

## SENATE FILE NO. SF1002

Emergency powers-Covid-19-2.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to emergency aid and emergency procedures  
2 in response to the COVID-19 novel coronavirus pandemic;  
3 amending unemployment benefits; authorizing agreements with  
4 the federal government and the expenditure of federal  
5 funds; creating programs to avoid the eviction of needy  
6 persons; amending the unemployment compensation program;  
7 amending the worker's compensation program; providing  
8 additional authority to the governor; providing for a  
9 worker's compensation premium credit; amending a prior  
10 worker's compensation premium credit; providing an  
11 appropriation; and providing for an effective date.

12

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

14

15 **Section 1.** W.S. 9-7-106(a) by creating a new  
16 paragraph (ix), 27-14-102(a)(xi)(A) and 27-14-201(q)(i) and

1 (ii) and by creating a new subsection (u) are amended to  
2 read:

3

4 **9-7-106. Community development authority; additional**  
5 **powers; purchase of mortgages; loans to lenders; funds**  
6 **appropriated for low interest mortgages.**

7

8 (a) In addition to the other powers granted in this  
9 act, the authority:

10

11 (ix) Shall perform other duties consistent with  
12 its purpose as authorized by the legislature for the period  
13 prescribed by the legislature.

14

15 **27-14-102. Definitions.**

16

17 (a) As used in this act:

18

19 (xi) "Injury" means any harmful change in the  
20 human organism other than normal aging and includes damage  
21 to or loss of any artificial replacement and death, arising  
22 out of and in the course of employment while at work in or  
23 about the premises occupied, used or controlled by the

1 employer and incurred while at work in places where the  
2 employer's business requires an employee's presence and  
3 which subjects the employee to extrahazardous duties  
4 incident to the business. "Injury" does not include:

5  
6 (A) Any illness or communicable disease  
7 unless the risk of contracting the illness or disease is  
8 increased by the nature of the employment. For the period  
9 beginning January 1, 2020 through December 31, 2020,  
10 COVID-19 caused by the novel coronavirus and symptoms  
11 consistent with having contracted COVID-19 shall be  
12 considered an injury for purposes of this act and the  
13 nature of all employment for which coverage is provided by  
14 this act shall be presumed to increase the risk of  
15 contracting COVID-19;

16

17 **27-14-201. Rates and classifications; rate surcharge.**

18

19 (q) The division may, in accordance with its rules  
20 and regulations, grant a premium credit to rates  
21 established under this section if it is determined by a  
22 qualified actuary retained by the division that the fund  
23 will remain fully reserved after the premium credit is

1 granted and implemented. If the division determines to  
2 grant a premium credit, the percentage of credit allowed  
3 for the rate year shall be the same for all employers  
4 qualified pursuant to paragraph (iii) of this subsection.  
5 The following provisions shall also apply to the premium  
6 credit program:

7  
8 (i) ~~The premium credit to an employer may be~~  
9 ~~applied only against premiums due in the year in which the~~  
10 ~~credit was issued.~~ The premium credit can only be used to  
11 offset premiums, and in no case can the premium be redeemed  
12 by an employer for cash;

13  
14 (ii) Any premium credits ~~unclaimed at the end of~~  
15 ~~the year~~ shall expire as provided by law. If no law  
16 provides for the expiration of credits, credits shall  
17 expire as determined by the division;

18  
19 (u) No injury related to COVID-19 for which coverage  
20 is provided under this act and for which a claim arose on  
21 or before December 31, 2020 shall be chargeable to an  
22 employer's experience rating under this section.

23

1           **Section 2.** 2020 Wyoming Session Laws, Chapter 146,  
2 Section 1, Enrolled Act No. 49, is amended to read:

3  
4           **Section 1.** Pursuant to W.S. 27-14-201(q),  
5 the department of workforce services shall  
6 establish a premium credit for any employer who  
7 has made all required worker's compensation  
8 payments for the period beginning January 1, 2019  
9 and ending December 31, 2019. To qualify for the  
10 credit, an employer shall be in good standing  
11 with the worker's compensation division within  
12 the department of workforce services for all  
13 required worker's compensation payments by June  
14 15, 2020. Premium credits granted under this act  
15 shall become effective on August 1, 2020 and may  
16 be used for premium reporting periods from July  
17 1, 2020 through ~~December 31, 2020~~ June 30, 2021.  
18 Any unused credit will expire ~~January 31, 2021~~  
19 June 30, 2021.

20  
21           **Section 3.** Notwithstanding any state law to the  
22 contrary and to the extent not inconsistent with  
23 maintenance of the solvency of the unemployment

1 compensation fund, the governor and the department of  
2 workforce services are authorized to enter into an  
3 agreement with the federal secretary of labor for the  
4 operation and administration of a short-time compensation  
5 program under section 2109 of the Coronavirus Aid, Relief  
6 and Economic Security (CARES) Act, P.L. 116-136, and to  
7 utilize any federal funding or assistance made available  
8 for that purpose. Any short-time compensation program  
9 operated pursuant to the authority granted by this section  
10 shall terminate on March 15, 2021.

