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Chapter No.

54

AN ACT

Relating to eligibility for and default, collection, and repayment of student loans; relating to nonrenewal of certain occupational licenses for default on a student loan; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May 30, 1997

Actual Effective Date: Section 19 takes effect May 31, 1997; remainder of Act takes effect July 1, 1997

AN ACT

1 Relating to eligibility for and default, collection, and repayment of student loans; relating to
2 nonrenewal of certain occupational licenses for default on a student loan; and providing for
3 an effective date.

4

5 * **Section 1.** AS 14.42.200(10) is amended to read:

6 (10) gather information on student loans available to residents of
7 Alaska and disseminate the information to reasonably assure that qualified residents
8 are aware of financial resources available to those attending or desiring to attend
9 institutions for which loans may be made under AS 14.43.090 - 14.43.325, 14.43.600 -
10 14.43.700, or 14.43.710 - 14.43.750 [14.43.710 - 14.43.790];

11 * **Sec. 2.** AS 14.42.210(a) is amended to read:

12 (a) The student loan fund is established in the corporation. The student loan
13 fund is a trust fund to be used to carry out the purposes of AS 14.42.100 - 14.42.390,
14 AS 14.43.090 - 14.43.325, 14.43.600 - 14.43.700, and 14.43.710 - 14.43.750

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1 [14.43.710 - 14.43.790]. The fund consists of money or assets appropriated or
2 transferred to the corporation for the fund and money or assets deposited in it by the
3 corporation. The corporation may establish separate accounts in the fund.

4 * Sec. 3. AS 14.42.210(b) is amended to read:

5 (b) Money and other assets of the student loan fund may be used to secure
6 bonds of the corporation, invested in student loans and investments under
7 AS 37.10.071 and used to purchase loans approved under AS 14.43.090 - 14.43.325,
8 14.43.600 - 14.43.700, or **14.43.710 - 14.43.750** [14.43.710 - 14.43.790].

9 * Sec. 4. AS 14.43.120(k) is amended to read:

10 (k) A borrower's obligation to make periodic payments of principal shall be
11 deferred, but the borrower's obligation to pay interest shall continue, unless the state
12 pays the interest by appropriation under (t) of this section, during any of the following
13 periods:

14 (1) return to full-time student status in good standing in a career
15 education program, college, or university that meets the requirements under (b) of this
16 section;

17 (2) if the borrower received a loan to attend as a half-time student,
18 return to

19 **(A)** [AT LEAST] half-time student status in good standing in
20 [(A)] a career education program, college, or university in the
21 state that meets the requirements under (b) of this section; [, OR]

22 **(B)** **at least half-time student status in good standing in** a
23 career education program, college, or university that meets the requirements
24 under (b) of this section, and the borrower is physically present in the state
25 while attending the career education program, college, or university; a borrower
26 is not eligible for deferral under this paragraph for a period longer than eight
27 years; **or**

28 **(C)** **full-time student status in good standing in a career**
29 **education program, college, or university that meets the requirements**
30 **under (b) of this section;**

31 (3) serving an initial period of up to three years on active duty as a

1 member of the armed forces of the United States;

2 (4) serving, for up to three years, as a full-time volunteer under the
3 Peace Corps Act;

4 (5) serving, for up to three years, as a full-time volunteer under the
5 Domestic Volunteer Service Act of 1973;

6 (6) serving, for up to two years, as a full-time volunteer under the
7 National and Community Service Trust Act of 1993 (Americorps);

8 (7) for a one-time period up to 12 months in which the borrower is
9 seeking and unable to find employment in the United States; or

10 (8) during the period of disability if, after the loan is disbursed, the
11 borrower becomes totally disabled as certified by competent medical authority.

12 * Sec. 5. AS 14.43.120(v) is amended to read:

13 (v) In determining a rate of interest under (f)(2) of this section,

14 (1) the commission shall use a method that ensures that the rate of
15 interest is as low as possible without precluding the ability of the commission to
16 administer loans made under AS 14.43.090 - 14.43.160; and

17 (2) the total amount charged for administrative costs of the student loan
18 program may not exceed three [TWO AND ONE-HALF] percent above the amount
19 determined under (f)(1) of this section.

