



SF1002

Emergency powers-Covid-19-2.

Sponsored By: Management Council

AN ACT relating to emergency aid and emergency procedures in response to the COVID-19 novel coronavirus pandemic; clarifying immunity from civil liability; amending unemployment benefits; authorizing agreements with the federal government and the expenditure of federal funds; creating programs to avoid the eviction of needy persons; amending the unemployment compensation program; amending the worker's compensation program; providing additional authority to the governor; providing for a worker's compensation premium credit; amending a prior worker's compensation premium credit; providing an appropriation; and providing for an effective date.

5/7/2020 Bill Number Assigned
5/15/2020 S Received for Introduction
5/15/2020 S Introduced and Referred to SCOW
5/15/2020 S COW:Passed

SF1002S2001/ADOPTED

Page 3-lines 10 through 15 Delete and insert "if any employee in an employment sector for which coverage is provided by this act is infected with the COVID-19 Coronavirus, it shall be presumed that the risk of contracting the illness or disease was increased by the nature of the employment;".

Page 4-line 20 Delete "arose" and insert "was filed".

Page 4-line 21 Delete "December 31, 2020" and insert "December 30, 2020".

Page 4-line 22 After "section." insert "The division shall estimate the cost to the fund of an injury subject to this

subsection and shall deposit into the fund or dedicate within the fund the amount of the estimated cost but only to the extent federal monies are available for that purpose from the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, or from any other available federal monies related to the COVID-19 emergency response." VON FLATERN

SF1002S2002/FAILED

(CORRECTED COPY)

Page 1-line 5 Delete "needy".

Page 1-line 6 Delete "persons" and insert "tenants". HUTCHINGS

SF1002S2003/ADOPTED

Page 10-line 19 Before "Pursuant" insert "(a)".

Page 11-after line 10 Insert:

"(b) Notwithstanding premium payment requirements under the Wyoming Worker's Compensation Act, W.S. 27-14-101 through 27-14-806, the department of workforce services may grant an employer that is current on its required premium payments under the Wyoming Worker's Compensation Act a delay in the payment of premiums after applying any premium credits granted under subsection (a) of this section. The department may promulgate rules to grant a delay in premium payments under this subsection for any duration that will maintain the solvency of the workers compensation program and to the extent that funding is made available through the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, or from any other available federal funds related to the COVID-19 emergency response, to offset the delayed premiums."

Page 11-line 12 Before "In addition" insert "(a)".

Page 11-after line 21 Insert:

"(b) Notwithstanding contribution requirements under the Wyoming Employment Security Law, W.S. 27-3-101 through 27-3-706, the department of

workforce services may grant an employer that is current on its required contributions under the Wyoming Employment Security Law a delay in the payment of contributions. The department may promulgate rules to grant a delay in payment of contributions under this subsection for any duration that will maintain the solvency of the unemployment compensation program and to the extent that funding is made available through the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, or from any other available federal funds related to the COVID-19 emergency response, to offset the delayed contributions." KINSKEY, BITEMAN, BONER, DRISKILL, HICKS, HUTCHINGS, STEINMETZ

SF1002S2004/ADOPTED

Page 9-after line 2

Insert:

"(b) In addition or in the alternative to operating the program authorized by subsection (a) of this section, the governor is authorized through the Wyoming community development authority to establish and operate a temporary program to provide rent, security deposit, mortgage payment and hazard insurance assistance for residents of this state who are under the direct threat being dispossessed of their homes. Any program created under this subsection shall adhere to the principles and concepts of the Emergency Housing Assistance Program administered by the Montana Department of Commerce, established in response to COVID-19 coronavirus pandemic. The program authorized under this subsection shall:

(i) Limit program awards to residents in need who have suffered a loss in employment or a substantial loss in income as a result of the COVID-19 coronavirus pandemic and who own and occupy mortgaged residential property or are the tenants of rented or leased residential property;

(ii) Limit program awards to residents who have not received any other form of housing assistance as a result of the COVID-19 coronavirus pandemic;

(iii) Establish criteria for program eligibility to include required income thresholds and mandatory copayment obligations. Under this paragraph, an applicant's income shall include any unemployment insurance benefits received under the Wyoming Employment Security Law, W.S. 27-3-101 through 27-3-706, and under Title II, Subdivision A of the of the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136. For the purpose of

this paragraph, an applicant's income shall not include economic impact payments received under section 2201 of the CARES Act;

(iv) Provide program awards until the governor orders that payments under the program shall stop or until December 31, 2020, whichever occurs first.

Page 9-line 4 Delete "(b)" and insert "(c)".

Page 9-line 6 Delete "program authorized by this section" and insert "programs authorized under subsections (a) and (b) of this section".

Page 9-line 15 Delete "(c)" and insert "(d)"; delete "ten".

Page 9-line 16 Delete "million dollars (\$10,000,000.00)" and insert "fifteen million dollars (\$15,000,000.00)".

