

1                   **HIGHER EDUCATION SCHOLARSHIPS AMENDMENTS**

2                                   2021 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Derrin R. Owens**

5                           House Sponsor: V. Lowry Snow

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7   **LONG TITLE**

8   **General Description:**

9           This bill provides for the Opportunity Scholarship Program and amends provisions  
10 related to higher education scholarships.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ forecloses new applications for a New Century scholarship after the current  
14 academic year;
- 15           ▶ expands the eligibility and extends the availability of technical education  
16 scholarships;
- 17           ▶ replaces the Regents' Scholarship Program with the Opportunity Scholarship  
18 Program for degree-granting institutions and amends related provisions;
- 19           ▶ repeals certain repeal dates; and
- 20           ▶ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**

26 AMENDS:

27           **53B-1-301**, as last amended by Laws of Utah 2020, Chapters 365 and 403



- 28 [53B-8-105](#), as last amended by Laws of Utah 2020, Chapters 196 and 386
- 29 [53B-8-115](#), as last amended by Laws of Utah 2020, Chapter 196
- 30 [53B-8-201](#), as last amended by Laws of Utah 2020, Chapters 365 and 445
- 31 [63G-12-402](#), as last amended by Laws of Utah 2019, Chapter 444
- 32 [63I-2-253](#), as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 13

33 REPEALS:

- 34 [53B-2a-116](#), as last amended by Laws of Utah 2020, Chapter 365

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

37 Section 1. Section **53B-1-301** is amended to read:

38 **53B-1-301. Reports to and actions of the Higher Education Appropriations**  
 39 **Subcommittee.**

40 (1) In accordance with applicable provisions and Section [68-3-14](#), the following  
 41 recurring reports are due to the Higher Education Appropriations Subcommittee:

42 (a) the reports described in Sections [34A-2-202.5](#), [53B-17-804](#), and [59-9-102.5](#) by the  
 43 Rocky Mountain Center for Occupational and Environmental Health;

44 (b) the report described in Section [53B-7-101](#) by the board on recommended  
 45 appropriations for higher education institutions, including the report described in Section  
 46 [53B-8-104](#) by the board on the effects of offering nonresident partial tuition scholarships;

47 (c) the report described in Section [53B-7-704](#) by the Department of Workforce  
 48 Services and the Governor's Office of Economic Development on targeted jobs;

49 (d) the reports described in Section [53B-7-705](#) by the board on performance;

50 (e) the report described in Section [53B-8-201](#) by the board on the [~~Regents'~~  
 51 Opportunity Scholarship Program];

52 (f) the report described in Section [53B-8-303](#) by the board regarding Access Utah  
 53 promise scholarships;

54 (g) the report described in Section [53B-8d-104](#) by the Division of Child and Family  
 55 Services on tuition waivers for wards of the state;

56 (h) the report described in Section [53B-12-107](#) by the Utah Higher Education  
 57 Assistance Authority;

58 (i) the report described in Section [53B-13a-104](#) by the board on the Success Stipend

59 Program;

60 (j) the report described in Section 53B-17-201 by the University of Utah regarding the  
61 Miners' Hospital for Disabled Miners;

62 (k) the report described in Section 53B-26-103 by the Governor's Office of Economic  
63 Development on high demand technical jobs projected to support economic growth;

64 (l) the report described in Section 53B-26-202 by the Medical Education Council on  
65 projected demand for nursing professionals; and

66 (m) the report described in Section 53E-10-308 by the State Board of Education and  
67 board on student participation in the concurrent enrollment program.

68 (2) In accordance with applicable provisions and Section 68-3-14, the following  
69 occasional reports are due to the Higher Education Appropriations Subcommittee:

70 (a) upon request, the information described in Section 53B-8a-111 submitted by the  
71 Utah Educational Savings Plan;

72 (b) as described in Section 53B-26-103, a proposal by an eligible partnership related to  
73 workforce needs for technical jobs projected to support economic growth;

74 (c) a proposal described in Section 53B-26-202 by an eligible program to respond to  
75 projected demand for nursing professionals;

76 (d) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board  
77 on the fire and rescue training program described in Section 53B-29-202; and

78 (e) the reports described in Section 63C-19-202 by the Higher Education Strategic  
79 Planning Commission on the commission's progress.