20 * Sec. 6. AS 14.43.125(a) is amended to read:

21 (a) A person is eligible for a [MAY APPLY FOR AND OBTAIN A
22 SCHOLARSHIP] loan if the person

23 (1) is

24 (A) enrolled as a full-time student in a career education,
25 associate, baccalaureate, or graduate degree program;

26 (B) enrolled as a half-time student in a career education,
27 associate, baccalaureate, or graduate degree program

28 (i) in the state; or

29 (ii) out of the state and is physically present in this state
30 while attending that program; or

31 (C) a graduate of a high school or the equivalent, or scheduled

1 for graduation from a high school within six months, who, at the time of loan
2 disbursement, will be enrolled in compliance with (A) or (B) of this
3 paragraph [WITH SUFFICIENT CREDITS TO BE ADMITTED TO A
4 CAREER EDUCATION PROGRAM OR TO AN ACCREDITED COLLEGE
5 OR UNIVERSITY];

6 (2) is not delinquent and has never been [OR] in default on a
7 [PREVIOUSLY AWARDED SCHOLARSHIP] loan previously awarded by the
8 commission; [AND]

9 (3) is a resident of the state at the time of application for the loan; for
10 purposes of this section, a person qualifies as a resident of the state if at the time of
11 application for the loan the person

12 (A) has been physically present in the state for at least one year
13 immediately before the time of application for the loan with the intent to
14 remain indefinitely;

15 (B) is dependent on a parent or guardian for care, the parent or
16 guardian has been present in the state for at least one year immediately before
17 the time of application for the loan with the intent to remain indefinitely, and
18 the person has been present in the state for at least one year of the immediately
19 preceding five years except that the commission may by a two-thirds vote,
20 acting upon a written appeal by the person, grant an exemption to the
21 requirement that the person has been present in the state for one year of the
22 immediately preceding five years;

23 (C) has been physically present in the state for at least one year
24 immediately before the applicant was absent from the state, the person intends
25 to return permanently to the state, and the absence is due solely to

26 (i) serving an initial period of up to three years on active
27 duty as a member of the armed forces of the United States;

28 (ii) serving for up to three years as a full-time volunteer
29 under the Peace Corps Act;

30 (iii) serving for up to three years as a full-time volunteer
31 under the Domestic Volunteer Service Act of 1973;

1 (iv) required medical care for the applicant or the
2 applicant's immediate family;

3 (v) being a person who otherwise qualifies as a resident
4 and is accompanying a spouse who qualifies as a resident under (i) -
5 (iv) of this paragraph;

6 (vi) an absence allowed under (D)(i) - (iv) of this
7 paragraph; or

8 (D) is a dependent of a parent or guardian who has been
9 physically present in the state for at least one year immediately before the
10 parent or guardian was absent from the state, **the parent or guardian intends**
11 **to return permanently to the state**, and the absence is due solely to

12 (i) participating in a foreign exchange student program
13 recognized by the commission;

14 (ii) attending a school as a full-time student;

15 (iii) full-time employment by the state;

16 (iv) being a member of or employed full-time by the
17 state's congressional delegation;

18 (v) being a person who otherwise qualifies as a resident
19 and is accompanying a spouse who qualifies as a resident under (i) -
20 (iv) of this paragraph;

21 (4) does not have a past due child support obligation established by
22 court order or by the child support enforcement division under AS 25.27.160 -
23 25.27.220 at the time of application **or loan disbursement**; [AND]

24 (5) has not, within the previous five years, had a [SCHOLARSHIP]
25 loan discharged or written off by the commission for any reason;

26 **(6) does not have a status, at the time of the application for a loan**
27 **or disbursement of loan funds, that would prevent the person from repaying the**
28 **loan as it becomes due**;

29 **(7) has not within the previous seven years defaulted on another**
30 **loan made to the person by a lending entity unless the person can show good faith**
31 **efforts to repay the loan and extraordinary circumstances that led to the default**;

1 and

2 (8) does not have a credit history, at the time of application for a
3 loan, that demonstrates chronic inability or unwillingness to pay an extension of
4 credit or loan as it becomes due.

5 * Sec. 7. AS 14.43.125 is amended by adding new subsections to read:

6 (d) Notwithstanding (a)(6) - (8) of this section, the commission may issue a
7 loan to a person if another person who satisfies the requirements of (a)(2) and (a)(4) -
8 (8) of this section cosigns the loan.

9 (e) The commission may withhold disbursement of a loan if the borrower
10 becomes ineligible under this section.

