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.

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

Section 1. W.S. 9-7-106(a) by creating a new paragraph (ix), 27-14-102(a) (xi)(A) and 27-14-201(q)(i), (ii) and by creating a new subsection (u) and 35-4-114(a) are amended to read:

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

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

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

27-14-102. Definitions.

(a) As used in this act:

(xi) "Injury" means any harmful change in the human organism other than normal aging and includes damage to or loss of any artificial replacement and death, arising out of and in the course of employment while at work in or
about the premises occupied, used or controlled by the employer and incurred while at work in places where the employer's business requires an employee's presence and which subjects the employee to extrahazardous duties incident to the business. "Injury" does not include:

(A) Any illness or communicable disease unless the risk of contracting the illness or disease is increased by the nature of the employment. For the period beginning January 1, 2020 through December 30, 2020, 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;

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

(q) The division may, in accordance with its rules and regulations, grant a premium credit to rates established under this section if it is determined by a qualified actuary retained by the division that the fund will remain fully reserved after the premium credit is granted and implemented. If the division determines to grant a premium credit, the percentage of credit allowed for the rate year shall be the same for all employers qualified pursuant to paragraph (iii) of this subsection. The following provisions shall also apply to the premium credit program:

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

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

(u) No injury related to COVID-19 for which coverage is provided under this act and for which a claim was filed on or before December 30, 2020 shall be chargeable to an employer's experience rating under this section. 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.

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 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.

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

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

Section 3. Notwithstanding any state law to the contrary and to the extent not inconsistent with maintenance of the solvency of the unemployment compensation fund, the governor and the department of workforce services are authorized to enter into an agreement with the federal secretary of labor for the operation and administration of a short-time compensation program under section 2109 of the Coronavirus Aid, Relief and Economic Security (CARES) Act, P.L. 116-136, and to utilize any federal funding or assistance made available for that purpose. Any short-time compensation program operated pursuant to the authority granted by this section shall terminate on March 15, 2021.

Section 4.

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

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

(ii) Provide monthly payments in the amount of monthly lost rental income, continuing until the governor orders that payments under the program
shall stop or until December 31, 2020, whichever occurs first;

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

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

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

(B) The award applicant not charging any tenant living at a property for which the applicant is receiving payments under this section any rental amount for which the applicant receives payment under this section and, if an award is for less than the total rental amount charged for a property, not charging any total rental amount at that property in excess of the rental amounts actually charged for the property on March 1, 2020.

(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 of 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) Deduct from any program award provided to a resident under this section any monetary assistance provided to a mortgage holder or owner of the residential property as a result of the COVID-19 coronavirus pandemic that accrues to the benefit of the resident in accordance with rules promulgated by the Wyoming community development authority;

(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 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 or similar payments received by an applicant as
the result of further federal action in response to the COVID-19 coronavirus pandemic;

(iv) Provide program awards until the governor orders that payments under the program shall stop or until December 30, 2020, whichever occurs first.

(c) The Wyoming community development authority shall promulgate any emergency and regular rules necessary to administer the programs authorized under subsections (a) and (b) of this section. The rules may include reporting requirements for award recipients, including requirements that an award recipient report the receipt of other COVID-19 related grants, loans or aid. The authority shall adopt rules requiring any reporting or the performance of other obligations necessary to comply with the terms of use of available federal funding.

(d) There is appropriated to the governor up to fifteen million dollars ($15,000,000.00) from any federal funds made available for expenditure 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. If a COVID-19 relief account or other similarly named account is created for the deposit of COVID-19 related emergency response funds, this appropriation shall be made from that account. This appropriation shall be used for the establishment and operation of the programs authorized under subsections (a) and (b) of this section. Unless authorized by 2020 House Bill 1004 or 2020 Senate File 1004, if enacted into law, this appropriation shall not be transferred or expended for any other purpose 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. Any unexpended, unobligated funds remaining from this appropriation on December 31, 2020 shall revert as provided by law.

(e) The attorney general shall review in writing the legality of the programs authorized under subsections (a) and (b) of this section.

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

(g) The programs authorized under subsections (a) and (b) of this section shall terminate and this section shall be repealed on March 15, 2021.

Section 5.

(a) Pursuant to W.S. 27-14-201(q), and in addition to the premium credit provided by 2020 Wyoming Session Laws, Chapter 146, Section 1, Enrolled Act No. 49, the department of workforce services shall establish a premium credit for any employer who has made all required worker's compensation payments for the period beginning January 1, 2019 and ending December 31, 2019. To qualify for
the credit, an employer shall be in good standing with the worker's compensation division within the department of workforce services for all required worker's compensation payments by June 15, 2020. Premium credits granted under this section shall become effective on July 1, 2020 and may be used for premium reporting periods from July 1, 2020 through June 30, 2021. Any unused credit will expire June 30, 2021.

(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.

Section 6.

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

(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.

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

(END)
I hereby certify that this act originated in the Senate.

Chief Clerk

1

Sponsor:
Mgt Council

Co-Sponsor:

Bill Versions and Resources:

Introduced Version initially introduced on the floor for debate.
Enrolled Version passed in both chambers with all adopted amendments.
Fiscal note Estimate of the fiscal and personnel impact to the state for the bill.
Digest A summary of proceedings for the bill as it moves through the process.
Summary A high level synopsis of the bill once it is signed into law.