80 (3) In accordance with applicable provisions, the Higher Education Appropriations  
81 Subcommittee shall complete the following:

82 (a) as required by Section 53B-7-703, the review of performance funding described in  
83 Section 53B-7-703;

84 (b) the review described in Section 53B-7-705 of the implementation of performance  
85 funding;

86 (c) an appropriation recommendation described in Section 53B-26-103 to fund a  
87 proposal responding to workforce needs of a strategic industry cluster;

88 (d) an appropriation recommendation described in Section 53B-26-202 to fund a  
89 proposal responding to projected demand for nursing professionals; and

90 (e) review of the report described in Section 63B-10-301 by the University of Utah on  
 91 the status of a bond and bond payments specified in Section 63B-10-301.

92 Section 2. Section 53B-8-105 is amended to read:

93 **53B-8-105. New Century scholarships -- High school requirements.**

94 (1) Notwithstanding the provisions of this section, the board may not accept a new  
 95 application for a scholarship described in this section on or after ~~§~~ → ~~May 15,~~ **August 15,** ← ~~§~~  
 95a 2021.

96 [(+) (2) As used in this section:

97 (a) "Complete the requirements for an associate degree" means that a student:

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

101 (B) applies for the associate degree from the institution; or

102 (ii) completes equivalent requirements described in Subsection [(+) (2)(a)(i)(A) from a  
 103 higher education institution within the state system of higher education that offers  
 104 baccalaureate degrees but does not offer associate degrees.

105 (b) "Fee" means a fee approved by the board.

106 [(2) (3) (a) The board shall award New Century scholarships.

107 (b) The board shall develop and approve the math and science curriculum described  
 108 under Subsection [(3) (4)(a)(ii).

109 [(3) (4) (a) In order to qualify for a New Century scholarship, a student in Utah  
 110 schools shall complete the requirements for an:

111 (i) associate degree; or

112 (ii) approved math and science curriculum.

113 (b) The requirements under Subsection [(3) (4)(a) shall be completed:

114 (i) by the day on which the student's class graduates from high school; and

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

116 (c) In addition to the requirements in Subsection [(3) (4)(a), a student in Utah shall:

117 (i) complete the high school graduation requirements of:

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

120 (B) a private high school in the state that is accredited by a regional accrediting body

121 approved by the board; and

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

124 [~~4~~] (5) Notwithstanding Subsection [~~3~~] (4), for a student who does not receive a  
125 high school grade point average, the student shall:

126 (a) complete the requirements for an associate degree:

127 (i) by June 15 of the year the student completes high school; and

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

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

130 [~~5~~] (6) (a) To be eligible for the scholarship, a student:

131 (i) shall submit an application to the board with:

132 (A) an official college transcript showing college courses the student has completed to  
133 complete the requirements for an associate degree; and

134 (B) if applicable, an official high school transcript or, if applicable, a copy of the  
135 student's ACT scores;

136 (ii) shall be a citizen of the United States or a noncitizen who is eligible to receive  
137 federal student aid;

138 (iii) if applicable, shall meet the application deadlines as established by the board under  
139 Subsection [~~10~~] (11); and

140 (iv) shall demonstrate, in accordance with rules described in Subsection [~~5~~] (6)(b),  
141 the completion of a Free Application for Federal Student Aid.

142 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
143 board shall make rules regarding the completion of the Free Application for Federal Student  
144 Aid described in Subsection [~~5~~] (6)(a)(iv), including:

145 (i) provisions for students or parents to opt out of the requirement due to:

146 (A) financial ineligibility for any potential grant or other financial aid;

147 (B) personal privacy concerns; or

148 (C) other reasons the board specifies; and

149 (ii) direction for applicants to financial aid advisors.

150 [~~6~~] (7) (a) The scholarship may be used at a:

151 (i) higher education institution within the state system of higher education that offers

152 baccalaureate programs; or

153 (ii) if the scholarship holder applies for the scholarship on or before October 1, 2019,  
154 private, nonprofit college or university in the state accredited by the Northwest Association of  
155 Schools and Colleges that offers baccalaureate programs.