11 * Sec. 8. AS 14.43 is amended by adding new sections to read:

12 **Sec. 14.43.145. Default.** (a) For the purposes of this chapter, a loan is in
13 default if a loan payment has become 180 or more days past due. Upon default,

14 (1) repayment of the remaining balance is accelerated and due;

15 (2) the commission may take the borrower's permanent fund dividend
16 under AS 43.23.067;

17 (3) the commission may issue an order to withhold and deliver under
18 AS 14.43.147; and

19 (4) the commission may provide notice of the default to a licensing
20 entity for nonrenewal of the license under AS 14.43.148.

21 (b) The commission shall notify the borrower of the default, and the
22 consequences of default imposed under (a) of this section, by mailing a notice to the
23 borrower's most recent address provided to the commission by the borrower or
24 obtained by the commission.

25 (c) A borrower may appeal a notice of default by filing a statement with the
26 executive director, within 30 days after the date of the notice, requesting that the loan
27 status be reviewed. AS 44.62 (Administrative Procedure Act) does not apply to the
28 review of default under this section. The borrower has the burden to show that, at the
29 time of the notice of default, no loan payment was more than 180 days past due or that
30 the borrower entered into, and was in compliance with, a default forbearance
31 agreement with the commission. The decision of the executive director is a final

1 decision that may be appealed to the superior court under the Alaska Rules of
2 Appellate Procedure.

3 **Sec. 14.43.147. Order to withhold and deliver.** (a) Thirty days after the
4 date a notice of default under AS 14.43.145(b) is mailed or the date of the decision of
5 the executive director under AS 14.43.145(c), whichever is later, the commission may
6 issue an order to withhold and deliver property to a person, or agency or political
7 subdivision of the state, who the commission has reason to believe possesses property
8 due, owing, or belonging to the borrower.

9 (b) The order to withhold and deliver shall be served personally or by certified
10 mail, return receipt requested, upon the person, or agency or political subdivision of
11 the state, possessing the property. The order must state the amount of the borrower's
12 liability and include notice of the terms of this section. All real and personal property,
13 including earnings, that are due, owing, or belonging to the borrower are subject to an
14 order to withhold and deliver.

15 (c) A person, or agency or political subdivision of the state, served with an
16 order to withhold and deliver, is required to make true answers under oath and in
17 writing to inquiries contained in the order within three weeks after service of the order
18 and to all inquiries subsequently made.

19 (d) Upon receipt of the order, the person, or agency or political subdivision of
20 the state, shall immediately withhold property due, owing, or belonging to the
21 borrower and shall deliver the property to the commission after three weeks have
22 expired from the date of the service of the order. Money shall be delivered by
23 remittance payable to the order of the commission.

24 (e) An employer shall withhold the earnings of a borrower subject to an order
25 at each succeeding interval of payment until the entire amount of the debt stated in the
26 order has been withheld. An employer may, for each payment made under an order
27 to withhold and deliver, deduct \$5 from other wages or salary owed to the borrower.

28 (f) If a borrower who is subject to an order terminates employment, the
29 employer shall promptly notify the commission and provide the borrower's last known
30 home address and the name and address of the borrower's new employer, if known.
31 The employer shall keep a record of the order for two years after the borrower

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1 terminates employment. If the employer reemploys the borrower within that two-year
2 period, the employer shall immediately reimplement the order unless the employer has
3 received notice of satisfaction under (j) of this section.

4 (g) An employer may not discharge, discipline, or refuse to employ a borrower
5 on the basis of an order issued under this section. A person who violates this
6 subsection or a regulation adopted to implement it is liable for a civil penalty of not
7 more than \$10,000. The employee may seek restitution or reinstatement from the
8 employer.

9 (h) A person, or agency or political subdivision of the state, who complies
10 with an order to withhold and deliver that is regular on its face is not subject to civil
11 liability to an individual or agency for conduct in compliance with the notice. A state
12 agency that complies with an order to withhold and deliver that is regular on its face
13 is not required to pay interest under AS 37.05.285 for failure to make timely payment
14 to the borrower.

15 (i) An order to withhold and deliver under this section is subject to the
16 exemptions under AS 09.38.

17 (j) Upon satisfaction of a loan obligation, the commission shall, within 15
18 working days, notify all persons served with an order under this section that the order
19 is no longer in force. If the commission receives money under an order after
20 satisfaction of the loan, the commission shall within 15 working days return the
21 overpayment to the borrower. If the commission fails to return an overpayment as
22 required under this subsection, the commission is liable to the borrower for the amount
23 of the overpayment, plus legal interest under AS 45.45.010.

