

ORIGINAL SENATE
FILE NO. 0033

ENROLLED ACT NO. 11, SENATE

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

AN ACT relating to workers' compensation; replacing the standard industrial classification system with the North American industry classification system for categorizing extrahazardous employment; repealing the standard industrial classification system as specified; conforming applicability of the classification systems; specifying applicability of the classification system for purposes of determining employers' premium rates for workers' compensation; and providing for an effective date.

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

Section 1. W.S. 27-14-108(a) by creating a new paragraph (ii) and (o) and 27-14-201(c)(viii) and by creating a new paragraph (ix) are amended to read:

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

(a) This act applies to the following, which shall be deemed extrahazardous employment:

(ii) Regardless of individual occupation, all workers employed in the following sectors, subsectors, industry groups and industries, as each is defined in the most recent edition of the North American Industry Classification System (NAICS) manual:

(A) Agriculture, sector 11:

(I) Subsector 113, forestry and logging:

(1) Industry group 1133, logging.

(B) Mining, sector 21;

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(C) Utilities, sector 22;

(D) Construction, sector 23;

(E) Manufacturing, sector 31-33;

(F) Wholesale trade, sector 42:

(I) Subsector 422, wholesale trade,
nondurable goods:

(1) Industry group 4225, farm
product raw materials, wholesale;

(2) Industry group 4226, chemical
and allied products, wholesale;

(3) Industry group 4227,
petroleum and petroleum products, wholesale;

(4) Industry group 4228, beer,
wine, and distilled alcoholic beverages, wholesale;

(5) Industry group 4229,
miscellaneous nondurable goods, wholesale.

(G) Retail trade, sector 44-45:

(I) Subsector 441, motor vehicle and
parts dealer;

(II) Subsector 444, building materials
and garden equipment and supplies:

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(1) Industry group 4441, building materials and supplies dealers:

a. NAICS industry 44419, other building materials.

(III) Subsector 445, food and beverage stores:

(1) Industry group 4452, specialty food stores:

a. NAICS industry 44521, meat markets;

b. NAICS industry 44522, fish and seafood markets;

c. NAICS industry 44529, other specialty stores.

(IV) Subsector 447, gasoline stations;

(V) Subsector 454, nonstore retailers:

(1) Industry group 4543, direct selling establishments:

a. NAICS industry 45431, fuel dealers.

(H) Transportation and warehousing, sector 48-49:

(I) Subsector 481, air transportation;

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transportation; (II) Subsector 484, truck

systems; (III) Subsector 485, urban transit

transportation; (IV) Subsector 486, pipeline

messengers; (V) Subsector 491, postal service;

storage. (VI) Subsector 492, couriers and

industries: (VII) Subsector 493, warehousing and

Information, sector 51:

publishing
(I) Subsector 511, publishing

newspaper, periodical, book and database publishers.
(1) Industry group 5111,

sector 53: (K) Real estate and rental and leasing,

of real estate. (I) Subsector 531, real estate:

services: (II) Subsector 532, rental and leasing
(1) Industry group 5311, lessors

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(1) Industry group 5321,
automotive equipment rental and leasing.

(M) Administrative and support and waste
management and remediation services, sector 56:

(I) Subsector 561, administrative and
support services:

(1) Industry group 5616,
investigation, guard and armored car services;

(2) Industry group 5617, services
to buildings and dwellings.

(II) Subsector 562, waste management
and remediation services.

(N) Educational services, sector 61:

(I) Subsector 611, educational
services:

(1) Industry group 6116, other
schools and instruction:

a. NAICS industry 61161,
fine arts schools;

b. NAICS industry 61162,
sports and recreation instruction;

c. NAICS industry 61169, all
other schools and instruction:

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i. United States NAICS
industry 611692, automobile driving schools.

(O) Health care and social services, sector
62:

(I) Subsector 621, ambulatory health
care services;

(II) Subsector 622, hospitals;

(III) Subsector 623, nursing and
residential care facilities;

(IV) Subsector 624, social assistance:

(1) Industry group 6241,
individual and family services;

(2) Industry group 6242,
community food and housing, and emergency and other relief
services;

(3) Industry group 6243,
vocational rehabilitation services.