156 (b) (i) Subject to Subsection [~~(6)~~] (7)(e), the total value of the scholarship is up to  
157 \$5,000, allocated over a time period described in Subsection [~~(6)~~] (7)(c), as prescribed by the  
158 board.

159 (ii) The board may increase the scholarship amount described in Subsection [~~(6)~~]  
160 (7)(b)(i) by an amount not to exceed the average percentage tuition increase approved by the  
161 board for institutions in the state system of higher education.

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

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

164 (ii) 60 credit hours; or

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

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

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

172 (e) For a scholarship for which a student applies after October 1, 2019:

173 (i) the board shall reduce the amount of the scholarship holder's scholarship so that the  
174 total amount of state aid awarded to the scholarship holder, including tuition or fee waivers or  
175 the scholarship, does not exceed the cost of the scholarship holder's tuition and fees; and

176 (ii) the scholarship holder may only use the scholarship for tuition and fees.

177 [~~(7)~~] (8) The board may cancel a New Century scholarship at any time if the student  
178 fails to:

179 (a) register for at least 15 credit hours per semester;

180 (b) maintain a 3.3 grade point average for two consecutive semesters; or

181 (c) make reasonable progress toward the completion of a baccalaureate degree.

182 [~~(8)~~] (9) (a) Subject to future budget constraints, the Legislature shall make an annual

183 appropriation from the General Fund to the board for the costs associated with the New  
184 Century Scholarship Program authorized under this section.

185 (b) It is understood that the appropriation is offset in part by the state money that would  
186 otherwise be required and appropriated for these students if they were enrolled in a four-year  
187 postsecondary program at a state-operated institution.

188 (c) Notwithstanding Subsections [(2)] (3)(a) and [(6)] (7), if the appropriation under  
189 Subsection [(8)] (9)(a) is insufficient to cover the costs associated with the New Century  
190 Scholarship Program, the board may reduce the scholarship amount.

191 (d) If money appropriated under this section is available after New Century  
192 scholarships are awarded, the board shall use the money for the Access Utah Promise  
193 Scholarship Program created in Section 53B-8-302.

194 [(9)] (10) (a) The board shall adopt policies establishing an application process and an  
195 appeal process for a New Century scholarship.

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

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

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

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

203 (d) The certification under this Subsection [(9)] (10) shall include a statement advising  
204 the signer that providing false information subjects the signer to penalties for perjury.

205 [(10)] (11) The board may set deadlines for receiving New Century scholarship  
206 applications and supporting documentation.

207 [(11)] (12) A student may not receive both a New Century scholarship and [~~a Regents'~~  
208 an Opportunity scholarship established in [~~Part 2, Regents' Scholarship Program~~] Part 2,  
209 Opportunity Scholarship Program.

210 Section 3. Section 53B-8-115 is amended to read:

211 **53B-8-115. Technical education scholarships.**

212 (1) As used in this section:

213 (a) "Eligible institution" means:

- 214 (i) Salt Lake Community College's School of Applied Technology established in
- 215 Section [53B-16-209](#);
- 216 (ii) Snow College;
- 217 (iii) Utah State University Eastern established in Section [53B-18-1201](#);
- 218 (iv) Utah State University Blanding established in Section [53B-18-1202](#); ~~[or]~~
- 219 (v) the Utah State University regional campus located at or near Moab described in
- 220 Section [53B-18-301](#)~~[-];~~ or
- 221 (vi) a technical college.

222 (b) "High demand program" means a ~~[noncredit career and]~~ technical education  
223 program that:

- 224 (i) is offered by an eligible institution;
- 225 (ii) leads to a certificate; and
- 226 (iii) is designated by the board in accordance with Subsection (6).

227 (c) "Scholarship" means a ~~[career and]~~ technical education scholarship described in  
228 this section.

229 (2) Subject to future budget constraints, the Legislature shall annually appropriate  
230 money to the board to be distributed to eligible institutions to award ~~[career and]~~ technical  
231 education scholarships.

