

1 AN ACT relating to unemployment insurance benefits and declaring an emergency.

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 September 6, 2021~~[December 31, 2020]~~:

6 (1) ~~[Upon request of the alleged overpayment recipient,]~~The secretary shall~~[may]~~
7 waive an 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 thirty (30) days after the date the secretary mails
12 to the alleged overpayment recipient the notification of the overpayment
13 determination via first class United States Mail. The secretary shall resend
14 any notices of overpayment sent prior to March 12, 2021. The new notices
15 shall restart the thirty (30) day period for the alleged overpayment recipient to
16 request repayment waiver.~~

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

22 ~~(c) The secretary shall not initiate overpayment recovery until lapse of the thirty
23 (30) day period provided in this subsection.~~

24 ~~(d)]~~Overpayments collected shall be returned to the federal government if the
25 overpayments were paid from Coronavirus Aid, Relief, and Economic
26 Security (CARES) Act dollars and a waiver was not granted pursuant to
27 subsection (1) of this section.

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