

**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 additional authority to the  
9 governor; providing for a worker's compensation premium  
10 credit; providing an appropriation; and providing for an  
11 effective date.

12

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

1 \*\*\*\*\*  
 2 **STAFF COMMENT**  
 3 **Bolded language indicates an amendment since**  
 4 **version 0.5 of this bill draft. Version 0.5 was the**  
 5 **version considered at Management Council's April**  
 6 **24, 2020 meeting.**  
 7 \*\*\*\*\*

8

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

10

11 **Section 2.** W.S. 9-7-106(a) by creating a new subsection  
 12 (ix), 27-3-504(e) by creating a new paragraph (ix), 27-14-  
 13 102(a) (xi) (A) and 27-14-201 by creating new subsections (u)  
 14 and (w) are amended to read:

15

16 \*\*\*\*\*  
 17 **STAFF COMMENT**  
 18 **The amendment to W.S. 9-7-106, below, is**  
 19 **complimentary to the noncodified law created in**  
 20 **section 4 of this bill draft. The noncodified law**  
 21 **creates a new WCDA program to address COVID-19**  
 22 **related evictions. Noncodified law is used because**  
 23 **of the temporary duration of the program.**

24 \*\*\*\*\*  
 25

26 **9-7-106. Community development authority; additional**  
 27 **powers; purchase of mortgages; loans to lenders; funds**  
 28 **appropriated for low interest mortgages.**

29

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

3  
4 (ix) Shall perform other duties consistent with  
5 its purpose as authorized by the legislature for the period  
6 prescribed by the legislature.

7

8 \*\*\*\*\*

9 STAFF COMMENT

10 The Department of Workforce Services has requested  
11 the amendment to W.S. 27-3-504, below, and  
12 indicated that it will allow the Unemployment  
13 Insurance program to receive full reimbursement  
14 under the CARES Act. DWS has submitted this  
15 language to the federal Department of Labor for  
16 review.

17 \*\*\*\*\*

18

19 27-3-504. Separate employer's accounts; charging of  
20 accounts; when accounts not charged.

21

22 (e) Benefits shall not be charged to an employer's  
23 account if:

24

25 (ix) The governor, by executive order outlining  
26 the basis for the order and with the adoption of adequate  
27 standards and safeguards for the continued actuarial  
28 soundness of the unemployment compensation fund, determines

1 that circumstances warrant that benefits not be charged to an  
2 employer's account.

3

4 CHAPTER 14 - WORKER'S COMPENSATION

5 \*\*\*\*\*

6 STAFF COMMENT

7 LSO has not been directed to expand worker's  
8 compensation coverage to new classes of workers who  
9 were not previously covered. The amendment below  
10 provides worker's compensation coverage to all  
11 employees who contract COVID-19 and who are  
12 currently eligible for worker's compensation  
13 benefits.

14

15 The amendment below is necessary because current  
16 law may not provide COVID-19 coverage. Communicable  
17 diseases are covered only if the nature of  
18 employment increases the risk of contracting the  
19 disease. The amendment establishes that COVID-19 is  
20 an injury covered by worker's compensation and that  
21 working in an occupation covered by Wyoming's  
22 worker's compensation laws does increase the risk  
23 of contracting COVID-19.

24 \*\*\*\*\*

25

26 27-14-102. Definitions.

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28 (a) As used in this act:

29

30 (xi) "Injury" means any harmful change in the human  
31 organism other than normal aging and includes damage to or  
32 loss of any artificial replacement and death, arising out of  
33 and in the course of employment while at work in or about the

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

5 "Injury" does not include:

6

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

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**STAFF COMMENT**

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The following statutory amendment would allow the award of premium credits to employers who, because of COVID-19, allowed their employees to engage in nonhazardous work (e.g. perform administrative tasks from home). DWS has indicated that the program created by this amendment may be burdensome and slow to apply. As a result, Management Council has requested an alternative approach - language that would extend an automatic premium credit to employers, similar to the premium credit authorized during the 2020 Budget Session. This option is provided in Section 5 of this bill draft, below.