24 (k) If a person, or agency or political subdivision of the state, knowingly fails
25 to make an answer to an order under this section within the time prescribed, or
26 knowingly fails to honor an order under this section, the person, or agency or political
27 subdivision of the state, is liable to the commission in an amount equal to 100 percent
28 of the amount that is the basis of the order, together with costs, interest, and
29 reasonable attorney fees. In this subsection, "knowingly" has the meaning given in
30 AS 11.81.900.

31 (l) A borrower against whom an order has been served under this section may

1 apply for relief to the superior court.

2 **Sec. 14.43.148. Nonrenewal of license.** (a) Notwithstanding any other
3 provision of law, a licensing entity may not renew a license issued to a borrower if the
4 licensing entity has received notice from the commission that the licensee is in default
5 on a loan made by the commission. If the licensee has appealed the determination of
6 default status, the commission shall notify the licensing entity and renewal may not be
7 denied under this section unless and until the appeal has been concluded and the
8 default status affirmed. Unless a temporary license is issued under (c) of this section,
9 the denial of renewal is effective at the beginning of that renewal period. Denial of
10 renewal of a license shall continue until the licensing entity receives notice of a release
11 from the commission. If a license is denied under this section, the licensing entity
12 shall refund the renewal fee less the temporary license fee, if any.

13 (b) The licensing entity shall provide written notice of the denial of renewal
14 of the license by giving written notice to the licensee or sending the notice to the
15 licensee's last known mailing address on file with the licensing entity. The licensing
16 agency shall include with the notice a form to request review under (d) of this section;
17 the form must include the commission's address and telephone number. The notice
18 must inform the licensee of the temporary license granted under (c) of this section if
19 the applicant is otherwise eligible and that, upon expiration of that time period,
20 renewal of the license will be denied unless the licensing entity receives a notice of
21 release under (f) of this section from the commission.

22 (c) A licensing entity shall issue a temporary license valid for the first 150
23 days of the renewal period to a licensee whose license renewal is denied under this
24 section if the licensee is otherwise eligible for renewal. Only one temporary license
25 may be issued during a renewal period. The licensing entity shall adopt by regulation
26 a fee for issuance of a temporary license under this section; the amount of the fee shall
27 be set so that the fees collected under this section, to the extent reasonable, cover the
28 costs of implementing and administering this section.

29 (d) Within 30 days after receiving the notice under (b) of this section, the
30 licensee may request review by the commission. AS 44.62 (Administrative Procedure
31 Act) does not apply to the denial of renewal of a license under this section. Within

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1 30 days after receiving a written request for review, the executive director shall inform
2 the applicant in writing of the executive director's findings. The executive director's
3 finding is a final decision that may be appealed to the superior court under the Alaska
4 Rules of Appellate Procedure.

5 (e) For the purpose of review under (d) of this section, the licensee has the
6 burden to show that

7 (1) the commission has not sent a notice of default in compliance with
8 AS 14.43.145(b);

9 (2) the notice of default has been rescinded after review under
10 AS 14.43.145(c); or

11 (3) the licensee has met the requirements of (f) of this section.

12 (f) The commission shall provide a notice of release to the licensing entity if
13 the licensee

14 (1) pays all costs of collection and the interest and principal that would
15 have been due if the loan had not been accelerated; or

16 (2) has negotiated a payment schedule with the commission after the
17 loan is in default and has made complete and timely payments under the negotiated
18 agreement for the four most recent and consecutive months.

19 (g) Notwithstanding (a) of this section, the denial of renewal of a teacher's
20 certificate is effective not sooner than the end of the contract year after the commission
21 has notified the teacher of the default status of the loan as provided under
22 AS 14.43.145.

23 (h) In this section,

24 (1) "license" means,

25 (A) except as provided in (B) of this paragraph, a license,
26 certificate, permit, registration, or other authorization that, at the time of
27 issuance, will be valid for more than 150 days and that may be acquired from
28 a state agency to perform an occupation, including the following:

