

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 137*

Short Title: Establish Forgivable Loan Fund. (Public)

Sponsors: Senators Stevens, Vaughan; Atwater and McKissick.

Referred to: Education/Higher Education.

February 28, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE FORGIVABLE EDUCATION LOANS FOR SERVICE
3 PROGRAM AND THE FORGIVABLE EDUCATION LOANS FOR SERVICE FUND
4 AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE FUNDED
5 STUDENT FINANCIAL AID.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Effective July 1, 2011, Part 1 of Article 23 of Chapter 116 of the
8 General Statutes is amended by adding a new section to read:

9 **"§ 116-209.45. Forgivable Education Loans for Service Program and Fund.**

10 (a) Policy. – The General Assembly finds that it is in the public interest to provide
11 financial assistance in the form of forgivable loans for service to qualified students who are
12 committed to working in the State in order to respond to critical employment shortages.

13 (b) Definitions. – The following definitions apply in this section:

14 (1) Eligible Institution. – Notwithstanding G.S. 116-201(b)(5) and
15 G.S. 116-201(b)(6) and for purposes of this section only, an institution of
16 higher education that is any of the following:

17 a. A postsecondary constituent institution of The University of North
18 Carolina as defined in G.S. 116-2(4).

19 b. A community college as defined in G.S. 115D-2(2).

20 c. A nonprofit postsecondary institution as defined in G.S. 116-22(1).

21 d. A postsecondary institution owned or operated by a hospital
22 authority as defined in G.S. 131E-16(14).

23 e. A school of nursing affiliated with a nonprofit postsecondary
24 institution as defined in G.S. 116-22(1).

25 f. Another public or nonprofit postsecondary institution offering a
26 program of study not otherwise available in North Carolina that is
27 deemed to be eligible under rules promulgated by the Authority.

28 (2) Fund. – The Forgivable Education Loans for Service Fund.

29 (3) Loan. – A forgivable loan made under the Program.

30 (4) Program. – The Forgivable Education Loans for Service Program.

31 (c) Establish Forgivable Education Loans for Service Program. – There is established
32 the Forgivable Education Loans for Service Program to be administered by the Authority. The
33 purpose of the program is to facilitate and promote the making, insuring, and collection of
34 loans from the Forgivable Education Loans for Service Fund. The Program shall initially target
35 future teachers, nurses, and allied health professionals.

36 (d) Establish Forgivable Loans for Service Fund. – There is established the Forgivable
37 Education Loans for Service Fund to be administered by the Authority. The purpose of the



1 Fund is to provide financial assistance to qualified students to enable them to obtain the
2 requisite education beyond the high school level to work in North Carolina in certain high-need
3 professions as identified by the General Assembly, and to respond to current as well as future
4 employment shortages in North Carolina.

5 (e) Eligibility for Loans. – The Authority shall establish the criteria for initial and
6 continuing eligibility to participate in the Program. All loan recipients shall be residents of
7 North Carolina and shall attend an eligible institution.

8 The Authority shall adopt standards deemed appropriate by the Authority to ensure that
9 only qualified, potential recipients receive a loan under the Program. The standards may
10 include minimum grade point average and satisfactory academic progress.

11 (f) Loan Terms and Conditions. – The following terms and conditions shall apply to
12 each loan made pursuant to this section:

13 (1) Promissory note. – All loans shall be evidenced by promissory notes made
14 payable to the Authority.

15 (2) Interest. – All promissory notes shall bear an interest rate established by the
16 Authority that does not exceed ten percent (10%) and is in relation to the
17 current interest rate for non-need-based federal loans made pursuant to Title
18 IV of the Higher Education Act of 1965, as amended. Interest shall accrue
19 from the date of disbursement of the Loan funds.

20 (3) Loan amount. – The Authority shall establish the amount of the loan based
21 on funds available and factors such as the recipient's educational program,
22 enrollment status, and field of study.

23 (4) Repayment. – The Authority shall establish the criteria for loan forgiveness
24 for employment in a designated field in North Carolina. These criteria may
25 provide for accelerated repayment and less than full-time employment
26 options. The Authority shall collect cash repayments when service
27 repayment is not completed. The Authority shall establish the terms for cash
28 repayment, including a minimum monthly repayment amount and maximum
29 period of time to complete repayment.

30 (5) Death and disability. – The Authority may forgive all or part of a loan if it
31 determines that it is impossible for the recipient to repay the loan in cash or
32 service because of the death or disability of the recipient.

33 (6) Hardship. – The Authority may grant a forbearance, a deferment, or both in
34 hardship circumstances when a good faith effort has been made to repay the
35 loan in a timely manner.

36 (7) Other. – The Authority may establish other terms and conditions that are
37 necessary or convenient to effectuate the Program.