232 (3) In accordance with the rules described in Subsection (5), an eligible institution may  
233 award a scholarship to an individual who:

- 234 (a) is enrolled in, or intends to enroll in, a high demand program; and
- 235 (b) demonstrates, in accordance with rules described in Subsection (5)(b), the  
236 completion of a Free Application for Federal Student Aid.

237 (4) (a) An eligible institution may award a scholarship for an amount of money up to  
238 the total cost of tuition, fees, and required textbooks for the high demand program in which the  
239 scholarship recipient is enrolled or intends to enroll.

240 (b) An eligible institution may award a scholarship to a scholarship recipient for up to  
241 ~~[two]~~ three academic years.

242 (c) An eligible institution may cancel a scholarship if the scholarship recipient does  
243 not:

- 244 (i) maintain enrollment in the eligible institution on at least a half time basis, as



245 determined by the eligible institution; or

246 (ii) make satisfactory progress toward the completion of a certificate.

247 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
248 board shall make rules:

249 (a) that establish:

250 (i) how state funding available for scholarships is divided among eligible institutions;

251 (ii) requirements related to an eligible institution's administration of a scholarship;

252 (iii) requirements related to eligibility for a scholarship, including requiring eligible  
253 institutions to prioritize scholarships for underserved populations;

254 (iv) a process for an individual to apply to an eligible institution to receive a  
255 scholarship; and

256 (v) how to determine satisfactory progress described in Subsection (4)(c)(ii); and

257 (b) regarding the completion of the Free Application for Federal Student Aid described  
258 in Subsection (3)(b), including:

259 (i) provisions for students or parents to opt out of the requirement due to:

260 (A) financial ineligibility for any potential grant or other financial aid;

261 (B) personal privacy concerns; or

262 (C) other reasons the board specifies; and

263 (ii) direction for applicants to financial aid advisors.

264 (6) Every other year, after consulting with the Department of Workforce Services, the  
265 board shall designate, as a high demand program, a [~~noncredit career and~~] technical education  
266 program that prepares an individual to work in a job that has, in Utah:

267 (a) high employer demand and high median hourly wages; or

268 (b) significant industry importance.

269 Section 4. Section **53B-8-201** is amended to read:

270 **53B-8-201. Opportunity Scholarship Program.**

271 (1) As used in this section:

272 (a) "Eligible institution" means:

273 (i) [~~an~~] a degree-granting institution of higher education within the state system of  
274 higher education [~~described in Section 53B-1-102~~]; or

275 (ii) a private, nonprofit college or university in the state that is accredited by the

276 Northwest Commission on Colleges and Universities.

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

278 (i) applies to the board in accordance with the rules described in Subsection ~~[(6)]~~ (5);

279 (ii) is enrolled in an eligible institution; and

280 (iii) meets the criteria established by the board in rules described in Subsection ~~[(6)]~~

281 (5).

282 (c) "Fee" means:

283 (i) for an eligible institution that is a degree-granting institution, a fee approved by the  
284 board; or

285 (ii) for an eligible institution that is a technical college, a fee approved by the eligible  
286 institution.

287 (d) "Program" means the ~~[Regents']~~ Opportunity Scholarship Program described in this  
288 section.

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

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

291 ~~[(ii) may not receive a scholarship in accordance with Sections 53B-8-202 through~~  
292 ~~53B-8-205:]~~

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

294 ~~[(i) may receive a scholarship in accordance with Sections 53B-8-202 through~~  
295 ~~53B-8-205; and]~~

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

297 ~~[(3)]~~ (2) (a) Subject to legislative appropriations, ~~[beginning with an appropriation for~~  
298 ~~fiscal year 2019;]~~ the board shall annually distribute money for the ~~[Regents']~~ Opportunity  
299 Scholarship Program described in this section to each eligible institution to award as ~~[Regents']~~  
300 Opportunity scholarships to eligible students.

301 (b) The board shall annually determine the amount of ~~[a Regents']~~ an Opportunity  
302 scholarship based on:

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

304 (ii) money available for the program.

305 ~~[(c) (i) Subject to Subsection (3)(c)(ii), the board shall annually determine the total~~  
306 ~~amount of money to distribute to an eligible institution based on the eligible institution's share~~

307 of all eligible students in the state.]

