

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 889

Short Title: Finan. Aid/Registered Voter Only.

(Public)

Sponsors: Representatives Davis; and Watson.

Referred to: State Government.

April 12, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A RESIDENT OF NORTH CAROLINA MUST BE A
2 REGISTERED VOTER TO RECEIVE STATE-SUPPORTED SCHOLARSHIPS OR
3 OTHER STATE FINANCIAL ASSISTANCE FOR HIGHER EDUCATION,
4 UNLESS THE RESIDENT HAS NO CITIZENSHIP RIGHTS.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 116-209.19 reads as rewritten:

8 "**§ 116-209.19. Grants to students.**

9 The Authority is authorized to make grants to eligible students enrolled or to be
10 enrolled in eligible institutions in North Carolina out of such money as from time to time
11 may be appropriated by the State or as may otherwise be available to the Authority for
12 such grants. A student who is a resident of North Carolina and who is 18 years old or
13 older is eligible for a grant only if the student is a registered voter. A student who is a
14 resident of North Carolina and who is less than 18 years old ceases to be eligible for a
15 grant if the student fails to register to vote within 90 days of the student's eighteenth
16 birthday. A grant awarded under this section to a student who fails to register to vote as
17 required by this section shall be revoked. The Authority, subject to the provisions of this
18 Article and any applicable appropriation act, shall adopt rules, regulations and procedures
19 for determining the needs of the respective students for grants and for the purpose of
20 making such grants. The amount of any grant made by the Authority to any student,

1 whether enrolled or to be enrolled in any private institution or any tax-supported public
2 institution, shall be determined by the Authority upon the basis of substantially similar
3 standards and guides that shall be set forth in the Authority's rules, regulations and
4 procedures; provided, however, that grants made in any fiscal year to students enrolled or
5 to be enrolled in private institutions may be increased to compensate, in whole or in part,
6 for the average annual State appropriated tuition subsidy for such fiscal year, determined
7 as provided herein. The average annual State appropriated subsidy for each fiscal year
8 shall be determined by the Secretary of Administration, after consultation with the Board
9 of Governors of the University of North Carolina and the Authority, for each of the two
10 categories of tax-supported institutions, being (i) institutions, presently 16, that
11 provide education of the collegiate grade and grant baccalaureate degrees and (ii)
12 institutions, such as community colleges and technical institutes created and existing
13 under Chapter 115A of the General Statutes and community colleges created and existing
14 under Chapter 115D of the General Statutes. The average annual State appropriated
15 subsidy for each of such two categories of institutions shall mean the amount of the total
16 appropriations of the State for the respective fiscal years under the current operations
17 budgets, pursuant to the Executive Budget Act reasonably allocable to undergraduate
18 students enrolled in such institutions exclusive of the Division of Health Affairs of the
19 University of North Carolina and the North Carolina School of the Arts for all institutions
20 in such category, all as shall be determined by the Secretary of Administration after
21 consultation as above provided, divided by the budgeted number of North Carolina
22 undergraduate students to be enrolled in such fiscal year.

23 The Authority, in determining the needs of students for grants, may among other
24 factors, give consideration to the amount of other financial assistance that may be
25 available to the students, such as nonrepayable awards under the Pell Grant Program, the
26 Health Professions Education Assistance Act or other student assistance programs created
27 by federal law.

28 Prior to taking any action under this subsection, the Secretary of Administration may
29 consult with the Advisory Budget Commission."

30 Sec. 2. G.S. 116-209.24(c) reads as rewritten:

31 "(c) Parental Assistance. – The Authority is authorized to develop and administer
32 programs and perform all functions necessary or convenient to promote and facilitate the
33 making and insuring of loans to parents of students in order to facilitate the vocational
34 and college education of such students who are enrolled or to be enrolled in eligible
35 institutions. The Authority is also authorized to provide such other services and loan
36 assistance to parents of students as the Authority shall deem necessary or desirable for
37 carrying out the purpose of this section and for qualifying for loans, grants, insurance,
38 and other benefits and assistance under any program of the United States now or hereafter
39 authorized fostering loans to eligible parents of students.

40 If a student is a resident of North Carolina and is 18 years old or older, the student
41 must be registered to vote, unless the student has no citizenship rights, for the student's
42 parent to be eligible for assistance under this section. If a student is a resident of North
43 Carolina, but is less than 18 years old, the student must register within 90 days of the

1 student's birthday, unless the student has no citizenship rights, or the student's parent
2 ceases to be eligible under this section and any assistance provided under this section
3 shall be revoked."