29 (i) license relating to boxing or wrestling under

30 AS 05.10;

31 (ii) authorization to perform an occupation regulated

- 1 under AS 08;
- 2 (iii) teacher certificate under AS 14.20;
- 3 (iv) authorization under AS 18.08 to perform emergency
- 4 medical services;
- 5 (v) asbestos worker certification under AS 18.31;
- 6 (vi) boiler operator's license under AS 18.60.395;
- 7 (vii) certificate of fitness under AS 18.62;
- 8 (viii) hazardous painting certification under AS 18.63;
- 9 (ix) certification as a correctional, probation, or parole
- 10 officer under AS 18.65.245;
- 11 (x) security guard license under AS 18.65.400 -
- 12 18.65.490;
- 13 (xi) license relating to insurance under AS 21.27;
- 14 (xii) employment agency permit under AS 23.15.330 -
- 15 23.15.520;
- 16 (xiii) registration as a broker-dealer, agent, or investment
- 17 adviser under AS 45.55.030;
- 18 (xiv) certification as a pesticide applicator under
- 19 AS 46.03.320;
- 20 (xv) certification as a storage tank worker or contractor
- 21 under AS 46.03.375;
- 22 (xvi) certification as a water and wastewater works
- 23 operator under AS 46.30; and
- 24 (B) does not include
- 25 (i) a commercial fishing license under AS 16.05.480,
- 26 including a crewmember fishing license;
- 27 (ii) a vessel license issued under AS 16.05.490 or
- 28 16.05.530;
- 29 (iii) a license issued under AS 47.35;
- 30 (iv) a business license issued under AS 43.70;
- 31 (v) an entry permit or interim-use permit issued under

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- 1 AS 16.43; or
2 (vi) a driver's license issued under AS 28.15;
3 (2) "licensee" means a person holding a license or applying to renew
4 a license;
5 (3) "licensing entity" means the state agency that issues or renews a
6 license; in the case of a license issued or renewed by the Department of Commerce
7 and Economic Development after an applicant's qualifications are determined by
8 another agency, "licensing entity" means the Department of Commerce and Economic
9 Development;

10 * Sec. 9. AS 14.43.640(a) is repealed and reenacted to read:

- 11 (a) To the extent that they are not in conflict with the provisions of
12 AS 14.43.600 - 14.43.700, the provisions of AS 14.43.100 - 14.43.160 are applicable
13 to loans made under AS 14.43.600 - 14.43.700.

14 * Sec. 10. AS 14.43.720(a) is amended to read:

- 15 (a) The family education loan account is created within the scholarship
16 revolving loan fund (AS 14.43.090). The account shall be used to make family
17 education loans to families selected under AS 14.43.710 - 14.43.750 [AS 14.43.710 -
18 14.43.790], to pay the costs of collecting family education loans that are in default if
19 those costs are not recovered from the family, and to pay the costs of administering
20 the account. Unless the instrument evidencing the family education loan has been sold
21 or assigned to the Alaska Student Loan Corporation, repayments of principal and
22 interest on family education loans shall be paid into the family education loan account.
23 If estimated funds available from family education loan repayments are inadequate to
24 fully fund estimated family education loans in a fiscal year, additional funding from
25 the general fund may be requested and appropriated for that year.

26 * Sec. 11. AS 14.43.740(a) is amended to read:

- 27 (a) The provisions of AS 14.43.100, 14.43.110, 14.43.120(a) - (d), [(i),] (m),
28 and (r) - (u), [AND] 14.43.135, 14.43.145 - 14.43.150, and 14.43.910 - 14.43.990
29 apply to a loan made under AS 14.43.710 - 14.43.750 [AS 14.43.710 - 14.43.790].

30 * Sec. 12. AS 14.43.740(c) is amended to read:

- 31 (c) Interest on a loan made under AS 14.43.710 - 14.43.750 [AS 14.43.710 -

1 14.43.790] is at a rate of five percent a year unless the loan is in default. Interest on
2 a loan that is in default is 10 percent a year.

3 * Sec. 13. AS 14.43.740(d) is amended to read:

4 (d) Repayment of the principal and interest on a loan made under
5 AS 14.43.710 - 14.43.750 [AS 14.43.710 - 14.43.790] begins on the first of the month
6 immediately following loan disbursement. The loan may be cancelled without
7 prejudice at any time before actual disbursement. The loan shall provide for
8 repayment of the total amount owed in periodic installments in not more than 10 years
9 from the commencement of repayment. If the commission and the borrower agree to
10 a different repayment schedule, the borrower shall repay the loan in accordance with
11 the agreement.

12 * Sec. 14. AS 14.43.740 is amended by adding a new subsection to read:

13 (f) The commission may withhold disbursement of a loan if the borrower or
14 family member is no longer eligible under AS 14.43.750.

