

1 AN ACT relating to unemployment insurance benefits.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 341.413 is amended to read as follows:

4 Notwithstanding any state law to the contrary, for unemployment insurance claims filed  
5 between January 27, 2020, and December 31, 2020:

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

8 (a) Was made without fault on the part of the recipient; and

9 (b) Recovery would be contrary to equity and good conscience;

10 (2) (a) Requests for waiver of overpayment of benefits under subsection (1) of this  
11 section shall be made within one (1) year~~[thirty (30) days]~~ after the date the  
12 secretary mails to the alleged overpayment recipient the notification of the  
13 overpayment determination via first-class United States Mail. ***Before July 1,***  
14 ***2024,*** the secretary shall resend any notices of overpayment sent prior to ***the***  
15 ***effective date of this Act***~~[March 12, 2021]~~. The new notices shall restart the  
16 one (1) year~~[thirty (30) day]~~ period for the alleged overpayment recipient to  
17 request repayment waiver.

18 (b) Notice of the secretary's determination shall include information explaining  
19 how the alleged overpayment recipient may request a waiver of overpayment  
20 and explain how the alleged overpayment recipient may appeal the secretary's  
21 final determination by requesting an appeal of the determination pursuant to  
22 KRS 341.420.

23 (c) The secretary shall not initiate ***or pursue*** overpayment recovery until lapse of  
24 the one (1) year~~[thirty (30) day]~~ period provided in this subsection.

25 (d) Overpayments collected shall be returned to the federal government if the  
26 overpayments were paid from Coronavirus Aid, Relief, and Economic  
27 Security (CARES) Act dollars and a waiver was not granted pursuant to

1 subsection (1) of this section.

2 **(3) (a) On or after the effective date of this Act, a recipient may submit a request**  
3 **for waiver of overpayment of benefits under subsections (1) and (2) of this**  
4 **section, regardless of any prior adjudication or agreement relating to the**  
5 **alleged overpayment of benefits, with all rights to appeal the secretary's**  
6 **final determination pursuant to subsection (2)(b) of this section and KRS**  
7 **341.420.**

8 **(b) In the event that the alleged overpayment recipient has already paid all or**  
9 **any portion of the alleged overpayment, and it is determined by adjudication**  
10 **or agreement pursuant to a request for waiver of overpayment of benefits**  
11 **submitted pursuant to paragraph(a) of this subsection that the recipient is**  
12 **obligated to pay an amount less than the amount previously paid, the**  
13 **recipient shall be refunded the appropriate amount.**

14 ➔Section 2. Whereas it is vital to address pending claims for benefits and pending  
15 claims of alleged overpayments, an emergency is declared to exist, and this Act takes  
16 effect upon its passage and approval by the Governor or upon its otherwise becoming a  
17 law.