

REFERENCE TITLE: DES; waiver of overpayment

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1398

Introduced by
Senators Hatathlie: Diaz, Fernandez, Gonzales, Hernandez, Terán

AN ACT

AMENDING SECTION 46-213, ARIZONA REVISED STATUTES; RELATING TO PUBLIC ASSISTANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 46-213, Arizona Revised Statutes, is amended to
3 read:

4 46-213. Duty of recipient to notify department of change in
5 status; recovery of excess assistance paid;
6 violation; classification

7 A. If at any time while receiving assistance the recipient of ~~such~~
8 THAT assistance knowingly acquires any property or receives any increase
9 in income or property, or both, in excess of income or property declared
10 at the time of determination or redetermination of eligibility, or if
11 there is any other change in circumstances affecting the recipient's
12 eligibility, the recipient ~~shall~~ within the number of days specified by
13 rules of the department SHALL notify the department and provide
14 verification of the acquisition of such property, receipt of such income
15 or change in circumstances. Any recipient of aid who knowingly fails to
16 ~~do so~~ NOTIFY THE DEPARTMENT is guilty of a class 2 misdemeanor.

17 B. If a recipient is overpaid for whatever reason, the recipient is
18 liable for the amount of the overpayment. The department of economic
19 security with the concurrence of the department of law shall determine the
20 method of securing repayment ~~which~~ THAT is most appropriate to the
21 particular situation. If there are insufficient assets or resources to
22 justify collection, IF THE RECIPIENT IS SUFFERING FROM AN ECONOMIC
23 HARDSHIP, if the recipient has not obtained assistance or services by
24 intentional misrepresentation or if the overpayment was due to an error on
25 the part of the department of economic security, the department may waive
26 a repayment by the recipient. THE DEPARTMENT MAY WAIVE ANY REPAYMENT
27 OBLIGATION FOR A RECIPIENT WHO IS OVERPAID IF THAT RECIPIENT IS NOT
28 REFERRED TO THE ATTORNEY GENERAL'S OFFICE FOR PROSECUTION. The department
29 of economic security, with the assistance of the department of law, may
30 institute appropriate court proceedings to recover overpayments.

31 C. Each warrant issued as an assistance payment shall contain a
32 statement on the reverse side of the warrant relating to the recipient's
33 eligibility. The wording of this statement shall be determined by the
34 department.

35 D. THE WAIVER OF REPAYMENT OBLIGATIONS PRESCRIBED IN SUBSECTION B
36 OF THIS SECTION APPLIES RETROACTIVELY TO A RECIPIENT WHO RECEIVED AN
37 OVERPAYMENT AND WHO HAS NOT ENTERED INTO A CONTRACTUAL AGREEMENT WITH THE
38 DEPARTMENT FOR REPAYMENT ON OR BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT
39 TO THIS SECTION.