4 Sec. 3. G.S. 116-209.30(b) reads as rewritten:

5 "(b) The Authority, in consultation with the Department of Human Resources, shall
6 develop the following criteria to administer the Fund:

7 (1) All students shall be enrolled in an institution of higher education in
8 North Carolina in an accredited bachelors of social work or masters of
9 social work program;

10 (2) All students shall be residents of North Carolina. For purposes of this
11 section, residency shall be determined by the same standard as residency
12 for tuition purposes pursuant to G.S. 116-143.1;

13 (2a) All students who are residents of North Carolina shall register to vote if
14 they are 18 years old or older, unless they have no citizenship rights. A
15 student who is a resident of North Carolina but who is less than 18 years
16 old at the time the student is awarded the scholarship loan shall register
17 to vote within 90 days of the student's eighteenth birthday, unless the
18 student has no citizenship rights.

19 (3) All students shall enter into a legal agreement and promissory note with
20 the Authority to accept employment in public child welfare in exchange
21 for receiving any funds, which agreement shall include stipulation that
22 the student agrees to accept employment in rural or other need-based
23 counties; and

24 (4) Any additional criteria that the Authority considers necessary to
25 administer the program effectively, including:

26 a. Consideration of the appropriate numbers of minority students
27 and students from diverse socio-economic backgrounds to
28 receive funds pursuant to this section;

29 b. Consideration of what rural or other need-based areas of the State
30 shall be considered appropriate for work after graduation
31 pursuant to subdivision (3) of this subsection;

32 c. Consideration of the academic qualifications of the individuals
33 applying to receive funds; and

34 d. Consideration of the commitment the individuals applying to
35 receive funds demonstrate to the profession of social work.

36 Sec. 4. G.S. 116-174.1 reads as rewritten:

37 **"§ 116-174.1. Minors authorized to borrow for higher education; interest;**
38 **requirements of loans.**

39 All minors in North Carolina of the age of 17 years and upwards shall have full power
40 and authority to enter into written contracts of indebtedness, at a rate of interest not
41 exceeding the contract rate authorized in Chapter 24 of the General Statutes, with persons
42 and educational institutions or with firms and corporations licensed to do business in
43 North Carolina and to execute notes evidencing such indebtedness. Such loans shall be:

- 1 (1) Unsecured by the conveyance of any property as security, whether real,
2 personal or mixed;
- 3 (2) For the sole purpose of borrowing money to obtain post-secondary
4 education at an accredited college, university, junior college,
5 community college, business or trade school provided, however, that
6 none of the proceeds of such loans shall be used to pay for any
7 correspondence courses;
- 8 (3) The proceeds of any loan shall be disbursed either directly to the
9 educational institution for the benefit of the borrower or jointly to the
10 borrower and the educational ~~institution~~ institution;
- 11 (4) Made to a North Carolina resident who is 18 years old or older only if
12 the resident is registered to vote, unless the resident has no citizenship
13 rights. If the borrower is a North Carolina resident who is less than 18
14 years old, the borrower shall register to vote within 90 days of the
15 borrower's eighteenth birthday, unless the borrower has no citizenship
16 rights."

17 Sec. 5. G.S. 116-174.2 reads as rewritten:

18 **"§ 116-174.2. Grounds for revocation of scholarships.**

19 (a) Any student regularly registered and enrolled as an undergraduate,
20 graduate, or professional student in a state-supported college, university or community
21 college who shall be convicted, enter a plea of guilty or nolo contendere upon an
22 indictment or charge for engaging in a riot, inciting a riot, unlawful demonstration or
23 assembly, seizing or occupying a building or facility, sitting down in buildings they have
24 seized, or lying down in entrances to buildings or any facilities, or on the campus of any
25 college, university, or community college, or any student, whether an undergraduate,
26 graduate or professional student who shall forfeit an appearance bond on an indictment or
27 charge of any of the above-named offenses, shall have revoked and withdrawn from his
28 benefit all state-supported scholarships or any State funds granted to him for educational
29 assistance. It shall be the duty of all persons or officials having charge of and authority
30 over the granting of state-supported scholarships or any other form of financial assistance
31 to immediately revoke and withdraw same in the event and upon the happening of any of
32 the conditions or matters above enumerated; provided, however, that in subsequent
33 academic terms any such student shall be eligible to be considered for and to be granted
34 financial assistance from State funds.

