SENATE FILE NO. SF1002


Sponsored by: Management Council

A BILL

for

AN ACT relating to emergency aid and emergency procedures in response to the COVID-19 novel coronavirus pandemic; amending unemployment benefits; authorizing agreements with the federal government and the expenditure of federal funds; creating programs to avoid the eviction of needy persons; amending the unemployment compensation program; amending the worker's compensation program; providing additional authority to the governor; providing for a worker's compensation premium credit; amending a prior worker's compensation premium credit; providing an appropriation; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 9-7-106(a) by creating a new paragraph (ix), 27-14-102(a)(xi)(A) and 27-14-201(q)(i) and
(ii) and by creating a new subsection (u) are amended to read:

9-7-106. Community development authority; additional powers; purchase of mortgages; loans to lenders; funds appropriated for low interest mortgages.

(a) In addition to the other powers granted in this act, the authority:

(ix) Shall perform other duties consistent with its purpose as authorized by the legislature for the period prescribed by the legislature.

27-14-102. Definitions.

(a) As used in this act:

(xi) "Injury" means any harmful change in the human organism other than normal aging and includes damage to or loss of any artificial replacement and death, arising out of and in the course of employment while at work in or about the premises occupied, used or controlled by the
employer and incurred while at work in places where the employer's business requires an employee's presence and which subjects the employee to extrahazardous duties incident to the business. "Injury" does not include:

(A) Any illness or communicable disease unless the risk of contracting the illness or disease is increased by the nature of the employment. For the period beginning January 1, 2020 through December 31, 2020, COVID-19 caused by the novel coronavirus and symptoms consistent with having contracted COVID-19 shall be considered an injury for purposes of this act and the nature of all employment for which coverage is provided by this act shall be presumed to increase the risk of contracting COVID-19;

27-14-201. Rates and classifications; rate surcharge.

(q) The division may, in accordance with its rules and regulations, grant a premium credit to rates established under this section if it is determined by a qualified actuary retained by the division that the fund will remain fully reserved after the premium credit is
granted and implemented. If the division determines to
grant a premium credit, the percentage of credit allowed
for the rate year shall be the same for all employers
qualified pursuant to paragraph (iii) of this subsection.
The following provisions shall also apply to the premium
credit program:

(i) The premium credit to an employer may be
applied only against premiums due in the year in which the
credit was issued. The premium credit can only be used to
offset premiums, and in no case can the premium be redeemed
by an employer for cash;

(ii) Any premium credits unclaimed at the end of
the year shall expire as provided by law. If no law
provides for the expiration of credits, credits shall
expire as determined by the division;

(u) No injury related to COVID-19 for which coverage
is provided under this act and for which a claim arose on
or before December 31, 2020 shall be chargeable to an
employer's experience rating under this section.
Section 2. 2020 Wyoming Session Laws, Chapter 146, Section 1, Enrolled Act No. 49, is amended to read:

Section 1. Pursuant to W.S. 27-14-201(q), the department of workforce services shall establish a premium credit for any employer who has made all required worker's compensation payments for the period beginning January 1, 2019 and ending December 31, 2019. To qualify for the credit, an employer shall be in good standing with the worker's compensation division within the department of workforce services for all required worker's compensation payments by June 15, 2020. Premium credits granted under this act shall become effective on August 1, 2020 and may be used for premium reporting periods from July 1, 2020 through December 31, 2020. Any unused credit will expire January 31, 2021.

Section 3. Notwithstanding any state law to the contrary and to the extent not inconsistent with maintenance of the solvency of the unemployment
compensation fund, the governor and the department of workforce services are authorized to enter into an agreement with the federal secretary of labor for the operation and administration of a short-time compensation program under section 2109 of the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, and to utilize any federal funding or assistance made available for that purpose. Any short-time compensation program operated pursuant to the authority granted by this section shall terminate on March 15, 2021.

Section 4.

