the board shall use a packaging approach that ensures that Utah
postsecondary institutions combine loans, grants, employment, and family and individual
contributions toward financing the cost of attendance.
- 101 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall
make rules establishing:
- 103 (a) an application process;
- 104 (b) eligibility criteria, including:
- 105 (i) criteria related to academic achievement and enrollment status; and
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(ii) a requirement that an applicant demonstrate completion of the Free Application for Federal Student Aid, unless the student or the student's parent opts out in accordance with board rule;

(c) how a student demonstrates financial need;

(d) a formula to determine the allocation of money to Utah postsecondary institutions in accordance with Subsection (5), taking into account:

(i) the cost of attendance for programs offered by Utah postsecondary institutions; and

(ii) the number of eligible students who attend each Utah postsecondary institution; and

(e) a methodology for prioritizing award of promise grants based primarily on financial need.

(8) A student is eligible for a promise grant until the student:

(a) earns a first bachelor's degree; or

(b) completes 120 credit hours.

(9) The board or a Utah postsecondary institution may not represent to a recipient or a potential recipient of a promise grant that promise grants will remain available in perpetuity.

(10)

(a) The board may require a Utah postsecondary institution to enter into a participation agreement before the Utah postsecondary institution may award promise grants.

(b) In a participation agreement, the board shall include a requirement that the Utah postsecondary institution:

(i) provide to the board information necessary to administer the promise grants;

(ii) comply with this section and board rules related to the promise grants;

(iii) submit reports related to the promise grants as required by board rule; and

(iv) cooperate in any review or financial audit related to the promise grants that the board determines necessary.

(11)

(a) The board may use up to 2% of the money appropriated for promise grants for costs related to administering the promise grants.

(b) A Utah postsecondary institution may use up to 3% of the money the Utah postsecondary institution receives for promise grants for costs related to administering the promise grants.

(12) The board may supplement state appropriations for the program with private contributions.

(13) As part of the Utah Promise Program, the board may select employers to be promise partners.

(14) The board may select an employer as a promise partner if the employer:

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- 143 (a) applies to the board to be a promise partner; and
144 (b) meets other requirements established by the board in the rules described in Subsection (18).
146 (15) An individual employed by, or who is a dependent of an employee of, a promise partner is eligible
to receive a partner award if the individual:
148 (a) applies for a partner award;
149 (b) is admitted to and enrolled in a Utah postsecondary institution; and
150 (c) maintains the eligibility requirements described in this Subsection (15) for the full length of time the
individual receives the partner award.
152 (16)
(a) Subject to legislative appropriations and Subsection (16)(b), the board shall award a partner award
to an individual who meets the requirements described in Subsection (15).
155 (b) The board may:
156 (i) award a partner award for up to the portion of tuition and fees for a program at a Utah postsecondary
institution that is not covered by a promise partnership described in Subsection (18)(a); and
159 (ii) prioritize awarding partner awards if an appropriation for partner awards is not sufficient to provide
a partner award to each individual who is eligible under Subsection (15).
162 (c) The board may continue to award a partner award to a recipient who meets the requirements
described in Subsection (15) until the earlier of:
164 (i) four years after the day on which the individual initially receives a partner award;
165 (ii) when the recipient uses a partner award to attend a Utah postsecondary institution for eight
semesters; or
167 (iii) when the recipient completes an approved program.
168 (17) The board may name a specific promise grant after the donating business.
169 (18) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall
make rules that establish:
171 (a) a process for a business to seek and receive approval from the board to become a promise partner,
including providing funds for tuition and fees to be distributed under the Utah Promise Program;
174 (b) a process for an individual to apply for a partner award; and
175 (c) criteria for the board to prioritize awarding partner awards to individuals.
176 (19) The board may allow an individual to apply directly to the board for a partner award.
177 Section 3. Section **63G-12-402** is amended to read:

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178 63G-12-402. Receipt of state, local, or federal public benefits -- Verification -- Exceptions
-- Fraudulently obtaining benefits {--Penalties} -- {Audit requirement} Criminal penalties --
Annual report.

34 (1)

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

37 {{(i){{}} {{(a)}}}} a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or

38 {{(ii){{}} {{(b)}}}} 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.