Page 10-line 2 Delete "program authorized by this section" and insert "programs authorized under subsections (a) and (b) of this section".

Page 10-line 8 Delete "(d)" and insert "(e)".

Page 10-line 9 Delete "program authorized by this section" and insert "programs authorized under subsections (a) and (b) of this section".

Page 10-line 11 Delete "(e)" and insert "(f)".

Page 10-line 15 Delete "(f)" and insert "(g)"; delete "program authorized by this section" and insert "programs authorized under subsections (a) and (b) of this section". BEBOUT

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Von Flatern

Excused: Senator(s) Steinmetz, Wasserburger

Ayes 28 **Nays** 0 **Excused** 2 **Absent** 0 **Conflicts** 0

SF1002S2005/ADOPTED

Page 11-after line 21 Insert:

"Section 7. To carry out the expenditure of any federal funds provided to the state and appropriated for expenditure or obligation by the governor for COVID-19 related purposes, including funds made available from the Coronavirus Aid, Relief and Economic Security (CARES) Act, Public Law 116-136, or other similarly purposed federal act, and which funds do not accrue to any agency under W.S. 9-2-1006(a), the governor is authorized to establish by order or rule any emergency program that is consistent with the terms of the federal gift, grant or appropriation if the program can be fully supported by federal funds appropriated by the legislature or by other existing appropriations. The governor is authorized to waive any fees charged by state government and recoup the cost of any waiver of fees from federal funds provided under the CARES Act, if permissible under the CARES Act. Any emergency program created under the authority granted in this section shall expire on December 30, 2020 unless expressly continued by act of the legislature."

Page 12-line 1 Delete **"Section 7."** and insert **"Section 8."**. BONER, DOCKSTADER, DRISKILL, HICKS, KINSKEY, STEINMETZ

5/15/2020 S 2nd Reading:Passed

SF1002S3001/ADOPTED

(CORRECTED COPY)

Page 1-line 2 After "pandemic;" insert "providing temporary immunity from civil liability for damages and injuries resulting from exposure to coronaviruses as specified;".

Page 1-after line 13 Insert and renumber as necessary:

"Section 1. W.S. 1-1-139 is created to read:

1-1-139. Immunity from civil liability for coronavirus exposure or illness.

(a) As used in this section:

(i) "Business entity" means a corporation, association, partnership, trust, joint venture, sole proprietorship, limited liability company, limited liability partnership or other legal business entity and shall include both for profit and nonprofit entities. For purposes of this section, "business entity" shall include employees and agents of the business entity while the employee or agent is acting within the scope of his employment;

(ii) "Coronavirus" means severe acute respiratory syndrome coronavirus 2 (SARS CoV 2) or the disease caused by severe acute respiratory syndrome coronavirus 2.

(b) Except as provided in subsection (c) of this section, a property owner, property lessee, property user or a business entity is immune from civil liability for any action or omission that resulted in alleged exposure to or the contracting of coronavirus:

(i) On the property or premises of the property owner, property lessee, property user or business entity; or

(ii) At any other location where business is conducted.

(c) This section shall not grant immunity to a property owner, property lessee, property user or a business entity causing injury, death or loss through an action or omission of the property owner, property lessee, property user or a business entity that leads to any other person being exposed to or contracting coronavirus that constitutes:

(i) Willful or wanton misconduct;

(ii) Reckless infliction of harm or injury; or

(iii) Intentional infliction of harm or injury.

(d) This section shall apply to actions and omissions and injuries from actual or perceived exposure to coronavirus that occur from the effective date of 2020 House Bill 1002 or 2020 Senate File 1002, whichever is enacted into law, until December 31, 2021.

(e) This section is repealed effective December 31, 2021 and shall have no effect on or after that date.". ANSELMY-DALTON, DOCKSTADER, DRISKILL, KINSKEY, KOST

SF1002S3002/ADOPTED

Page 3-line 9 Delete "December 31, 2020" and insert "December 30, 2020".

Page 7-line 19 Delete ", but in no event" and insert ";".

Page 7-lines 20 and 21 Delete entirely.

Page 9-after line 2 In the Bebout second reading amendment (SF1002S2004/A) to this line, in paragraph (iv) of subsection (b) created by that amendment, delete "December 31, 2020" and insert "December 30, 2020".

Page 10-line 2 After "section." insert "Unless authorized by 2020 House Bill 1004 or 2020 Senate File 1004, if enacted into law,".

