

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; providing for
2 amendments to certain workers' compensation laws as
3 specified; amending the definition of "employee" to allow
4 workers' compensation coverage for county coroners;
5 requiring workers' compensation for county coroners as
6 specified; authorizing workers' compensation coverage for
7 specified student interns; providing for contributions by
8 sponsoring learning institutions and the computation of
9 imputed earnings by student interns as specified; amending
10 time for coverage or termination of workers' compensation
11 coverage for corporate officers or members of limited
12 liability companies as specified; increasing the burial
13 benefit for workers covered under the workers' compensation
14 program; authorizing the division of workers' safety and
15 compensation to make redeterminations as specified;

1 repealing a redundant provision; and providing for an
2 effective date.

3

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

5

6 **Section 1.** W.S. 27-14-102(a)(vii)(N), 27-14-108(d) by
7 creating a new paragraph (xvii), (k) and by creating a new
8 subsection (p), 27-14-205(b), 27-14-403(e)(ii) and
9 27-14-601(k)(vi) are amended to read:

10

11 **27-14-102. Definitions.**

12

13 (a) As used in this act:

14

15 (vii) "Employee" means any person engaged in any
16 extrahazardous employment under any appointment, contract
17 of hire or apprenticeship, express or implied, oral or
18 written, and includes legally employed minors and aliens
19 authorized to work by the United States department of
20 justice, immigration and naturalization service.

21 "Employee" does not include:

22

1 (N) An elected public official or an appointed member
2 of any governmental board or commission, except for a duly
3 elected or appointed sheriff or county coroner;

4
5 **27-14-108. Extrahazardous industries, employments,**
6 **occupations; enumeration; definitions; optional coverage.**

7
8 (d) This act applies to governmental entities engaged
9 in an industrial classification listed under subsection (a)
10 of this section and to employees of governmental entities
11 engaged in or employed as the following:

12
13 (xvii) County coroners and deputy county
14 coroners.

15
16 (k) Any corporation or limited liability company
17 employing individuals covered pursuant to subsections (a)
18 ~~(e)~~ or (j) of this ~~subsection~~ section may elect to obtain
19 coverage under this act for its corporate officers or
20 limited liability company members by electing to cover any
21 or all of its officers or members and notifying the
22 division in writing of its election ~~ninety (90) days prior~~
23 ~~to the beginning of the rate year~~ upon initial registration
24 with the division, or thirty (30) days prior to the

1 beginning of a calendar quarter. Notwithstanding subsection
2 (j) of this section, an employer shall not withdraw
3 coverage at any time during the ~~rate year for which~~
4 ~~coverage has been elected under this subsection. Coverage~~
5 ~~shall remain in effect for subsequent rate years unless the~~
6 ~~employer notifies the division in writing of his intent to~~
7 ~~withdraw coverage at least ninety (90) days prior to the~~
8 ~~beginning of the rate year~~ subsequent eight (8) calendar
9 quarters. Application for termination of coverage under
10 this subsection shall be filed in writing with the division
11 not less than thirty (30) days before any calendar quarter
12 following the initial eight (8) calendar quarters of
13 coverage.

14
15 (p) Any university of the state of Wyoming or any
16 community college, school district or private or parochial
17 school or college may elect to obtain coverage under this
18 act for any person who may at any time be receiving
19 training under any work or job training program for the
20 purpose of training or learning trades or occupations. The
21 bona fide student so placed shall be deemed an employee of
22 the respective university, community college, school
23 district or private or parochial school or college
24 sponsoring the training or rehabilitation program.

1

2 **27-14-205. State contributions; presumed pay of**
3 **specified employees.**

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

1 individual enumerated under this subsection. The division
2 shall report any anticipated deficiencies in contributions
3 due to this subsection to the legislature on or before
4 January 15 of each year.

5

6 **27-14-403. Awards generally; method of payment.**

7

8 (e) If an injured employee dies as a result of the
9 work related injury whether or not an award under
10 paragraphs (a)(i) through (iv) of this section has been
11 made:

12

13 (ii) The burial expenses of the deceased
14 employee shall be paid in an amount not to exceed ~~two~~
15 ~~thousand five hundred dollars (\$2,500.00)~~ five thousand
16 dollars (\$5,000.00) together with an additional amount of
17 ~~two thousand five hundred dollars (\$2,500.00)~~ five thousand
18 dollars (\$5,000.00) to cover other related expenses, unless
19 other arrangements exist between the employer and employee
20 under agreement;

21

22 **27-14-601. Payment or denial of claim by division;**
23 **notice; objections; review and settlement of claims; filing**
24 **fee.**

1

2 (k) Determinations by the division pursuant to this
3 section and W.S. 27-14-605 shall be in accordance with the
4 following:

5

6 (vi) If timely written request for hearing is
7 not filed, the final determination by the division pursuant
8 to this subsection shall not be subject to further
9 administrative or judicial review, provided however that,
10 in its own discretion, the division may, whenever benefits
11 have been denied to a worker, make a redetermination within
12 one (1) year after the date of an original determination
13 regardless of whether or not a party has filed a timely
14 appeal pursuant to paragraph (iv) of this subsection.

15

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

17

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

19

20

(END)