

ENROLLED ACT NO. 3, SENATE

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

AN ACT relating to workers' compensation; providing for amendments to certain workers' compensation laws as specified; amending the definition of "employee" to allow workers' compensation coverage for county coroners; requiring workers' compensation for county coroners as specified; authorizing workers' compensation coverage for specified student interns; providing for contributions by sponsoring learning institutions and the computation of imputed earnings by student interns as specified; amending time for coverage or termination of workers' compensation coverage for corporate officers or members of limited liability companies as specified; increasing the burial benefit for workers covered under the workers' compensation program; authorizing the division of workers' safety and compensation to make redeterminations as specified; repealing a redundant provision; and providing for an effective date.

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

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

27-14-102. Definitions.

(a) As used in this act:

(vii) "Employee" means any person engaged in any extrahazardous employment under any appointment, contract of hire or apprenticeship, express or implied, oral or written, and includes legally employed minors and aliens authorized to work by the United States department of

ORIGINAL SENATE
FILE NO. 0039

ENROLLED ACT NO. 3, SENATE

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

justice, immigration and naturalization service.
"Employee" does not include:

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

(P) A member of a limited liability company unless coverage is elected pursuant to W.S. ~~27-14-108(n)~~ 27-14-108(k).

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

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

(xvii) County coroners and deputy county coroners.

(k) Any corporation or limited liability company employing individuals covered pursuant to subsections (a), ~~(e)~~ or (j) of this ~~subsection~~ section may elect to obtain coverage under this act for its corporate officers or limited liability company members by electing to cover any or all of its officers or members and notifying the division in writing of its election ~~ninety (90) days prior to the beginning of the rate year~~ upon initial registration with the division, or thirty (30) days prior to the beginning of a calendar quarter. Notwithstanding subsection (j) of this section, an employer shall not withdraw coverage at any time during the ~~rate year for which coverage has been elected under this subsection. Coverage shall remain in effect for subsequent rate years unless the~~

ORIGINAL SENATE
FILE NO. 0039

ENROLLED ACT NO. 3, SENATE

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

~~employer notifies the division in writing of his intent to withdraw coverage at least ninety (90) days prior to the beginning of the rate year~~ subsequent eight (8) calendar quarters. Application for termination of coverage under this subsection shall be filed in writing with the division not less than thirty (30) days before any calendar quarter following the initial eight (8) calendar quarters of coverage.

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

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

(b) For the purpose of determining employer contributions under this act, all school-to-work participants for which coverage has been elected under W.S. 27-14-108(m), all persons receiving training under any work or job training program for which coverage has been elected under W.S. 27-14-108(p), all volunteers covered under this act, mine rescue team members, recipients of any welfare program performing work for a governmental entity, federal programs which require coverage for their participants, prisoners and probationers under W.S. 27-14-108(d)(ix) and persons performing community service pursuant to a criminal sentencing order, or a diversion agreement entered into with a prosecuting authority, under W.S. 27-14-108(d)(xv),

ORIGINAL SENATE
FILE NO. 0039

ENROLLED ACT NO. 3, SENATE

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

are deemed to be paid for each month of active service, an amount established by rule and regulation of the division based upon the cost of the specific employment category to the worker's compensation account. This amount shall be established solely as a basis for determining employer contributions and is not binding upon any employer as an actual required salary for any volunteer or other individual enumerated under this subsection. The division shall report any anticipated deficiencies in contributions due to this subsection to the legislature on or before January 15 of each year.

(c) For purposes of determining employer contributions under this act for officers of a corporation or members of a limited liability company electing coverage under W.S. 27-14-108(k), ~~and members of a limited liability company electing coverage under W.S. 27-14-108(n),~~ rates shall be applied for each officer or member covered under this act against the statewide average wage for the preceding twelve (12) month period as determined under W.S. 27-14-802(b).

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

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

(ii) The burial expenses of the deceased employee shall be paid in an amount not to exceed ~~two thousand five hundred dollars (\$2,500.00)~~ five thousand dollars (\$5,000.00) together with an additional amount of ~~two thousand five hundred dollars (\$2,500.00)~~ five thousand dollars (\$5,000.00) to cover other related expenses, unless

ORIGINAL SENATE
FILE NO. 0039

ENROLLED ACT NO. 3, SENATE

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

other arrangements exist between the employer and employee under agreement;

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

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

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

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

ORIGINAL SENATE
FILE NO. 0039

ENROLLED ACT NO. 3, SENATE

FIFTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2002 SPECIAL SESSION

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk