

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Emergency government action-Covid-19.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to emergency aid and emergency procedures in  
2 response to the COVID-19 novel coronavirus pandemic;  
3 providing legislative findings; expanding unemployment  
4 benefits; authorizing agreements with the federal government  
5 and the expenditure of federal funds; creating programs to  
6 avoid the eviction of needy persons; amending the  
7 unemployment insurance program; amending the worker's  
8 compensation program; providing an appropriation; and  
9 providing for an effective date.

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

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13 **Section 1. [LEGISLATIVE FINDINGS]**

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**Section 2.** W.S. 9-7-106(a) by creating a new subsection (ix), 27-3-504(e) by creating a new paragraph (ix), 27-14-102(a) (xi) (A) and 27-14-201 by creating new subsections (u) and (w) are amended to read:

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STAFF COMMENT  
The amendment to W.S. 9-7-106, below, is complimentary to the noncodified law created in section 4 of this bill draft. The noncodified law creates a new WCDA program to address COVID-19 related evictions. Noncodified law is used because of the temporary duration of the program.  
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**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.

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STAFF COMMENT

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W.S. 27-3-504 is amended below consistent with conversations with Director Cooley. She believes this change may be necessary to qualify the Unemployment Insurance program for full reimbursement under the CARES Act. The Department of Labor is currently reviewing this language.

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27-3-504. Separate employer's accounts; charging of

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accounts; when accounts not charged.

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(e) Benefits shall not be charged to an employer's

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account if:

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(vi) An individual receives benefits under this

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act for unemployment resulting directly from a major disaster

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declared by the United States President under 42 U.S.C. §

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5122(2) and the individual is otherwise eligible for federal

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disaster unemployment assistance;

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(ix) Based on evidence provided to the division by

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the employer, the division finds by a preponderance of the

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evidence that the benefits were paid as the result of a COVID-

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19 illness or as the result of any quarantine, isolation or

1 social distancing recommendation made by the state health  
 2 officer as a result of the COVID-19 pandemic. For purposes  
 3 of this paragraph, COVID-19 refers to the novel coronavirus  
 4 illness identified by the governor in his state of emergency  
 5 declaration of March 13, 2020, executive order 2020-2.

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CHAPTER 14 - WORKER'S COMPENSATION

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STAFF COMMENT

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LSO has not been directed to expand worker's  
 compensation coverage to new classes of workers who  
 were not previously covered. The amendment below,  
 however, provides worker's compensation coverage to  
 employees who contract COVID-19. Current law may  
 not provide COVID-19 coverage because communicable  
 diseases are covered only if the nature of the  
 employment increases the risk of contracting the  
 disease. The amendment establishes that COVID-19 is  
 an injury covered by Worker's Compensation and that  
 working in an occupation covered by Wyoming's  
 worker's compensation laws does increase the risk  
 of contracting COVID-19.

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27-14-102. Definitions.

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(a) As used in this act:

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(xi) "Injury" means any harmful change in the human

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organism other than normal aging and includes damage to or

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loss of any artificial replacement and death, arising out of

1 and in the course of employment while at work in or about the  
2 premises occupied, used or controlled by the employer and  
3 incurred while at work in places where the employer's business  
4 requires an employee's presence and which subjects the  
5 employee to extrahazardous duties incident to the business.

6 "Injury" does not include:

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8 (A) Any illness or communicable disease  
9 unless the risk of contracting the illness or disease is  
10 increased by the nature of the employment. COVID-19 caused  
11 by the novel coronavirus shall be considered an injury for  
12 purposes of this act and the nature of all employment for  
13 which coverage is provided by this act shall be considered to  
14 increase the risk of contracting COVID-19 for the period  
15 beginning January 1, 2020 through December 31, 2020;

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**STAFF COMMENT**

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The following statutory amendment would allow the  
20 award of premium credits to employers who, because  
21 of COVID-19, allowed their employees to engage in  
22 nonhazardous work (e.g. perform administrative  
23 tasks from home).

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

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1       (u) Upon application by an employer, the division may  
2 grant premium credits to rates established under this section  
3 if the division determines that an employer paid premiums for  
4 one (1) or more employees whose work duties or work locations  
5 were modified so as to substantially eliminate the  
6 extrahazardous nature of the work as the result of a COVID-  
7 19 illness or as the result of any quarantine, isolation or  
8 social distancing recommendation made by a public health  
9 officer as a result of the COVID-19 novel coronavirus  
10 pandemic. The following provisions shall apply to the premium  
11 credit program created by this subsection:

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13       (i) The fund shall remain fully reserved after  
14 premium credits are granted and implemented and the governor  
15 may delay the award of any premium credits until any fiscal  
16 impact caused by granting and implementing the credits can be  
17 reimbursed or paid into the fund by federal or other available  
18 funds;

19  
20       (ii) Premium credits shall be applied only against  
21 premiums due for the period beginning March 1, 2020 through  
22 December 31, 2020 and only to offset premiums that are due.