(P) Except as provided under subsection (o)
of this section, arts, entertainment and recreation, sector
71;

(Q) Accommodation and food services, sector
72;

(R) Other services (except public
administration), sector 81:

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(I) Subsector 811, repair and maintenance;

(II) Subsector 812, personal and laundry services:

(1) Industry group 8123, dry-cleaning and laundry services;

(2) Industry group 8129, other personal services:

a. NAICS industry 81291, pet care (except veterinary services).

(S) Public administration, sector 92:

(I) Subsector 922, justice, public order and safety activities:

(1) Industry group 9221, justice, public order and safety activities:

a. NAICS industry 92212, police protection;

b. NAICS industry 92214, correctional institutions;

c. NAICS industry 92215, fire protection.

(II) Subsector 923, administration of human resource programs:

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(1) Industry group 9231,
administration of human resource programs:

a. NAICS industry 92312,
administration of public health programs;

b. NAICS industry 92313,
administration of human resource programs (except
education, public health and veterans' affairs programs);

c. NAICS industry 92314,
administration of veterans' affairs.

(III) Subsector 924, administration of
environmental quality programs.

(o) Notwithstanding ~~subdivision (a)(i)(G)(XVII)~~
subparagraph (a)(ii)(P) of this section and upon request of
an employer, the department may exclude employment from
coverage under this act if it determines the primary source
of revenue of the employer's business is derived from
operations classified under ~~both subdivision~~
~~(a)(i)(G)(XVII) and paragraph (h)(i)~~ subparagraph
(a)(ii)(P) of this section ~~and any of the following~~
industries:

(i) Agriculture, forestry, fishing and hunting,
sector 11:

(A) Subsector 111, crop production;

(B) Subsector 112, animal production;

(C) Subsector 113, forestry and logging;

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(I) Industry group 1131, timber tract operations;

(II) Industry group 1132, forest nurseries and gathering of forest products.

(D) Subsector 115, support activities for agriculture and forestry.

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

(c) Upon compliance with the rate making provisions of the Wyoming Administrative Procedure Act and written approval by the governor, the division shall determine the hazards of the different classes of employments and fix the premiums therefore at the lowest rate consistent with maintenance of an actuarially sound worker's compensation account and the creation of actuarially sound surplus and reserves, and for such purpose shall adopt a system of rating in such a manner as to take account of the peculiar hazard of each risk, mathematically and equally based on actual costs to the program in terms of number and extent of injuries and deaths, and shall use consultants or rating organizations as it determines necessary. The department shall submit an annual report with respect to proposed annual rate adjustments under this section to the joint labor, health and social services interim committee no later than October 1 of the year preceding the implementation of the rate adjustment. The total annual rate adjustment for any employment classification under this section is subject to the following limitations:

(viii) In determining rates under this section for employers specified under W.S. ~~27-14-108(a)(i)(F)(V)~~ 27-14-108(a)(ii)(G)(I), the division shall base the rates on one (1) rate classification for sales personnel and one

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(1) rate classification for all other personnel other than clerical:→

(ix) Notwithstanding paragraph (v) of this subsection, for the calendar year beginning January 1, 2003, rates shall be adjusted to reflect the reclassification of industry codes in accordance with the North American Industry Classification System (NAICS) manual, but in no case shall the base premium rate for any classification for the calendar year beginning January 1, 2003 exceed one hundred fifty percent (150%) of the lowest base rate assigned to any employer in that classification under the standard industrial classification manual for the preceding year.

Section 2. W.S. 27-14-108(a) (i) and (h) is repealed.

Section 3.

(a) This act shall apply to employer premium rate years that begin on or after January 1, 2003, as follows:

(i) For private sector employers, the employer premium rate year shall be adjusted and begin on January 1, 2003;

(ii) For employers described in W.S. 27-14-202(f), the employer premium year shall be adjusted and begin on July 1, 2003.

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Section 4. This act is effective January 1, 2003.

(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