11

12 **Section 4.**

13

14 (a) For the necessary support of the poor and in  
15 order to maintain safe, decent and sanitary housing for  
16 persons living in Wyoming, the Wyoming community  
17 development authority, created by W.S. 9-7-104, shall  
18 establish and maintain a temporary program for the payment  
19 of rent and avoidance of evictions for persons impacted by  
20 the COVID-19 coronavirus pandemic. The authority shall  
21 accept applications for program awards on forms provided by  
22 the authority. Awards shall:

23

1           (i) Provide payment to any applicant who is the  
2 owner of property leased or rented to a residential tenant  
3 in Wyoming and who has lost twenty-five percent (25%) or  
4 more of the rental income generated by the property as a  
5 result of the COVID-19 coronavirus pandemic as provided in  
6 this section. Rental income shall be measured using rental  
7 amounts actually charged for the applicable property on  
8 March 1, 2020 and any claimed losses may be offset by other  
9 grants, loans or other benefits received. A rebuttable  
10 presumption of loss resulting from the COVID-19 coronavirus  
11 pandemic shall be created if the applicant can demonstrate  
12 the loss of rental income within ninety (90) days after  
13 issuance of the governor's March 13, 2020 public health  
14 emergency declaration, executive order 2020-2;

15

16           (ii) Provide monthly payments in the amount of  
17 monthly lost rental income, continuing until the governor  
18 orders that payments under the program shall stop or until  
19 December 31, 2020, whichever occurs first, but in no event  
20 for less than ninety (90) days from the effective date of  
21 this act;

22

1           (iii) Be conditioned on the award applicant  
2 certifying that the award will be utilized to provide  
3 housing to a household where one (1) or more household  
4 members have experienced lost hourly income pay, have been  
5 terminated or laid-off from their employment or have been  
6 subject to a reduction in work hours as a result of the  
7 COVID-19 coronavirus pandemic and are unable to pay rent;

8

9           (iv) Be conditioned upon and made in  
10 consideration of:

11

12           (A) The award applicant not evicting for  
13 the tenant's failure to pay rent any tenant living at a  
14 property for which the applicant is receiving payments  
15 under this section;

16

17           (B) The award applicant not charging any  
18 tenant living at a property for which the applicant is  
19 receiving payments under this section any rental amount for  
20 which the applicant receives payment under this section  
21 and, if an award is for less than the total rental amount  
22 charged for a property, not charging any total rental



1 amount at that property in excess of the rental amounts  
2 actually charged for the property on March 1, 2020.

3

4 (b) The Wyoming community development authority shall  
5 promulgate any emergency and regular rules necessary to  
6 administer the program authorized by this section. The  
7 rules may include reporting requirements for award  
8 recipients, including requirements that an award recipient  
9 report the receipt of other COVID-19 related grants, loans  
10 or aid. The authority shall adopt rules requiring any  
11 reporting or the performance of other obligations necessary  
12 to comply with the terms of use of available federal  
13 funding.

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15 (c) There is appropriated to the governor up to ten  
16 million dollars (\$10,000,000.00) from any federal funds  
17 made available for expenditure through the Coronavirus Aid,  
18 Relief and Economic Security (CARES) Act, P.L. 116-136, or  
19 from any other available federal funds related to the  
20 COVID-19 emergency response. If a COVID-19 relief account  
21 or other similarly named account is created for the deposit  
22 of COVID-19 related emergency response funds, this  
23 appropriation shall be made from that account. This

1 appropriation shall be used for the establishment and  
2 operation of the program authorized by this section. This  
3 appropriation shall not be transferred or expended for any  
4 other purpose. Any unexpended, unobligated funds remaining  
5 from this appropriation on December 31, 2020 shall revert  
6 as provided by law.

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8 (d) The attorney general shall review in writing the  
9 legality of the program authorized by this section.

10

11 (e) No expenditure of funds shall be made under this  
12 section except in accordance with state and federal laws,  
13 regulations and orders.

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15 (f) The program authorized by this section shall  
16 terminate and this section shall be repealed on March 15,  
17 2021.

18

19 **Section 5.** Pursuant to W.S. 27-14-201(q), and in  
20 addition to the premium credit provided by 2020 Wyoming  
21 Session Laws, Chapter 146, Section 1, Enrolled Act No. 49,  
22 the department of workforce services shall establish a  
23 premium credit for any employer who has made all required

1 worker's compensation payments for the period beginning  
2 January 1, 2019 and ending December 31, 2019. To qualify  
3 for the credit, an employer shall be in good standing with  
4 the worker's compensation division within the department of  
5 workforce services for all required worker's compensation  
6 payments by June 15, 2020. Premium credits granted under  
7 this section shall become effective on July 1, 2020 and may  
8 be used for premium reporting periods from July 1, 2020  
9 through June 30, 2021. Any unused credit will expire June  
10 30, 2021.

11

12 **Section 6.** In addition to the list of benefits that  
13 shall not be charged to an employer's unemployment  
14 compensation account under W.S. 27-3-504(e), no benefits  
15 shall be charged to an employer's unemployment compensation  
16 account if the governor, by executive order outlining the  
17 basis for the order and with the adoption of adequate  
18 standards and safeguards to assure the continued actuarial  
19 soundness of the unemployment compensation fund, determines  
20 that the charges should not be charged due to circumstances  
21 related to the unique coronavirus COVID-19.

22

1           **Section 7.** This act is effective immediately upon  
2 completion of all acts necessary for a bill to become law  
3 as provided by Article 4, Section 8 of the Wyoming  
4 Constitution.

5

6

(END)