(a) For the necessary support of the poor and in order to maintain safe, decent and sanitary housing for persons living in Wyoming, the Wyoming community development authority, created by W.S. 9-7-104, shall establish and maintain a temporary program for the payment of rent and avoidance of evictions for persons impacted by the COVID-19 coronavirus pandemic. The authority shall accept applications for program awards on forms provided by the authority. Awards shall:
(i) Provide payment to any applicant who is the owner of property leased or rented to a residential tenant in Wyoming and who has lost twenty-five percent (25%) or more of the rental income generated by the property as a result of the COVID-19 coronavirus pandemic as provided in this section. Rental income shall be measured using rental amounts actually charged for the applicable property on March 1, 2020 and any claimed losses may be offset by other grants, loans or other benefits received. A rebuttable presumption of loss resulting from the COVID-19 coronavirus pandemic shall be created if the applicant can demonstrate the loss of rental income within ninety (90) days after issuance of the governor's March 13, 2020 public health emergency declaration, executive order 2020-2;

(ii) Provide monthly payments in the amount of monthly lost rental income, continuing until the governor orders that payments under the program shall stop or until December 31, 2020, whichever occurs first, but in no event for less than ninety (90) days from the effective date of this act;
(iii) Be conditioned on the award applicant certifying that the award will be utilized to provide housing to a household where one (1) or more household members have experienced lost hourly income pay, have been terminated or laid-off from their employment or have been subject to a reduction in work hours as a result of the COVID-19 coronavirus pandemic and are unable to pay rent;

(iv) Be conditioned upon and made in consideration of:

(A) The award applicant not evicting for the tenant's failure to pay rent any tenant living at a property for which the applicant is receiving payments under this section;

(B) The award applicant not charging any tenant living at a property for which the applicant is receiving payments under this section any rental amount for which the applicant receives payment under this section and, if an award is for less than the total rental amount charged for a property, not charging any total rental
amount at that property in excess of the rental amounts actually charged for the property on March 1, 2020.

(b) The Wyoming community development authority shall promulgate any emergency and regular rules necessary to administer the program authorized by this section. The rules may include reporting requirements for award recipients, including requirements that an award recipient report the receipt of other COVID-19 related grants, loans or aid. The authority shall adopt rules requiring any reporting or the performance of other obligations necessary to comply with the terms of use of available federal funding.

(c) There is appropriated to the governor up to ten million dollars ($10,000,000.00) from any federal funds made available for expenditure through the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, or from any other available federal funds related to the COVID-19 emergency response. If a COVID-19 relief account or other similarly named account is created for the deposit of COVID-19 related emergency response funds, this appropriation shall be made from that account. This
1 appropriation shall be used for the establishment and
2 operation of the program authorized by this section. This
3 appropriation shall not be transferred or expended for any
4 other purpose. Any unexpended, unobligated funds remaining
5 from this appropriation on December 31, 2020 shall revert
6 as provided by law.
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8 (d) The attorney general shall review in writing the
9 legality of the program authorized by this section.
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11 (e) No expenditure of funds shall be made under this
12 section except in accordance with state and federal laws,
13 regulations and orders.
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15 (f) The program authorized by this section shall
16 terminate and this section shall be repealed on March 15, 2021.
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18 Section 5. Pursuant to W.S. 27-14-201(q), and in
19 addition to the premium credit provided by 2020 Wyoming
20 Session Laws, Chapter 146, Section 1, Enrolled Act No. 49,
21 the department of workforce services shall establish a
22 premium credit for any employer who has made all required
worker's compensation payments for the period beginning January 1, 2019 and ending December 31, 2019. To qualify for the credit, an employer shall be in good standing with the worker's compensation division within the department of workforce services for all required worker's compensation payments by June 15, 2020. Premium credits granted under this section shall become effective on July 1, 2020 and may be used for premium reporting periods from July 1, 2020 through June 30, 2021. Any unused credit will expire June 30, 2021.

Section 6. In addition to the list of benefits that shall not be charged to an employer's unemployment compensation account under W.S. 27-3-504(e), no benefits shall be charged to an employer's unemployment compensation account if the governor, by executive order outlining the basis for the order and with the adoption of adequate standards and safeguards to assure the continued actuarial soundness of the unemployment compensation fund, determines that the charges should not be charged due to circumstances related to the unique coronavirus COVID-19.
Section 7. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.