

SENATE FILE NO. SF0039

Workers' compensation-amendments.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to workers' compensation; authorizing
2 workers' compensation coverage for specified student
3 interns; providing for contributions by sponsoring learning
4 institutions and the computation of imputed earnings by
5 student interns as specified; amending time for coverage or
6 termination of workers' compensation coverage for corporate
7 officers or members of limited liability companies as
8 specified; increasing the burial benefit for workers
9 covered under the workers' compensation program;
10 authorizing the division of workers' safety and
11 compensation to make redeterminations as specified;
12 repealing a redundant provision; and providing for an
13 effective date.

14

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

16

1 **Section 1.** W.S. 27-14-108(k) and by creating a new
2 subsection (p), 27-14-205(b), 27-14-403(e)(ii) and
3 27-14-601(k)(vi) are amended to read:

4

5 **27-14-108. Extrahazardous industries, employments,**
6 **occupations; enumeration; definitions; optional coverage.**

7

8 (k) Any corporation or limited liability company
9 employing individuals covered pursuant to subsections (a)~~7~~
10 ~~(e)~~ or (j) of this ~~subsection~~ section may elect to obtain
11 coverage under this act for its corporate officers or
12 limited liability company members by electing to cover any
13 or all of its officers or members and notifying the
14 division in writing of its election ~~ninety (90) days prior~~
15 ~~to the beginning of the rate year~~ upon initial registration
16 with the division, or thirty (30) days prior to the
17 beginning of a calendar quarter. Notwithstanding subsection
18 (j) of this section, an employer shall not withdraw
19 coverage at any time during the ~~rate year for which~~
20 ~~coverage has been elected under this subsection. Coverage~~
21 ~~shall remain in effect for subsequent rate years unless the~~
22 ~~employer notifies the division in writing of his intent to~~
23 ~~withdraw coverage at least ninety (90) days prior to the~~
24 ~~beginning of the rate year~~ subsequent eight (8) calendar

1 quarters. Application for termination of coverage under
2 this subsection shall be filed in writing with the division
3 not less than thirty (30) days before any calendar quarter
4 following the initial eight (8) calendar quarters of
5 coverage.

6
7 (p) Any university of the state of Wyoming or any
8 community college, school district or private or parochial
9 school or college may elect to obtain coverage under this
10 act for any person who may at any time be receiving
11 training under any work or job training program for the
12 purpose of training or learning trades or occupations. The
13 bona fide student so placed shall be deemed an employee of
14 the respective university, community college, school
15 district or private or parochial school or college
16 sponsoring the training or rehabilitation program.

17
18 **27-14-205. State contributions; presumed pay of**
19 **specified employees.**

20
21 (b) For the purpose of determining employer
22 contributions under this act, all school-to-work
23 participants for which coverage has been elected under W.S.
24 27-14-108 (m), all persons receiving training under any work

1 or job training program for which coverage has been elected
2 under W.S. 27-14-108(p), all volunteers covered under this
3 act, mine rescue team members, recipients of any welfare
4 program performing work for a governmental entity, federal
5 programs which require coverage for their participants,
6 prisoners and probationers under W.S. 27-14-108(d)(ix) and
7 persons performing community service pursuant to a criminal
8 sentencing order, or a diversion agreement entered into
9 with a prosecuting authority, under W.S. 27-14-108(d)(xv),
10 are deemed to be paid for each month of active service, an
11 amount established by rule and regulation of the division
12 based upon the cost of the specific employment category to
13 the worker's compensation account. This amount shall be
14 established solely as a basis for determining employer
15 contributions and is not binding upon any employer as an
16 actual required salary for any volunteer or other
17 individual enumerated under this subsection. The division
18 shall report any anticipated deficiencies in contributions
19 due to this subsection to the legislature on or before
20 January 15 of each year.

21

22 **27-14-403. Awards generally; method of payment.**

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1 (e) If an injured employee dies as a result of the
2 work related injury whether or not an award under
3 paragraphs (a)(i) through (iv) of this section has been
4 made:

5
6 (ii) The burial expenses of the deceased
7 employee shall be paid in an amount not to exceed ~~two~~
8 ~~thousand five hundred dollars (\$2,500.00)~~ five thousand
9 dollars (\$5,000.00) together with an additional amount of
10 ~~two thousand five hundred dollars (\$2,500.00)~~ five thousand
11 dollars (\$5,000.00) to cover other related expenses, unless
12 other arrangements exist between the employer and employee
13 under agreement;

14
15 **27-14-601. Payment or denial of claim by division;**
16 **notice; objections; review and settlement of claims; filing**
17 **fee.**

18
19 (k) Determinations by the division pursuant to this
20 section and W.S. 27-14-605 shall be in accordance with the
21 following:

22
23 (vi) If timely written request for hearing is
24 not filed, the final determination by the division pursuant

1 to this subsection shall not be subject to further
2 administrative or judicial review, provided however that,
3 in its own discretion, the division may, whenever benefits
4 have been denied to a worker, make a redetermination within
5 one (1) year after the date of an original determination
6 regardless of whether or not a party has filed a timely
7 appeal pursuant to paragraph (iv) of this subsection.

8

9 **Section 2.** W.S. 27-14-108(n) is repealed.

10

11 **Section 3.** This act is effective July 1, 2002.

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13

(END)