1 In no case shall the premium credit be redeemed by an employer  
2 for cash;

3

4 (iii) The premium credit, if granted, shall only  
5 be given to those employers who paid premiums prior to March  
6 1, 2020 and whose accounts are current on all amounts owed  
7 under the act, including premiums, case costs liability and  
8 penalties.

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STAFF COMMENT

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The following amendment establishes that COVID-19  
claims will not be counted in an employer's  
experience rating for purposes of the worker's  
compensation program. It is complimentary to the  
amendment to W.S. 27-14-102, which makes COVID-19  
an illness covered by worker's compensation.

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20 (w) No injury related to a COVID-19 illness for which  
21 coverage is provided under this act for a claim arising on or  
22 before December 31, 2020 shall be chargeable to an employer's  
23 experience rating under this section.

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25 **Section 3.** Notwithstanding any state law to the contrary  
26 and to the extent not inconsistent with maintenance of the  
27 solvency of the unemployment compensation fund, the governor

1 and the department of workforce services are authorized to  
 2 enter into an agreement with the federal secretary of labor  
 3 for the operation and administration of a short-time  
 4 compensation program under section 2109 of the Coronavirus,  
 5 Aid, Relief and Economic Security (CARES) Act, Public Law  
 6 116-136, and to utilize any federal funding or assistance  
 7 made available for that purpose. Any short-time compensation  
 8 program operated pursuant to the authority granted by this  
 9 section shall terminate on December 31, 2020.

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11 **Section 4.**

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**STAFF COMMENT**

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**The following language creates a temporary,  
 16 noncodified WCDA program for the payment of  
 17 residential rent payments for the needy.**

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20 (a) For the necessary support of the poor and in order  
 21 to maintain safe, decent and sanitary housing for persons  
 22 living in Wyoming, the Wyoming community development  
 23 authority, created by W.S. 9-7-104, shall establish and  
 24 maintain a temporary program for the payment of rent and  
 25 avoidance of evictions for persons impacted by the novel  
 26 coronavirus, COVID-19. The authority shall accept



1 applications for program awards on forms provided by the  
2 authority. Awards shall:

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4 (i) Provide payment to any applicant who is the  
5 owner of property leased or rented to a residential tenant in  
6 Wyoming and who has lost twenty-five percent (25%) or more of  
7 the rental income generated by the property as a result of  
8 the COVID-19 coronavirus pandemic as provided in this  
9 section. Rental income shall be measured using rental amounts  
10 actually charged for the applicable property on March 1, 2020  
11 and any claimed losses may be offset by other grants, loans  
12 or other benefits received. A rebuttable presumption of loss  
13 resulting from the COVID-19 coronavirus pandemic shall be  
14 created if the applicant can demonstrate the loss of rental  
15 income within forty-five (45) days after issuance of the  
16 governor's March 13, 2020 public health emergency  
17 declaration, executive order 2020-2;

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19 (ii) Provide monthly payments in the amount of  
20 monthly lost rental income, continuing until the governor  
21 orders that payments under the program shall stop or until  
22 December 31, 2020, whichever occurs first, but in no event

1 for less than ninety (90) days from the effective date of  
2 this act;

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4 (iii) Be conditioned on the award applicant  
5 certifying that the award will be utilized to provide housing  
6 to a household earning less than two hundred percent (200%)  
7 of the federal poverty level where one (1) or more household  
8 members have experienced lost hourly income pay, have been  
9 terminated or laid-off from their employment or who have been  
10 subject to a reduction in work hours as a result of the COVID-  
11 19 coronavirus pandemic;

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

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

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21 (B) The award applicant not charging any  
22 tenant living at a property for which the applicant is  
23 receiving payments under this section any rental amount for

1 which the applicant receives payment under this section and  
2 not charging any total rental amount at that property in  
3 excess of the rental amounts actually charged for the property  
4 on March 1, 2020.

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

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17 (c) There is appropriated to the governor up to twenty-  
18 five million dollars (\$25,000,000.00) from any federal funds  
19 made available for expenditure through the Coronavirus, Aid,  
20 Relief and Economic Security (CARES) Act, Public Law 116-136,  
21 or from any other available federal funds related to the  
22 COVID-19 emergency response. If a COVID-19 relief fund or  
23 other similarly named fund is created for the deposit of

1 COVID-19 related emergency response funds, this appropriation  
2 shall be made from that fund. This appropriation shall be  
3 used for the establishment and operation of the program  
4 authorized by this section. This appropriation shall not be  
5 transferred or expended for any other purpose. Any  
6 unexpended, unobligated funds remaining from this  
7 appropriation on [INSERT DATE] shall revert to [INSERT FUND]  
8 [or as otherwise provided by federal law].

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10 (d) The program authorized by this section shall not  
11 become operational without the written opinion of the  
12 attorney general certifying the legality of the program and  
13 all documents connected therewith.

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15 (e) The program authorized by this section shall  
16 terminate and this section shall be repealed on March 15,  
17 2021.

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19 **Section 5.** This act is effective immediately upon  
20 completion of all acts necessary for a bill to become law as  
21 provided by Article 4, Section 8 of the Wyoming Constitution.

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(END)