308       ~~[(ii) The board may not allocate a percentage of a legislative appropriation for Regents'~~  
309 ~~scholarships to any one eligible institution described in Subsection (1)(a)(ii) that is greater than~~  
310 ~~the highest percentage of the legislative appropriation that the board allocates to an eligible~~  
311 ~~institution described in Subsection (1)(a)(i).]~~

312       ~~[(4)] (3) (a) Except as provided in this Subsection [(4)] (3), an eligible institution shall~~  
313 ~~provide to an eligible student [a Regents'] an Opportunity scholarship in the amount~~  
314 ~~determined by the board described in Subsection [(3)] (2)(b).~~

315       (b) For ~~[a Regents'] an Opportunity~~ scholarship for which an eligible student applies on  
316 or before July 1, 2019, an eligible institution may reduce the amount of the ~~[Regents']~~  
317 Opportunity scholarship based on other state aid awarded to the eligible student for tuition and  
318 fees.

319       (c) For ~~[a Regents'] an Opportunity~~ scholarship for which an eligible student applies  
320 after July 1, 2019:

321       (i) an eligible institution shall reduce the amount of the ~~[Regents'] Opportunity~~  
322 scholarship so that the total amount of state aid awarded to the eligible student, including  
323 tuition or fee waivers and the ~~[Regents'] Opportunity~~ scholarship, does not exceed the cost of  
324 the eligible student's tuition and fees; and

325       (ii) the eligible student may only use the ~~[Regents'] Opportunity~~ scholarship for tuition  
326 and fees.

327       (d) An institution described in Subsection (1)(a)(ii) may not award ~~[a Regents'] an~~  
328 Opportunity scholarship to an eligible student in an amount that exceeds the average total cost  
329 of tuition and fees among the eligible institutions described in Subsection (1)(a)(i).

330       (e) If the allocation for an eligible institution described in Subsection (1)(a)(ii) is  
331 insufficient to provide the amount described in Subsection ~~[(3)] (2)(b)~~ to each eligible student,  
332 the eligible institution may reduce the amount of ~~[a Regents'] an Opportunity~~ scholarship.

333       ~~[(5)] (4) The board may:~~

334       (a) audit an eligible institution's administration of ~~[Regents'] Opportunity~~ scholarships;

335       (b) require an eligible institution to repay to the board money distributed to the eligible  
336 institution under this section that is not provided to an eligible student as ~~[a Regents'] an~~  
337 Opportunity scholarship; and

338 (c) require an eligible institution to enter into a written agreement with the board in  
 339 which the eligible institution agrees to provide the board with access to information and data  
 340 necessary for the purposes of the program.

341 ~~[(6)]~~ (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
 342 Act, the board shall make rules that establish:

343 (a) requirements related to an eligible institution's administration of [~~Regents'~~]  
 344 Opportunity scholarships;

345 (b) a process for a student to apply to the board to determine the student's eligibility for  
 346 [~~a Regents'~~] an Opportunity scholarship;

347 (c) criteria to determine a student's eligibility for [~~a Regents'~~] an Opportunity  
 348 scholarship, including:

349 (i) minimum secondary education academic performance standards; and

350 [~~(ii) the completion of secondary core curriculum and graduation requirements;~~]

351 [~~(iii)~~] (ii) the completion of a Free Application for Federal Student Aid; ~~Ŝ~~ → [and] ← ~~Ŝ~~

352 [~~(iv) need-based measures that address college affordability and access; and]~~

353 [~~(v) minimum enrollment requirements in an eligible institution; and]~~

354 (d) a requirement for each eligible institution to annually report to the board on all  
 355 [~~Regents'~~] Opportunity scholarships awarded by the eligible institution ~~Ŝ~~ → [-] ; and

355a (e) a process for a student to apply to the board for an Opportunity scholarship who would  
 355b have likely received the scholarship but for an irreconcilable error in the application process

355c described in Subsection (5)(b). ← ~~Ŝ~~

356 ~~[(7)]~~ (6) The board shall annually report on the program to the Higher Education  
 357 Appropriations Subcommittee.

