

350.509 Duties of commission.

The commission shall be attached to the cabinet for administrative purposes and staffed by the Office of the Reclamation Guaranty Fund established pursuant to KRS 350.512. The commission shall:

- (1) Review, recommend, and promulgate administrative regulations pursuant to KRS Chapter 13A, which are necessary to:
 - (a) Monitor and maintain the fund;
 - (b) Establish a structure for the administration of processing claims and making payments;
 - (c) Establish mechanisms for review of the viability of the fund and criteria for determining when a recommendation shall be made to the secretary of the cabinet to close the fund for failure to maintain actuarial soundness;
 - (d) Set the schedule of penalties consistent with this chapter associated with late payment, failure to pay, and defrauding the commission through the submission of fraudulent information or withholding requested documentation;
 - (e) Review, in accordance with the applicable administrative regulations of the cabinet and KRS 350.515 and 350.518, all assignments of permittee classification of mine type and assessment of established fees; and
 - (f) Establish a structure for the payment of the assessments required in KRS 350.515(2)(b) and 350.518;
- (2) Notify permittees of suspension or reinstatement of the fees required by KRS 350.518(2);
- (3) Employ, in accordance with KRS 45A.690 to 45A.725, a certified public accountant in good standing to perform an annual audit of the fund for the first five (5) years of the operations of the fund. Thereafter, the commission shall have audits performed every two (2) years or more frequently as determined necessary by the commission. Audit results shall be reported to the commission and to the Governor;
- (4) Employ, in accordance with KRS 45A.690 to 45A.725, a qualified actuary to perform an actuarial study annually for the first three (3) years of the operations of the fund. Thereafter, the commission shall have actuarial studies performed every two (2) years or more frequently as determined necessary by the commission. Results of these studies shall be reported to the commission and to the Governor;
- (5) Perform all functions necessary and authorize expenditures from the fund necessary to carry out the provisions of law and the administrative regulations of the commission;
- (6) Report to the Governor and the Interim Joint Committee on Natural Resources and Environment no later than December 31 of each year as to the financial status of the reclamation guaranty fund;
- (7) Conduct investigations and issue subpoenas on behalf of the commission to verify reporting, payment, and other activities of permittees related to the fund. All documents produced in response to investigations and subpoenas by the commission shall remain confidential and not subject to the provisions of KRS

61.870 to 61.882; and

- (8) Bring an action in Franklin Circuit Court against any permittee for the recovery of funds spent by the commission by reason of forfeiture of that permittee. The commission may utilize the legal department of the cabinet for this purpose.

Effective: March 22, 2013

History: Created 2013 Ky. Acts ch. 78, sec. 4, effective March 22, 2013.