35 (b) Any student who: (i) is a recipient of a State-supported scholarship or any
36 State funds for educational assistance, (ii) is regularly registered and enrolled as an
37 undergraduate, graduate, or professional student, (iii) is a resident of North Carolina and
38 is 18 years old or older shall be registered to vote, unless the student has no citizenship
39 rights. Any student who: (i) is a recipient of a State-supported scholarship or any State
40 funds for educational assistance, (ii) is regularly registered and enrolled as an
41 undergraduate, graduate, or professional student, (iii) is a resident of North Carolina, but
42 who is less than 18 years old shall register to vote within 90 days of the student's
43 eighteenth birthday, unless the student has no citizenship rights.

1 A student who fails to register to vote as required under this subsection shall have
2 revoked and withdrawn from the student's benefit all State-supported scholarships or any
3 State funds granted to the student for educational assistance. It shall be the duty of all
4 persons or officials having charge of and authority over the granting of State-supported
5 scholarships or any other form of financial assistance to immediately revoke and
6 withdraw that financial assistance if the student fails to register to vote as required under
7 this section. However, in subsequent academic terms a student shall be eligible to be
8 considered for and to be granted financial assistance from State funds if the student
9 complies with the voter registration requirements under this section."

10 Sec. 6. G.S. 90-171.65(a) reads as rewritten:

11 "(a) There is created a need-based scholarship loan fund for nursing students.
12 Need-based scholarship loans shall be available for study in nursing programs offered by
13 community colleges and The University of North Carolina, and by private colleges which
14 offer licensed practical nursing or registered nursing programs. Part-time students and
15 nontraditional students who have post-secondary degrees, and registered nurses pursuing
16 a baccalaureate degree in nursing, are eligible to receive need-based nursing scholarship
17 loans. A student who is a resident of North Carolina and who is 18 years old or older is
18 eligible to receive a need-based nursing scholarship loan only if the student is a registered
19 voter. A student who is a resident of North Carolina but who is less than 18 years old is
20 eligible for and may retain a need-based nursing scholarship loan only if the student
21 registers to vote within 90 days of the student's eighteenth birthday. A scholarship loan
22 awarded under this section to a student who fails to register to vote as required by this
23 section shall be revoked, unless the student is unable to register because the student has
24 no citizenship rights."

25 Sec. 7. G.S. 115C-471 is amended by adding a new subdivision to read:

26 "(1a) Any resident of North Carolina who is 18 years old or older must be
27 registered to vote to receive a scholarship loan under this section,
28 unless the resident has no citizenship rights. Any resident of North
29 Carolina who is a recipient of a scholarship loan under this section
30 and who is less than 18 years old must register to vote within 90
31 days of his or her eighteenth birthday to retain the scholarship loan,
32 unless the resident has no citizenship rights."

33 Sec. 8. G.S. 115D-40(a) reads as rewritten:

34 "(a) A nonreverting Community College Scholarship Fund is created in the
35 Department of Community Colleges to provide community college scholarships for
36 needy residents of North Carolina. A resident of North Carolina who is 18 years old or
37 older is eligible for a scholarship only if the resident is a registered voter, unless the
38 resident has no citizenship rights. A resident of North Carolina who is less than 18 years
39 old shall not retain a scholarship awarded under this section if the resident fails to register
40 to vote within 90 days of the resident's eighteenth birthday, unless the resident has no
41 citizenship rights. A scholarship awarded under this section to a student who fails to
42 register to vote as required by this section shall be revoked.

1 The State Board of Community Colleges shall adopt rules regarding administration of
2 the Fund and eligibility for scholarships from it. The Department of Community Colleges
3 shall administer the Fund. The Department of Community Colleges shall make an effort
4 to assure that the scholarships are distributed on a geographically equitable basis
5 throughout the State among the several institutions. The principal of the Fund may not be
6 used for any purpose; interest from the Fund may not be used for administering the
7 Fund."

8 Sec. 9. G.S. 165-21 is amended by adding a new subdivision to read:

9 "(5) A student who is a resident of North Carolina and who is 18 years
10 old or older is eligible for a scholarship only if the student is a
11 registered voter. A student who is a resident of North Carolina but
12 who is less than 18 years old ceases to be eligible for a scholarship if
13 the student fails to register to vote within 90 days of the student's
14 eighteenth birthday. A scholarship awarded under this section to a
15 student who fails to register to vote as required by this section shall
16 be revoked, unless the student fails to register because the student
17 has no citizenship rights."

18 Sec. 10. This act is effective upon ratification.