358 ~~[(8)(a)]~~ (7) The State Board of Education, a school district, or a public high school  
 359 shall cooperate with the board and eligible institutions to facilitate the program, including by  
 360 exchanging relevant data where allowed by law.

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

363 [~~(9) If money appropriated under this section is available after Regents' scholarships~~  
 364 ~~are awarded, the board shall use the money for the Access Utah Promise Scholarship Program~~  
 365 ~~created in Section 53B-8-302].~~

366 Section 5. Section 63G-12-402 is amended to read:

367 **63G-12-402. Receipt of state, local, or federal public benefits -- Verification --**  
 368 **Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.**

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

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

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

379 (i) owns an interest in the contractor that is an unincorporated entity; and  
380 (ii) engages, or will engage, in a construction trade in Utah as an owner of the  
381 contractor described in Subsection (1)(b)(i).

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

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

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

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

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

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

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

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

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

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

400 nonprofit agencies;

401           (ii) do not condition the provision of assistance, the amount of assistance provided, or

402 the cost of assistance provided on the income or resources of the individual recipient; and

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

404           (f) the exemption for paying the nonresident portion of total tuition as set forth in

405 Section 53B-8-106;

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

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

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

409 Registration Depository;

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

411 Retirement and Insurance Benefit Act;

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

413           (i) the Federal Housing Administration, the Veterans Administration, or any other

414 federal agency; or

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

416           (j) a subordinate loan or a grant that will be made to an applicant in connection with a

417 home loan that does not require verification under Subsection (3)(i);

418           (k) an applicant for a license issued by the Department of Commerce or individual

419 described in Subsection (1)(b), if the applicant or individual provides the Department of

420 Commerce:

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

422           (A) a United States citizen;

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

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

425           (ii) (A) the number assigned to a driver license or identification card issued under Title

426 53, Chapter 3, Uniform Driver License Act; or

427           (B) the number assigned to a driver license or identification card issued by a state other

428 than Utah if, as part of issuing the driver license or identification card, the state verifies an

429 individual's lawful presence in the United States; and

430           (l) an applicant for:

- 431 (i) [~~a Regents'~~] an Opportunity scholarship described in [Title 53B, Chapter 8, Part 2,  
432 ~~Regents' Scholarship Program]~~ Title 53B, Chapter 8, Part 2, Opportunity Scholarship Program;  
433 (ii) a New Century scholarship described in Section 53B-8-105;  
434 (iii) a promise scholarship described in Section 53B-8-303; or  
435 (iv) a [~~privately funded~~] scholarship:  
436 (A) for an individual who is a graduate of a high school located within Utah; and  
437 (B) administered by an institution of higher education as defined in Section 53B-2-101.  
438 (4) (a) An agency or political subdivision required to verify the lawful presence in the  
439 United States of an applicant under this section shall require the applicant to certify under  
440 penalty of perjury that:  
441 (i) the applicant is a United States citizen; or  
442 (ii) the applicant is:  
443 (A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and  
444 (B) lawfully present in the United States.  
445 (b) The certificate required under this Subsection (4) shall include a statement advising  
446 the signer that providing false information subjects the signer to penalties for perjury.  
447 (5) An agency or political subdivision shall verify a certification required under  
448 Subsection (4)(a)(ii) through the federal SAVE program.  
449 (6) (a) An individual who knowingly and willfully makes a false, fictitious, or  
450 fraudulent statement or representation in a certification under Subsection (3)(k) or (4) is subject  
451 to the criminal penalties applicable in this state for:  
452 (i) making a written false statement under Subsection 76-8-504(2); and  
453 (ii) fraudulently obtaining:  
454 (A) public assistance program benefits under Sections 76-8-1205 and 76-8-1206; or  
455 (B) unemployment compensation under Section 76-8-1301.  
456 (b) If the certification constitutes a false claim of United States citizenship under 18  
457 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the United  
458 States Attorney General for the applicable district based upon the venue in which the  
459 application was made.  
460 (c) If an agency or political subdivision receives verification that a person making an  
461 application for a benefit, service, or license is not a qualified alien, the agency or political

462 subdivision shall provide the information to the Office of the Attorney General unless  
463 prohibited by federal mandate.

