

HOUSE JOINT RESOLUTION NO. 22

INTRODUCED BY BENGTON

IN THE HOUSE

February 12, 1983	Introduced and referred to Committee on Education and Cultural Resources.
February 16, 1983	Committee recommend bill do pass. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 18, 1983	Second reading, do pass.
February 21, 1983	Considered correctly engrossed.
February 22, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Education and Cultural Resources.
March 21, 1983	Committee recommend bill be concurred in. Report adopted.
March 23, 1983	Second reading, concurred in.
March 25, 1983	Third reading, concurred in. Ayes, 35; Noes, 14.

IN THE HOUSE

March 25, 1983	Returned to House.
March 26, 1983	Sent to enrolling. Reported correctly enrolled.

House JOINT RESOLUTION NO. 22

INTRODUCED BY Bingston

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE CONGRESS OF THE UNITED STATES TO AMEND THE BANKRUPTCY LAWS TO PERMIT AN INSTITUTION OF HIGHER EDUCATION TO WITHHOLD RELEASE OF A TRANSCRIPT TO A STUDENT LOAN DEBTOR UNTIL THE STUDENT LOAN IS DECLARED DISCHARGED.

WHEREAS, student loan programs play an essential role in making educational opportunities available to all persons; and

WHEREAS, the integrity of the student loan programs is based in great measure upon the ability of the institutions of higher learning to collect student loan debts; and

WHEREAS, a major tool in the collection of debts is the ability of the school to withhold release of transcripts to debtors; and

WHEREAS, the present bankruptcy statutes have been interpreted by the courts to require schools to furnish transcripts simply by virtue of the debtor filing a petition in bankruptcy.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE

OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Congress of the United States is urged to amend the bankruptcy laws of the United States to permit an institutional creditor to withhold release of a transcript to a student loan debtor until such time as the student loan is declared discharged. To meet this objective, the following changes in the bankruptcy laws are advocated:

(1) Amend Section 362(b) of the Bankruptcy Reform Act to add a new subsection (9) that provides: "under subsection (a) of this section, of the right of an educational institutional creditor to withhold release of the transcript of a student loan debtor until such time as the student loan debt is declared discharged by the bankruptcy court or other court of competent jurisdiction."

(2) Amend Section 525 of the Bankruptcy Reform Act to clarify that this section is not violated by the refusal of a state school to provide a transcript to a student loan debtor unless the debt has been declared discharged.

(3) Amend Section 1301 of the Bankruptcy Reform Act to add an additional exception subsection (d) to permit an educational institutional creditor to withhold the transcript of a student loan debtor until such time as the debt is discharged pursuant to Section 1328 of the Bankruptcy Reform Act.

-End-

-2- INTRODUCED BILL

HJR 22

App. by comm. on education
and cultural resources

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-2- THIRD READING

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HJR 22

REFERENCE BILL