

CHAPTER 236

(HB 296)

AN ACT relating to student loans.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS 164.740 TO 164.785 IS CREATED TO READ AS FOLLOWS:

- (1) *For purposes of this section, "licensing agency" means an agency, board, or commission created by the state, including the Kentucky Supreme Court, that has the power to issue, renew, revoke, or suspend any occupational or professional certification, license, or registration required to engage in an occupation, profession, or trade.*
- (2) *The Kentucky Higher Education Assistance Authority shall declare that a person is in default if he or she is not meeting the repayment obligation under any financial assistance program in KRS Chapters 164 and 164A administered by the Kentucky Higher Education Assistance Authority.*
- (3) *A licensing agency may require that an applicant certify that he or she is not ineligible for an initial or renewed occupational or professional certification, license, or registration pursuant to subsection (2) of this section.*
- (4) *A licensing agency shall not issue or renew a license of any person who is in default of the repayment obligation under any financial assistance program in KRS Chapters 164 and 164A unless the authority has verified that:*
 - (a) *The borrower in default has entered a satisfactory repayment agreement on the defaulted loan;*
 - (b) *The financial obligation has been waived for cause or discharged by the authority;*
or
 - (c) *The financial obligation has been satisfied or paid in full.*
- (5) *The authority shall notify the licensing agencies of the requirements of this section and enter into an agreement with the licensing agencies to establish procedures regarding the exchange of information on persons who have defaulted on repayment obligations, the form and frequency of exchanging information on borrowers in default, and notification to the borrowers in default of the repayment obligation.*
- (6) *A licensing agency or the authority shall notify, in writing, the borrower of a defaulted loan that failure to repay the obligation may result in the denial of the issuance of an initial or renewed license, or the suspension or revocation of a license to practice a profession, occupation, or trade in accordance with the rules and policies established by the licensing agency. The notice shall provide time frames in which the borrower shall respond to the notification and enter into a satisfactory agreement to repay the obligation. If the borrower fails to enter into a satisfactory agreement, the authority may notify the appropriate licensing agency that the license of the borrower in default is not subject to issuance or renewal or may be suspended or revoked in accordance with the administrative regulations of the licensing agency.*
- (7) *The authority shall promptly notify a licensing agency that a formerly reported borrower is no longer in default and has achieved satisfactory repayment status as determined by the authority, repaid the obligation in full, or the authority has taken other action*

including waiver of the obligation for cause or discharging the borrower of the responsibility for repayment. Upon receiving notice from the authority, the licensing agency may issue an initial or renewed license or reinstate the certificate, license, or registration in accordance with administrative regulations adopted by the licensing agency.

SECTION 2. A NEW SECTION OF KRS 164.740 TO 164.785 IS CREATED TO READ AS FOLLOWS:

The Kentucky Lottery Corporation and the authority shall develop a system to allow the Kentucky Lottery Corporation to receive on a periodic basis a list of persons declared in default of repayment obligations under financial assistance programs in KRS Chapters 164 and 164A. The Kentucky Lottery Corporation shall withhold from a person's prize winnings the amount of the defaulted loan and shall transfer the amount to the authority to credit the account of the person in default. Any amount remaining after the deduction of the loan amount shall be paid to the person.

Section 3. KRS 154A.060 is amended to read as follows:

- (1) The corporation shall conduct and administer lottery games which will result in maximization of revenues to the Commonwealth of Kentucky while at the same time provide entertainment to its citizens. It shall be the duty of the corporation, its employees, and the members of the board to provide for the effective operation of lottery games which insure the integrity of the lottery and maintain the dignity of the Commonwealth and the general welfare of its citizens. The corporation, in pursuit of the attainment of the objectives and the purposes of this chapter, may:
 - (a) Sue and be sued in its corporate name;
 - (b) Adopt a corporate seal and a symbol;
 - (c) Hold copyrights, trademarks, and service marks, and enforce its rights with respect thereto;
 - (d) Appoint agents upon which process may be served;
 - (e) Enter into written agreements with one (1) or more other states for the operation, marketing, and promotion of a joint lottery or joint lottery games;
 - (f) Acquire real property and make improvements thereon. These acquisitions shall be reported to the Capital Projects and Bond Oversight Committee for its review and determination in accordance with KRS 45.750 to 45.810; and
 - (g) Make, execute, and effectuate any and all agreements or contracts including:
 1. Contracts for the purchase of such goods and services as are necessary for the operation and promotion of the state lottery. Proposed purchases of major items of equipment estimated to cost one hundred thousand dollars (\$100,000) or more and proposed purchases of items of equipment where the estimated contract price for all the items of equipment taken together is four hundred thousand dollars (\$400,000) or more shall be reported to the Capital Projects and Bond Oversight Committee for its review and determination in accordance with the provisions of KRS 45.750 to 45.810. A contract shall not be artificially divided to cause an estimated contract price to fall below the four hundred thousand

dollar (\$400,000) threshold. Contracts for personal service shall be reviewed in accordance with KRS 45A.690 to 45A.725.

2. Contracts to incur debt in its own name and enter into financing agreements with the Commonwealth, its own agencies, or with a commercial bank, excluding the authority to issue bonds.
- (2) The corporation shall:
- (a) Supervise and administer the lottery in accordance with the provisions of this chapter and the administrative regulations adopted by the board;
 - (b) Submit monthly and annual reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing financial statements which include, but are not limited to, disclosure of gross revenues, expenses, and net proceeds for the period;
 - (c) Adopt by administrative regulation a system of continuous internal audits;
 - (d) Maintain weekly or more frequent records of lottery transactions, including distribution of tickets to lottery retailers, revenues received, claims for prizes, prizes paid, and all other financial transactions of the corporation;
 - (e) Adopt by administrative regulation a code of ethics for officers and employees of the corporation to carry out the standards of conduct established by the provisions of this chapter;
 - (f) Include capital projects, as defined in KRS 45.750(1)(f), which exceed the thresholds set forth in KRS 154A.060(1)(g)1. in the budget unit request submitted by the corporation to the Finance and Administration Cabinet pursuant to KRS 48.050. In the budget unit request submitted by the corporation, a contingency item for acquisition of the on-line central system, all related equipment, and any other equipment owned by vendors of the corporation relating to computer-generated lottery games from the corporation's vendors shall be stated separately from all other equipment. Further, if the identification of specific projects requiring the acquisition of equipment in the nature of computer systems, communications equipment and related peripheral devices, and operating system software cannot be ascertained with absolute certainty at the time the corporation is required to submit its budget unit request, the corporation shall be entitled to submit a general request for the equipment without individually identifying specific projects, together with a maximum amount to be allocated for the equipment, in the budget unit request;~~and~~
 - (g) The Kentucky Lottery Corporation and the Cabinet for Families and Children shall develop a system to allow the Kentucky Lottery Corporation to receive a list of delinquent child support obligors from the Cabinet for Families and Children on a monthly basis. The Kentucky Lottery Corporation shall withhold delinquent amounts from prizes of winners that appear on the list. This system shall be timely and shall not create an unavoidable delay in the payment of a lottery prize; *and*
 - (h) ***The Kentucky Lottery Corporation and the authority shall develop a system to allow the Kentucky Lottery Corporation to receive on a periodic basis a list of persons declared in default of repayment obligations under financial assistance programs in KRS Chapters 164 and 164A. The Kentucky Lottery Corporation shall withhold from a person's prize winnings the amount of the defaulted loan and shall transfer***

the amount to the authority to credit the account of the person in default. Any amount remaining after the deduction of the loan amount shall be paid to the person.

Approved April 8, 2002