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

466 (a) clearly improve the efficiency of or reduce delay in the verification process; or

467 (b) provide for adjudication of unique individual circumstances where the verification  
468 procedures in this section would impose an unusual hardship on a legal resident of Utah.

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

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

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

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

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

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

482 Section 6. Section **63I-2-253** is amended to read:

483 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

484 (1) (a) Section **53-2a-217**, regarding procurement during an epidemic or pandemic  
485 emergency, is repealed on December 31, 2021.

486 (b) When repealing Section **53-2a-217**, the Office of Legislative Research and General  
487 Counsel shall, in addition to the office's authority under Subsection **36-12-12(3)**, make  
488 necessary changes to subsection numbering and cross references.

489 (2) Section **53B-2a-103** is repealed July 1, 2021.

490 (3) Section **53B-2a-104** is repealed July 1, 2021.

491 (4) (a) Subsection **53B-2a-108(5)**, regarding exceptions to the composition of a  
492 technical college board of trustees, is repealed July 1, 2022.



493 (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and  
494 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make  
495 necessary changes to subsection numbering and cross references.

496 (5) Section 53B-6-105.7 is repealed July 1, 2024.

497 (6) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as provided  
498 in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

499 (b) Subsection 53B-7-705(6)(b)(ii)(B), regarding comparing a technical college's  
500 change in performance with the technical college's average performance, is repealed July 1,  
501 2021.

502 (7) (a) Subsection 53B-7-707(3)(a)(ii), the language that states "Except as provided in  
503 Subsection (3)(b)," is repealed July 1, 2021.

504 (b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college  
505 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

506 (8) Section 53B-8-114 is repealed July 1, 2024.

507 (9) ~~(a)~~ The following sections, regarding the Regents' scholarship program, are  
508 repealed on July 1, 2023:

509 ~~(i)~~ (a) Section 53B-8-202;

510 ~~(ii)~~ (b) Section 53B-8-203;

511 ~~(iii)~~ (c) Section 53B-8-204; and

512 ~~(iv)~~ (d) Section 53B-8-205.

513 ~~(b) (i) Subsection 53B-8-201(2), regarding the Regents' scholarship program for  
514 students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.]~~

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

518 (10) Section 53B-10-101 is repealed on July 1, 2027.

519 (11) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is  
520 repealed July 1, 2023.

521 (12) Section 53E-3-519 regarding school counselor services is repealed July 1, 2020.

522 (13) Section 53E-3-520 is repealed July 1, 2021.

523 (14) Subsection 53E-5-306(3)(b)(ii)(B), related to improving school performance and

524 continued funding relating to the School Recognition and Reward Program, is repealed July 1,  
525 2020.

526 (15) Section 53E-5-307 is repealed July 1, 2020.

527 (16) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed July 1,  
528 2024.

529 (17) In Subsections 53F-2-205(4) and (5), regarding the State Board of Education's  
530 duties if contributions from the minimum basic tax rate are overestimated or underestimated,  
531 the language that states "or 53F-2-301.5, as applicable" is repealed July 1, 2023.

532 (18) Subsection 53F-2-301(1), relating to the years the section is not in effect, is  
533 repealed July 1, 2023.

534 (19) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as  
535 applicable" is repealed July 1, 2023.

536 (20) Section 53F-4-207 is repealed July 1, 2022.

537 (21) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as  
538 applicable" is repealed July 1, 2023.

539 (22) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as  
540 applicable" is repealed July 1, 2023.

541 (23) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as  
542 applicable" is repealed July 1, 2023.

543 (24) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5, as  
544 applicable" is repealed July 1, 2023.

545 (25) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(7), related  
546 to the civics engagement pilot program, are repealed on July 1, 2023.

547 (26) On July 1, 2023, when making changes in this section, the Office of Legislative  
548 Research and General Counsel shall, in addition to the office's authority under Subsection  
549 36-12-12(3), make corrections necessary to ensure that sections and subsections identified in  
550 this section are complete sentences and accurately reflect the office's perception of the  
551 Legislature's intent.

552 Section 7. **Repealer.**

553 This bill repeals:

554 Section 53B-2a-116, **Technical college scholarships.**