Page 10-line 4 After "purpose" insert "except that on or before September 15, 2020, the governor shall estimate the total amount of funds expended, obligated and necessary for operation of the program authorized by this section. Any funds appropriated under this subsection in excess of the total amount estimated by the governor are hereby reappropriated to the governor for the purposes specified in 2020 House Bill 1001 and 2020 Senate File 1001, if enacted into law. Funds reappropriated shall be subject to any limitations imposed by 2020 House Bill 1001 and 2020 Senate File 1001". PERKINS, VON FLATERN

5/15/2020 S 3rd Reading:Passed 25-4-1-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Coe, Dockstader, Driskill, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Schuler, Steinmetz, Von Flatern

Nays: Senator(s) Case, Ellis, Rothfuss, Scott

Excused: Senator Wasserburger

Ayes 25 **Nays** 4 **Excused** 1 **Absent** 0 **Conflicts** 0

5/16/2020 H Received for Introduction

5/16/2020 House:Pursuant to JR 23-1 (h) referred directly to 3rd Reading

5/16/2020 H Appointed JCC01 Members
Representative(s) Barlow, Connolly, Wilson

5/16/2020 S Appointed JCC01 Members
Senator(s) Driskill, Anselmi-Dalton, Nethercott

5/16/2020 S Adopted SF1002JC001: 27-2-1-0-0

SF1002JC001/SADOPTEDHADOPTED

Adopt the following Senate amendments:

SF1002S2001/A

SF1002S2003/A

SF1002S3002/A

Adopt the following House amendments:

HB1002H2002/A

HB1002H3002/A

Delete the following Senate amendments:

SF1002S2004/A

SF1002S2005/A

SF1002S3001/AC

Delete the following House amendments:

HB1002H2001/A

HB1002H3003/A

Further amend as follows:

Page 1-line 2 After "pandemic;" insert "clarifying immunity from
civil liability;".

Page 1-line 16 Delete "and" and insert ",".

Page 2-line 1 After "(u)" insert "and 35-4-114(a)".

"35-4-114. Immunity from liability.

(a) During a public health emergency as defined by W.S. 35-4-115(a)(i), any health care provider or other person, including a business entity, who in good faith follows the instructions of ~~the a~~ state, city, town or county health officer ~~in responding or who acts in good faith in responding~~ to the public health emergency is immune from any liability arising from complying with those instructions or acting in good faith. This immunity shall apply to health care providers who are retired, who have an inactive license or who are licensed in another state without a valid Wyoming license and while performing as a volunteer during a declared public health emergency as defined by W.S. 35-4-115(a)(i). This immunity shall not apply to acts or omissions constituting gross negligence or willful or wanton misconduct.". BARLOW, CONNOLLY, WILSON, DRISKILL, ANSELM-DALTON, NETHERCOTT

ROLL CALL

Ayes: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

Nays: Senator(s) Case, Rothfuss

Excused: Senator Agar

Ayes 27 **Nays** 2 **Excused** 1 **Absent** 0 **Conflicts** 0

5/16/2020 H Adopted SF1002JC001: 38-20-2-0-0

SF1002JC001/SADOPTEDHADOPTED

Adopt the following Senate amendments:

SF1002S2001/A

SF1002S2003/A

SF1002S3002/A

Adopt the following House amendments:

HB1002H2002/A

HB1002H3002/A

Delete the following Senate amendments:

SF1002S2004/A

SF1002S2005/A

SF1002S3001/AC

Delete the following House amendments:

HB1002H2001/A

HB1002H3003/A

Further amend as follows:

Page 1-line 2 After "pandemic;" insert "clarifying immunity from
civil liability;".

Page 1-line 16 Delete "and" and insert ",".

Page 2-line 1 After "(u)" insert "and 35-4-114(a)".

Page 4-after line 22 Insert:

"35-4-114. Immunity from liability.

(a) During a public health emergency as defined by W.S. 35-4-115(a)(i), any health care provider or other person, including a business entity, who in

good faith follows the instructions of ~~the~~ a state, city, town or county health officer ~~in responding or who acts in good faith in responding~~ to the public health emergency is immune from any liability arising from complying with those instructions or acting in good faith. This immunity shall apply to health care providers who are retired, who have an inactive license or who are licensed in another state without a valid Wyoming license and while performing as a volunteer during a declared public health emergency as defined by W.S. 35-4-115(a)(i). This immunity shall not apply to acts or omissions constituting gross negligence or willful or wanton misconduct.". BARLOW, CONNOLLY, WILSON, DRISKILL, ANSELM-DALTON, NETHERCOTT

ROLL CALL

Ayes: Representative(s) Barlow, Blake, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Eklund, Eyre, Freeman, Furphy, Gray, Haley, Hallinan, Hunt, Kirkbride, Laursen Dan, Macguire, Miller, Newsome, Nicholas, Northrup, Obermueller, Paxton, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Sweeney, Tass, Washut, Wilson, Winter, Yin

Nays: Representative(s) Blackburn, Brown, Burkhart, Burlingame, Duncan, Greear, Harshman, Henderson, Jennings, Kinner, Larsen Lloyd, Lindholm, Loucks, Olsen, Pelkey, Piiparinen, Styvar, Walters, Western, Zwonitzer

Excused: Representative(s) Edwards, Flitner

Ayes 38 **Nays** 20 **Excused** 2 **Absent** 0 **Conflicts** 0

5/16/2020 Assigned Number SEA No. 0002

5/16/2020 S President Signed SEA No. 0002

5/16/2020 H Speaker Signed SEA No. 0002