40 {{(b){{}} {{(2)}}}} 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){{}} {{(2)}}}} the lawful presence in the United States of
each individual who:

44 {{(i){{}} {{(a)}}}} owns an interest in the contractor that is an unincorporated entity; and

45 {{(ii){{}} {{(b)}}}} engages, or will engage, in a construction trade in Utah as an owner of the contractor
described in Subsection {{(1)(b)(i){{}} {{(2)(a)}}}}.

47 {{(2){{}} {{(3)}}}} This section shall be enforced without regard to race, religion, gender, ethnicity, or
national origin.

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

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

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

53 {{(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}}

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

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

57 {{(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;}}

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{{(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:}}

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

66 {{(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}}

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

70 [(f) the exemption for paying the nonresident portion of total tuition as set forth in Section 53H-11-203;]

72 [(g)] (f) {an applicant for a license under Section 61-1-4, if the applicant:}}

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

74 {{(ii) files an application with the state Division of Securities through the Central Registration Depository;{}}

76 {{(h)} } and

222 [(h)] (g) a state public benefit to be given to an individual under Title 49, Utah State Retirement and Insurance Benefit Act~~;~~]

78 {{(i)} } :

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

79 [(i) the Federal Housing Administration, the Veterans Administration, or any other federal agency; or]

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

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

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

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

88 [(A) a United States citizen;]

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

90 [(C) lawfully present in the United States; and]

91 [(ii)

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

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

96 [(I) an applicant for:]

97 [(i) an Opportunity scholarship described in Section 53H-11-402;]

98 [(ii) a New Century scholarship described in Section 53H-11-407;]

99 [(iii) a promise grant described in Section 53H-11-414; or]

100 [(iv) a scholarship:]

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

102 [(B) administered by an institution of higher education as defined in Section 53H-1-101.]

104 (4)

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

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

108 (ii) the applicant is:

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

110 (B) lawfully present in the United States.

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

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

115 (6)

(a) An individual who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in a certification under Subsection {f} (3)(k) or Section {l} (4) is subject to the criminal penalties applicable in this state for:

118 (i) making a written false statement under Section 76-8-504; and

119 (ii) fraudulently obtaining:

120 (A) public assistance program benefits under Section 76-8-1203.1; or

121 (B) unemployment compensation under Section 76-8-1301, 76-8-1302, 76-8-1303, or 76-8-1304.

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- 123 (b) If the certification constitutes a false claim of United States citizenship under 18 U.S.C. Sec. 911,
the agency or political subdivision shall file a complaint with the United States Attorney General for
the applicable district based upon the venue in which the application was made.
- 127 (c) If an agency or political subdivision receives verification that a person making an application
for a benefit, service, or license is not a qualified alien, the agency or political subdivision shall
{immediately deny the application and} provide the information to the Office of the Attorney
General unless prohibited by federal mandate.
- 132 (7)
{(a)} An agency or political subdivision may adopt variations to the requirements of this section that:
134 {(a)} {(i)} clearly improve the efficiency of or reduce delay in the verification process; or
135 {(b)} {(ii)} 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.
- 138 {(b) An agency or political subdivision may not adopt variations under Subsection (7)(a) that expand
eligibility of public benefits to individuals without lawful presence in the United States.}
- 141 (8)
{(a) {Notwithstanding any other provision of state law, an agency or political subdivision of the state
may not provide a state or local public benefit that is funded by state or local funds, including non-
emergency medical health care, local- or state-administered health care or health insurance, housing
assistance, food assistance, cash benefits, tuition assistance, or other state or locally funded public
assistance programs, to an individual who is not a qualified alien or who is without lawful presence
in the United States.}}
- 148 {(b)} {{ It is unlawful for an }} An-} agency or a political subdivision of this state {{to}} may not}
provide a state, local, or federal benefit, as defined in 8 U.S.C. [See] Secs {{,}} Secs.} 1611 and
1621, in violation of this section.
- 151 {(c) Nothing in this Subsection (8) prevents an agency or political subdivision from providing
emergency medical health care or temporary disaster shelter to an individual in the state regardless
of lawful status.}
- 154 (9) A state agency or department that administers a program of state or local public benefits shall:
156 (a) provide an annual report to the governor, the president of the Senate, and the speaker of the House
of Representatives regarding {{}} its {{}} {}
158 {(i)} the state agency's or department's} compliance with this section; and

