

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. The secretary  
14 shall resend any notices of overpayment sent prior to March 12, 2021.  
15 Any~~[The]~~ new notices sent by the secretary after March 12, 2021, shall  
16 restart the one (1) year~~[thirty (30) day]~~ period for the alleged overpayment  
17 recipient to 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 overpayment recovery until lapse of the one (1)  
24 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) On or after the effective date of this Act, the claimant may request a new hearing**  
3 **for any actions under this section relating to notice that the claimant received**  
4 **after March 12, 2021, but are still within the one (1) year period.**