

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2021 REGULAR SESSION
Unofficial Document

Amend printed copy of **HB 468**

On page 1, line 3, through page 3, line 27, delete in its entirety and insert the following:

"➔SECTION 1. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO READ AS FOLLOWS:

(1) Upon request of the alleged overpayment recipient, the secretary may waive an overpayment of benefits if he or she finds:

(a) The overpayment was made without fault on the part of the recipient;

(b) The overpayment was not the result of fraud, misrepresentation, or willful nondisclosure of the recipient; and

(c) Recovery would be contrary to equity and good conscience.

(2) (a) Requests for waiver of overpayment of benefits under subsection (1) of this section shall be made within thirty (30) days after the date the secretary mails to the alleged overpayment recipient the notification of the overpayment determination via first-class United States mail.

(b) Notice of the secretary's determination shall include information explaining how the alleged overpayment recipient may request a waiver of overpayment and explain how the alleged overpayment recipient may appeal the secretary's final determination.

(3) The secretary shall make waiver determinations as follows:

Amendment No. _____

Rep. Rep. Josh Branscum

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

Not for Filing

- (a) The secretary shall appoint one (1) or more impartial referees according to KRS 341.125 to hear and decide waiver appeals;
- (b) A party to a waiver determination may file an appeal to a referee as to any matter therein within thirty (30) days after the date such determination was mailed to his or her last known address in accordance with subsection (2)(a) of this section;
- (c) If a waiver is allowed by a determination of the secretary or a decision of a referee, the commission, the secretary, or a reviewing court, the waiver shall be applied to the claimant's determined overpayment. If a determination or decision allowing a waiver is modified or reversed by subsequent determination or decision, the waiver shall be applied in accordance with such modification or denial. No injunction, supersedeas, stay, or other writ or process suspending a waiver shall be issued;
- (d) Unless such appeal is withdrawn, a referee, after affording the parties reasonable opportunity for a fair hearing, shall affirm or modify the determination. The parties shall be duly notified of his or her decision, together with the reasons therefor, which shall be deemed to be the final decision unless further appeal is initiated under KRS 341.430 within thirty (30) days after the date of mailing of such decision; and
- (e) No finding of fact or law, judgment, conclusion, or final order made with respect to an overpayment waiver under this chapter may be conclusive or binding in any separate or subsequent action or proceeding in another forum, except proceedings under this chapter, regardless of whether the prior action was between the same or related parties or involved the same facts.
- (4) The secretary shall not initiate overpayment recovery until lapse of the thirty (30) day period provided in subsection (3) of this section.