

STATEMENT OF CONSIDERATION
RELATING to 803 KAR 25:220

Labor Cabinet, Department of Workers' Claims
(Not Amended After Comments)

I. The public hearing on 803 KAR 25:220, scheduled for May 25, 2021, at 10:00 a.m., to be held by videoconference by the Department of Workers' Claims, Mayo-Underwood Building, 3rd Floor, 500 Mero Street, Frankfort, Kentucky, was held by Interim Commissioner Robert Walker. One (2) public comments was made at the hearing. One (1) written comment was received during the public comment period.

II. The following persons were noted as attendees or offered comment:

(a) Gary Davis, Executive Director, Kentucky Coal Employers' Self-Insurance Guaranty Fund

III. The following persons from the administrative body were present at the hearing or responded to comments:

(1) Robert Walker, Interim Commissioner, Department of Workers' Claims

(2) B. Dale Hamblin, Jr., Assistant General Counsel, Workers' Claims Legal Division

(3) Scott Wilhoit, Special Assistant to the Commissioner, Department of Workers' Claims

IV Summary of Comments and Responses

(1) SUBJECT MATTER: Powers and Duties of the Guaranty Funds.

(a) Comment: Gary Davis - The comment asserted security proceeds no longer constituted security. However, the comment then requested an amendment be made to the proposed administrative regulation that described the treatment and use of the security proceeds in a way that was consistent with the use of security; namely to pay the incurred compensation liabilities of the formerly self-insured employer who was a member of a guaranty fund. The comment included language it asserted would accomplish the amendment it sought.

(b) Response: The Department has considered the comment but no amendment was made in response to this comment.

V. SUMMARY OF STATEMENT OF CONSIDERATION AND
ACTION TAKEN BY PROMULGATING ADMINISTRATIVE BODY

The public hearing on this administrative regulation was held and one written comment was received reiterating the spoken comment. The Department of Workers' Claims responded to the comment and will not be amending this administrative regulation.