15 * Sec. 15. AS 14.43.750(a) is amended to read:

16 (a) A person may apply for and obtain a family education loan on behalf of
17 a family member if

18 (1) the borrower

19 (A) is a resident of the state at the time of application for the
20 loan; for purposes of this paragraph, a borrower qualifies as a resident of the
21 state if the borrower has been physically present in the state for at least one
22 year immediately before the time of application for the loan with the intent
23 to remain indefinitely or, if not physically present in the state, the
24 borrower has not declared or established residency in another state,
25 intends to return permanently to the state, and the absence meets the
26 requirements imposed under AS 14.43.125(a)(3)(C)(i) - (vi);

27 (B) satisfies the requirements of AS 14.43.125(a)(6) - (8);

28 (2) the family member

29 (A) is enrolled as a full-time student in a career education,
30 associate, baccalaureate, or graduate degree program; or

31 (B) is a graduate of a high school or the equivalent, or

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1 scheduled for graduation from a high school within six months, who, at the
2 time of loan disbursement, will be enrolled in compliance with (A) of this
3 paragraph [WITH SUFFICIENT CREDITS TO BE ADMITTED TO A
4 CAREER EDUCATION PROGRAM OR TO AN ACCREDITED COLLEGE
5 OR UNIVERSITY]; and

6 (3) neither the borrower nor the family member

7 (A) is delinquent or has ever been [OR] in default on a
8 [PREVIOUSLY AWARDED STUDENT] loan previously awarded by the
9 commission;

10 (B) is past due on a child support obligation established by
11 court order or by the child support enforcement division under
12 AS 25.27.160 - 25.27.220 at the time of application or loan disbursement;

13 (C) has, within the previous five years, had a loan
14 discharged or written off by the commission for any reason [FROM THE
15 STATE].

16 * Sec. 16. AS 21.27.390 is amended by adding a new subsection to read:

17 (d) This section does not apply to a temporary license issued under
18 AS 14.43.148.

19 * Sec. 17. AS 43.23.067 is repealed and reenacted to read:

20 **Sec. 43.23.067. Claims of defaulted education loans.** (a) AS 09.38 does not
21 apply to a permanent fund dividend taken under AS 14.43.145. Notwithstanding
22 AS 09.35, the Alaska Commission on Postsecondary Education may take a permanent
23 fund dividend under AS 14.43.145 by delivering a claim to the department certifying
24 the following information:

25 (1) the name and social security number of the individual whose
26 dividend is being claimed;

27 (2) the amount the individual owes on a loan awarded under AS 14.43;
28 and

29 (3) a statement that the loan is in default under AS 14.43.145, or, if the
30 individual has requested review of the status of the loan under AS 14.43.145(c), that
31 a final determination has been made that the loan is in default.

1 (b) The Alaska Commission on Postsecondary Education shall notify the
2 individual of a claim under (a) of this section. The notice shall be sent to the address
3 provided in the individual's permanent fund dividend application and must provide the
4 following information:

5 (1) the amount of the claim;

6 (2) notice that the amount of the permanent fund dividend up to the
7 amount of the claim shall be paid to the Alaska Commission on Postsecondary
8 Education to be credited against the individual's loan balance; and

9 (3) the individual's right to a hearing under (c) of this section.

10 (c) Within 30 days after the date of the notice under (b) of this section, the
11 individual may request a hearing. AS 44.62.330 - 44.62.630 apply to a hearing under
12 this section. At the hearing, the borrower has the burden to show that

13 (1) the commission has not sent a notice of default in compliance with
14 AS 14.43.145(b);

15 (2) the notice of default has been rescinded after review under
16 AS 14.43.145(c); or

17 (3) the amount owed by the borrower is less than the amount claimed
18 from the permanent fund dividend.

19 (d) If the amount owed by the borrower is determined under (c) of this section
20 to be some amount greater than \$0, but less than the amount claimed, the commission
21 may amend its claim to the amount determined to be owing.

22 * Sec. 18. AS 08.02.025; AS 14.43.120(i), 14.43.120(q), 14.43.740(b), and 14.43.790 are
23 repealed.

24 * Sec. 19. Notwithstanding sec. 21 of this Act, the Alaska Commission on Postsecondary
25 Education may immediately proceed to adopt regulations necessary to implement the changes
26 made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act),
27 but not before the effective date of sec. 21 of this Act.

28 * Sec. 20. Section 19 of this Act takes effect immediately under AS 01.10.070(c).

29 * Sec. 21. Except as provided in sec. 20 of this Act, this Act takes effect July 1, 1997.