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- 159 ~~{(ii) the number and type of the state or local public benefit for which an applicant applied and was denied, if the agency or department denied the applicant benefits because the applicant was not a qualified alien or lawfully present in the United States;}~~
- 163 (b)
- 165 (i) monitor the federal SAVE program for application verification errors and significant delays;
- 168 (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
- 170 (iii) report delays and errors in the federal SAVE program to the United States Department of Homeland Security~~{[.]} ; and~~
- 172 ~~{(c) beginning on January 1, 2027, conduct a quarterly audit of each public assistance program for compliance with this section.}~~
- 176 ~~{(10) Subject to prioritization of the Legislative Audit Subcommittee, the Office of the Legislative Auditor General established under Section 36-12-15 shall in any fiscal year conduct a biennial audit of each state agency or department described in Subsection (9) to determine if the state agency or department is compliant with this section.}~~
- 180 ~~{(11)}~~
- 181 ~~{(a) An employee of a state agency or political subdivision who, with willful or reckless disregard for the verification requirements under this section, fails to verify lawful presence or who fails to maintain records regarding the verification of lawful presence, is guilty of a class B misdemeanor.}~~
- 185 ~~{(b) The penalties in this section are in addition to existing law.}~~
- 188 ~~{(12) An executive director of a state agency or department who is vested with responsibility to administer or make policy for a state agency, and who knowingly violates or allows an employee to violate this section, shall be subject to removal from office in accordance with the state agency's or department's procedures.}~~
- 189 ~~{(13) An individual taxpayer who is injured by a violation of this section has a private right of action against an employee or executive director described in Subsection (11)(a) or (12) if:}~~
- 297 ~~{(a) the action is brought in accordance with Section 78B-3-101.3; and}~~
- 298 ~~{(b) the taxpayer's alleged damages are reasonable, foreseeable, and proximately caused by the violation of this section.}~~
- 297 Section 4. Section **76-14-207** is amended to read:
- 298 **76-14-207. Proof of immigration status required to receive public benefits.**

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- 193 (1)
- (a) An agency that provides state or local public benefits as defined in 8 U.S.C. Sec. 1621 shall comply with Section 63G-12-402 and shall also comply with this section{[, except:]}
- 196 {(i) as provided in }[Subsection 63G-12-402(3)(g) or (k)] Section 63G-12-402(3)(f){; or}
- 197 {(ii) when compliance is exempted by federal law or when compliance could reasonably be expected to be grounds for the federal government to withhold federal Medicaid funding} .
- 200 (b) The agency shall verify an individual's lawful presence in the United States by requiring that the applicant under this section sign a certificate under penalty of perjury, stating that the applicant:
- 203 (i) is a United States citizen; or
- 204 (ii) is a qualified alien as defined by 8 U.S.C. Sec. 1641.
- 205 (c) The certificate under Subsection (1)(b) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.
- 207 (d) The signature under this Subsection (1) may be executed in person or electronically.
- 208 (e) When an applicant who is a qualified alien has executed the certificate under this section, the applicant's eligibility for benefits shall be verified by the agency through the federal SAVE program or an equivalent program designated by the United States Department of Homeland Security.
- 212 (2) An individual who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in a certificate executed under this section is guilty of public assistance fraud by an applicant for public assistance under Section 76-8-1203.1.
- 215 (3) If the certificate constitutes a false claim of United States citizenship under 18 U.S.C. Sec. 911, the agency requiring the certificate shall file a complaint with the United States Attorney for the applicable federal judicial district based upon the venue in which the certificate was executed.
- 219 (4) Agencies may, with the concurrence of the Utah Attorney General, adopt variations to the requirements of the provisions of this section that provide for adjudication of unique individual circumstances in which the verification procedures in this section would impose unusual hardship on a legal resident of this state.
- 223 (5) If an agency under Subsection (1) receives verification that an individual making an application for a benefit, service, or license is not a qualified alien, the agency shall {immediately deny the application and }provide the information to the local law enforcement agency for enforcement of public assistance fraud by an applicant for public assistance under Section 76-8-1203.1 unless prohibited by federal mandate.

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334 Section 5. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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