\*\*\*\*\*

1           **27-14-201. Rates and classifications; rate surcharge.**

2

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

15

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

22

1                (ii) Premium credits shall be applied only against  
2 premiums due for the period beginning March 1, 2020 through  
3 December 31, 2020 and only to offset premiums that are due.  
4 In no case shall premium credits be redeemed by an employer  
5 for cash;  
6

7                (iii) Premium credits, if granted, shall only be  
8 given to those employers who paid premiums prior to March 1,  
9 2020 and whose accounts are current on all amounts owed under  
10 the act, including premiums, case costs liability and  
11 penalties.  
12

13 \*\*\*\*\*

14 **STAFF COMMENT**

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

21 \*\*\*\*\*  
22

23                (w) No injury related to a COVID-19 illness for which  
24 coverage is provided under this act for a claim arising on or  
25 before December 31, 2020 shall be chargeable to an employer's  
26 experience rating under this section.  
27

1 \*\*\*\*\*  
 2 **STAFF COMMENT**  
 3 Section 3, below, is a placeholder for any  
 4 noncodified or other law that may be necessary to  
 5 allow the Department of Workforce Services to  
 6 operate a Short-Time Compensation (STC)  
 7 ("Workshare") program. LSO is awaiting direction  
 8 from the Department on its proposed statutory  
 9 changes (if any) and its preferred approach toward  
 10 implementing a STC program under the provisions of  
 11 the CARES Act.  
 12 \*\*\*\*\*

13 **Section 3.** Notwithstanding any state law to the contrary  
 14 and to the extent not inconsistent with maintenance of the  
 15 solvency of the unemployment compensation fund, the governor  
 16 and the department of workforce services are authorized to  
 17 enter into an agreement with the federal secretary of labor  
 18 for the operation and administration of a short-time  
 19 compensation program under section 2109 of the Coronavirus,  
 20 Aid, Relief and Economic Security (CARES) Act, Public Law  
 21 116-136, and to utilize any federal funding or assistance  
 22 made available for that purpose. Any short-time compensation  
 23 program operated pursuant to the authority granted by this  
 24 section shall terminate on December 31, 2020.

25 \*\*\*\*\*  
 26 **STAFF COMMENT**  
 27 The following language creates a temporary,  
 28 noncodified WCDA program for the payment of  
 29 residential rent for the needy.  
 30 \*\*\*\*\*  
 31



1           **Section 4.**

2

3           (a) For the necessary support of the poor and in order  
4 to maintain safe, decent and sanitary housing for persons  
5 living in Wyoming, the Wyoming community development  
6 authority, created by W.S. 9-7-104, shall establish and  
7 maintain a temporary program for the payment of rent and  
8 avoidance of evictions for persons impacted by the novel  
9 coronavirus, COVID-19. The authority shall accept  
10 applications for program awards on forms provided by the  
11 authority. Awards shall:

12

13           (i) Provide payment to any applicant who is the  
14 owner of property leased or rented to a residential tenant in  
15 Wyoming and who has lost twenty-five percent (25%) or more of  
16 the rental income generated by the property as a result of  
17 the COVID-19 coronavirus pandemic as provided in this  
18 section. Rental income shall be measured using rental amounts  
19 actually charged for the applicable property on March 1, 2020  
20 and any claimed losses may be offset by other grants, loans  
21 or other benefits received. A rebuttable presumption of loss  
22 resulting from the COVID-19 coronavirus pandemic shall be  
23 created if the applicant can demonstrate the loss of rental

1 income within **ninety (90)** days after issuance of the  
2 governor's March 13, 2020 public health emergency  
3 declaration, executive order 2020-2;