38 (g) Advisory Group. – The Authority shall appoint an advisory group composed of, at
39 minimum, appropriate representatives from higher education institutions and health and labor
40 departments, agencies, or commissions to make recommendations to the Authority regarding
41 the Authority's future apportionment and distribution of Program loans based on projected labor
42 market shortages, higher education enrollment projections, and other relevant information.

43 (h) Use of Fund Monies. – All funds appropriated to or otherwise received by the
44 Authority to provide loans through the Program, all funds received as repayment of loans, and
45 all interest earned on these funds shall be placed in the Fund. The Fund shall be used only for
46 loans made pursuant to this section and for administrative costs of the Authority.

47 (i) Rule-making Authority. – The Authority may adopt rules necessary to implement,
48 administer, and enforce the provisions of this section.

49 (j) Report to the General Assembly. – The Authority shall report no later than
50 December 1, 2013, and annually thereafter to the Joint Legislative Education Oversight
51 Committee regarding the Fund and loans awarded from the Fund."

1 **SECTION 2.(a)** G.S. 90-171.100 and G.S. 90-171.101 are repealed.

2 **SECTION 2.(b)** All financial obligations to any student awarded a scholarship
3 loan from the Graduate Nurse Scholarship Program for Faculty Production Fund before July 1,
4 2012, shall be fulfilled with funds from the Forgivable Education Loans for Service Fund
5 established under G.S. 116-209.45 provided the student remains eligible under the provisions
6 of the Graduate Nurse Scholarship Program for Faculty Production Fund. All contractual
7 agreements between a student awarded a scholarship loan from the Graduate Nurse Scholarship
8 Program for Faculty Production Fund before July 1, 2012, and the State Education Assistance
9 Authority remain enforceable and the provisions of G.S. 90-171.100 and G.S. 90-171.101 that
10 would be applicable but for this section shall remain applicable with regard to any scholarship
11 loan awarded before July 1, 2012.

12 **SECTION 2.(c)** All assets and liabilities in the Graduate Nurse Scholarship
13 Program for Faculty Production Fund shall be transferred to the Forgivable Education Loans
14 for Service Fund established under G.S. 116-209.45.

15 **SECTION 3.(a)** G.S. 90-171.60, 90-171.61, and 90-171.62 are repealed.

16 **SECTION 3.(b)** All financial obligations to any student awarded a scholarship
17 loan from the Nursing Scholars Program Fund and the Masters Nursing Scholars Program Fund
18 before July 1, 2012, shall be fulfilled with funds from the Forgivable Education Loans for
19 Service Fund established under G.S. 116-209.45 provided the student remains eligible under
20 the provisions of the Nursing Scholars Program Fund and the Masters Nursing Scholars
21 Program Fund. All contractual agreements between a student awarded a scholarship loan from
22 the Nursing Scholars Program Fund and the Masters Nursing Scholars Program Fund before
23 July 1, 2012, and the State Education Assistance Authority remain enforceable and the
24 provisions of G.S. 90-171.60, 90-171.61, and 90-171.62 that would be applicable but for this
25 section shall remain applicable with regard to any scholarship loan awarded before July 1,
26 2012.

27 **SECTION 3.(c)** All assets and liabilities in the Nursing Scholars Program Fund
28 and the Masters Nursing Scholars Program Fund shall be transferred to the Forgivable
29 Education Loans for Service Fund established under G.S. 116-209.45.

30 **SECTION 4.(a)** G.S. 90-171.65 is repealed.

31 **SECTION 4.(b)** All financial obligations to any student awarded a scholarship
32 loan from the Nurse Education Scholarship Loan Fund before July 1, 2012, shall be fulfilled
33 with funds from the Forgivable Education Loans for Service Fund established under
34 G.S. 116-209.45 provided the student remains eligible under the provisions of the Nurse
35 Education Scholarship Loan Fund. All contractual agreements between a student awarded a
36 scholarship loan from the Nurse Education Scholarship Loan Fund before July 1, 2012, and
37 the State Education Assistance Authority remain enforceable and the provisions of
38 G.S. 90-171.65 that would be applicable but for this section shall remain applicable with regard
39 to any scholarship loan awarded before July 1, 2012.

40 **SECTION 4.(c)** All assets and liabilities in the Nurse Education Scholarship Loan
41 Fund shall be transferred to the Forgivable Education Loans for Service Fund established under
42 G.S. 116-209.45.

43 **SECTION 5.(a)** G.S. 116-40.10 is repealed.

44 **SECTION 5.(b)** All financial obligations to any student awarded a scholarship
45 loan from the Board of Governors' Dental Scholarship Loan Fund before July 1, 2012, shall be
46 fulfilled with funds from the Forgivable Education Loans for Service Fund established under
47 G.S. 116-209.45 provided the student remains eligible under the provisions of the Board of
48 Governors' Dental Scholarship Loan Fund. All contractual agreements between a student
49 awarded a scholarship loan from the Board of Governors' Dental Scholarship Loan Fund before
50 July 1, 2012, and the State Education Assistance Authority remain enforceable and the

1 provisions of G.S. 116-40.10 that would be applicable but for this section shall remain
2 applicable with regard to any scholarship loan awarded before July 1, 2012.

