

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Rooney offered the following:

Amendment

5 Remove lines 621-624 and insert:

6 the date on which ~~that~~ the discharge occurred.

7 (c) Audits.-

8 1. The department is authorized to perform financial and
 9 technical audits in order to verify site restoration costs and
 10 ensure compliance with this chapter. The department shall seek
 11 recovery of any overpayments based on the findings of these
 12 audits. The department must commence any audit within 5 years
 13 after the date of payment for costs incurred at a facility,
 14 except in cases where the department alleges specific facts
 15 indicating fraud.

16 2. Upon determination by the department that any portion
 17 of costs which have been paid from the fund are disallowed, the

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18 department shall give written notice to the recipient of the
19 payment setting forth with specificity the allegations of fact
20 which justify the department's proposed action and ordering
21 repayment of disallowed costs within 60 days of notification of
22 the recipient.

23 3. If the recipient does not make payment to the
24 department within 60 days of receipt of such notice, the
25 department shall seek recovery in a court of competent
26 jurisdiction to recover any overpayments, unless the department
27 finds the amount involved too small or the likelihood of
28 recovery too uncertain.

29 4. In addition to the amount of any overpayment, the
30 recipient shall be liable to the department for interest of 1
31 percent per month or the prime rate, whichever is less, on the
32 amount of overpayment, from the date of overpayment by the
33 department until the recipient satisfies the department's
34 request for repayment pursuant to this paragraph. The accrual of
35 interest shall be tolled during the pendency of any litigation.

36 (d) Any claims that accrued under the former reimbursement
37 or preapproval programs are expressly preserved.
38