4

5 (ii) Provide monthly payments in the amount of  
6 monthly lost rental income, continuing until the governor  
7 orders that payments under the program shall stop or until  
8 December 31, 2020, whichever occurs first, but in no event  
9 for less than ninety (90) days from the effective date of  
10 this act;

11

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

20

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

23

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

5  
6                   (B)    The award applicant not charging any  
7 tenant living at a property for which the applicant is  
8 receiving payments under this section any rental amount for  
9 which the applicant receives payment under this section and,  
10 **if an award is for less than the total rental amount charged**  
11 **for a property,** not charging any total rental amount at that  
12 property in excess of the rental amounts actually charged for  
13 the property on March 1, 2020.

14  
15               (b)    The Wyoming community development authority shall  
16 promulgate **any** emergency and regular rules necessary to  
17 administer the program authorized by this section on or before  
18 **(INSERT DATE)**. The rules may include reporting requirements  
19 for award recipients, including requirements that an award  
20 recipient report the receipt of other COVID-19 related  
21 grants, loans or aid. The authority shall adopt rules  
22 requiring any reporting or the performance of other

1 obligations necessary to comply with the terms of use of  
2 available federal funding.

3

4 (c) There is appropriated to the governor up to **ten**  
5 **million dollars (\$10,000,000.00)** from any federal funds made  
6 available for expenditure through the Coronavirus, Aid,  
7 Relief and Economic Security (CARES) Act, Public Law 116-136,  
8 or from any other available federal funds related to the  
9 COVID-19 emergency response. If a COVID-19 relief account or  
10 other similarly named account is created for the deposit of  
11 COVID-19 related emergency response funds, this appropriation  
12 shall be made from that account. This appropriation shall be  
13 used for the establishment and operation of the program  
14 authorized by this section. This appropriation shall not be  
15 transferred or expended for any other purpose. Any  
16 unexpended, unobligated funds remaining from this  
17 appropriation on **December 31, 2020** shall revert **as provided**  
18 **by law.**

19

20 (d) **The attorney general shall review in writing the**  
21 **legality of the program authorized by this section. No**  
22 **expenditure of funds shall be made under this section except**

1 in accordance with state and federal laws, regulations and  
2 orders.

3  
4 (e) The program authorized by this section shall  
5 terminate and this section shall be repealed on March 15,  
6 2021.

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8 \*\*\*\*\*

9

STAFF COMMENT

10 Pursuant to Management Council's request, the  
11 following section creates a worker's compensation  
12 premium credit that mirrors, and is in addition to,  
13 the premium credit passed during the 2020 Budget  
14 Session (2020 SF 89). DWS is currently determining  
15 the amount of credit that could be awarded under  
16 this section in addition to the 8.33% credit that  
17 will be implemented under the 2020 SF 89. Please  
18 note that, consistent with the requirements of W.S.  
19 27-14-201(q), this credit would be applied to all  
20 employers participating in the worker's  
21 compensation program and would not be targeted to  
22 employers impacted by the COVID-19 pandemic.

23

24

25 **Section 5.** Pursuant to W.S. 27-14-201(q), and in  
26 addition to the premium credit provided by 2020 Senate File  
27 89, 2020 Enrolled Act No. 49, the department of workforce  
28 services shall establish a premium credit for any employer  
29 who has made all required worker's compensation payments for  
30 the period beginning January 1, 2020 and ending May 31, 2020.  
31 To qualify for the credit, an employer shall be in good

1 standing with the worker's compensation division within the  
2 department of workforce services for all required worker's  
3 compensation payments by June 15, 2020. Premium credits  
4 granted under this section shall become effective on July 1,  
5 2020 and may be used for premium reporting periods from July  
6 1, 2020 through December 31, 2020. Any unused credit will  
7 expire January 31, 2021.

8

9 **Section 6.** This act is effective immediately upon  
10 completion of all acts necessary for a bill to become law as  
11 provided by Article 4, Section 8 of the Wyoming Constitution.

12

13

(END)