3 **SECTION 5.(c)** All assets and liabilities in the Board of Governors' Dental
4 Scholarship Loan Fund shall be transferred to the Forgivable Education Loans for Service Fund
5 established under G.S. 116-209.45.

6 **SECTION 6.(a)** G.S. 116-40.9 is repealed.

7 **SECTION 6.(b)** All financial obligations to any student awarded a scholarship
8 loan from the Board of Governors' Medical Scholarship Loan Fund before July 1, 2012, shall
9 be fulfilled with funds from the Forgivable Education Loans for Service Fund established under
10 G.S. 116-209.45 provided the student remains eligible under the provisions of the Board of
11 Governors' Medical Scholarship Loan Fund. All contractual agreements between a student
12 awarded a scholarship loan from the Board of Governors' Medical Scholarship Loan Fund
13 before July 1, 2012, and the State Education Assistance Authority remain enforceable and the
14 provisions of G.S. 116-40.9 that would be applicable but for this section shall remain
15 applicable with regard to any scholarship loan awarded before July 1, 2012.

16 **SECTION 6.(c)** All assets and liabilities in the Board of Governors' Medical
17 Scholarship Loan Fund shall be transferred to the Forgivable Education Loans for Service Fund
18 established under G.S. 116-209.45.

19 **SECTION 7.(a)** G.S. 116-209.33 and G.S. 116-209.34 are repealed.

20 **SECTION 7.(b)** All financial obligations to any student awarded a scholarship
21 loan from the Prospective Teachers Scholarship Loan Fund before July 1, 2012, shall be
22 fulfilled with funds from the Forgivable Education Loans for Service Fund established under
23 G.S. 116-209.45 provided the student remains eligible under the provisions of the Prospective
24 Teachers Scholarship Loan Fund. All contractual agreements between a student awarded a
25 scholarship loan from the Prospective Teachers Scholarship Loan Fund before July 1, 2012,
26 and the State Education Assistance Authority remain enforceable and the provisions of
27 G.S. 116-209.33 and G.S. 116-209.34 that would be applicable but for this section shall remain
28 applicable with regard to any scholarship loan awarded before July 1, 2012.

29 **SECTION 7.(c)** All assets and liabilities in the Prospective Teachers Scholarship
30 Loan Fund shall be transferred to the Forgivable Education Loans for Service Fund established
31 under G.S. 116-209.45.

32 **SECTION 8.** G.S. 116-209.35 is repealed.

33 **SECTION 9.(a)** G.S. 116-209.30 is repealed.

34 **SECTION 9.(b)** All contractual agreements between a student awarded a
35 scholarship loan from the Social Workers' Education Loan Fund before July 1, 2012, and the
36 State Education Assistance Authority remain enforceable and the provisions of
37 G.S. 116-209.30 that would be applicable but for this section shall remain applicable with
38 regard to any scholarship loan awarded before July 1, 2012.

39 **SECTION 9.(c)** All assets and liabilities in the Social Workers' Education Loan
40 Fund shall be transferred to the Forgivable Education Loans for Service Fund established under
41 G.S. 116-209.45.

42 **SECTION 10.(a)** All financial obligations to any student awarded a scholarship
43 loan from the Student Loan Program for Health, Science and Mathematics Fund before July 1,
44 2012, shall be fulfilled with funds from the Forgivable Education Loans for Service Fund
45 established under G.S. 116-209.45 provided the student remains eligible under the provisions
46 of the Student Loan Program for Health, Science and Mathematics Fund. All contractual
47 agreements between a student awarded a scholarship loan from the Student Loan Program for
48 Health, Science and Mathematics Fund before July 1, 2012, and the State Education Assistance
49 Authority regarding the loan remain enforceable.

1 **SECTION 10.(b)** All assets and liabilities in the Student Loan Program for Health,
2 Science and Mathematics Fund shall be transferred to the Forgivable Education Loans for
3 Service Fund established under G.S. 116-209.45.

4 **SECTION 11.** All assets and liabilities in the Future Teachers of North Carolina
5 Fund shall be transferred to the Forgivable Education Loans for Service Fund established under
6 G.S. 116-209.45.

7 **SECTION 12.** All assets and liabilities in the Physical Education Scholarship Loan
8 Fund shall be transferred to the Forgivable Education Loans for Service Fund established under
9 G.S. 116-209.45.

10 **SECTION 13.** All assets and liabilities in the Optometry Scholarship Loan Fund
11 shall be transferred to the Forgivable Education Loans for Service Fund established under
12 G.S. 116-209.45.

13 **SECTION 14.** Except as otherwise provided herein, this act becomes effective July
14 1, 2012.