Last Action:
Assigned Chapter Number 2

Last Action Date:
05/20/2020

Scheduled Committee Meetings
No Meetings Currently Scheduled

Scheduled Floor Sessions
No Floor Sessions Currently Scheduled

Session Laws Chapter Number:
CH0002

FISCAL NOTE

This bill contains an appropriation of $10,000,000 from any FEDERAL FUNDS made available for expenditure 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 the Governor's Office. This appropriation is effective immediately.

Description of appropriation:

Funds will be used for establishment and operation of a temporary program for payment of rent and avoidance of evictions for persons impacted by the COVID-19 pandemic. The
Wyoming Community Development Authority has no rental information to calculate the number of evictions and/or failures to pay rent. However, based on its mortgage portfolio, the WCDA currently has 450 forbearances which is 3% of its portfolio. It is assumed that the inability to pay rent could be higher than that of those unable to pay their mortgages as renters typically on average have a lower income than homeowners. The requested annual assistance is estimated at $4.8 million for every 1% requesting assistance, based on 80% and below of the medium family income (MFI for Wyoming is $78,200). WCDA is anticipating administrative costs associated with the establishment and maintenance of the temporary program, including personnel costs. The estimate of administrative costs is 5%, or $500,000. It is assumed the administrative costs could be funded from the appropriation.

<table>
<thead>
<tr>
<th>NON-ADMINISTRATIVE IMPACT</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anticipated Revenue (decrease)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>INDUSTRIAL ACCIDENT FUND</td>
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<tr>
<td>UNEMPLOYMENT TRUST FUND</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
</tbody>
</table>

Source of revenue decrease for Workers’ Compensation:

The source of the revenue decrease will be in the form of a workers’ compensation premium credit to all covered employers in good standing with the Workers’ Compensation Division due to the rate holiday.

Assumptions for Workers’ Compensation:

The premium credit amount assumes an 8.33% premium credit to all eligible employers and assumes all currently eligible employers will remain eligible to claim the credit by 12/31/2020. The assumption of collected premium for 2020 is based on the current number of employers in good standing with the Division as of June 30, 2019. Estimated premium totals for 2020 are $197,395,242.

Source of revenue decrease for Unemployment Insurance:

Non-chargeable benefits to the employer’s accounts would result in a decrease in revenue for the Unemployment Insurance Fund. The short-term compensation (STC) program would initially result in a revenue decrease until it was established.

Further, the non-chargeability provision included in the bill may impact the Department of Workforce Services' Employment Support Fund, which provides funding for a number of critical agency functions.

Assumptions for Unemployment Insurance:

It is assumed that the decrease in Unemployment Insurance taxes to the Unemployment Trust Fund would result in a decrease in funds available. In addition, the reduction in taxes will also result in a reduction of interest in the interest account as historically a minimum of 10% of all employers are delinquent for at least one quarter.

Assumptions for the STC program are that it will take money to invest in this program and the UI Commission will need to establish rules for the program. The agency will...
also need to establish internal policies and procedures, as well as developing quality assurance tools and reprogramming of the WYUI system. Once established, the program could eventually become a revenue/expenditure neutral program.

The changes in expenditures are indeterminable, as the dollar amounts that may be expended on claims related to the COVID pandemic are unknown. If these costs are not reimbursed, the reduction in both the Workers’ Compensation and Unemployment Insurance Funds will increase. If these costs are reimbursed, the reduction in both the Workers’ Compensation and Unemployment Insurance Funds will be reduced, and therefore, the employer premium rates will not be affected.

**NOTICE—AGENCY ESTIMATE OF ADMINISTRATIVE IMPACT REQUESTED**

This bill has administrative impact that appears to increase duties or responsibilities of one or more state agencies and may impact agency spending or staffing requirements. As introduced, the bill does not modify any state agency budget or current personnel authorizations. The following state agencies will be asked to provide their estimate of the administrative fiscal impact prior to the first committee meeting held to consider the bill:

Department of Workforce Services

Prepared by: Dean Temte, LSO Phone: 777-7881

(Info. provided by Jessica Vendegnia, Dept. of Workforce Services, 307-286-5921; Rory Horsley, Governor's Office, 777-5010)
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 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:"

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

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,".
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)".

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 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, ANSELMI-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."
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 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, ANSELMI-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

Bill No.: SF1002  Effective: Immediately

LSO No.: 20LSO-0710

Enrolled Act No.: SEA No. 0002

Chapter No.: 2

Prime Sponsor: Management Council


Subject: Emergency aid and emergency procedures

Summary/Major Elements:

- This bill amends existing law to establish that, for the period January 1, 2020 to December 30, 2020, COVID-19 illness is an "injury" that is presumptively covered under the worker's compensation program and that COVID-19 claims made on or before December 30, 2020 are not included in the employer's experience rating. If available, federal relief funds must be deposited in the worker's compensation fund to cover the estimated cost of the coverage provided for COVID-19 illnesses;
- The bill amends an existing liability immunity statute related to public health emergencies to clarify its applicability to business entities and to clarify the types of conduct to which it applies;
- The bill authorizes the Department of Workforce Services to grant a new worker's compensation premium credit (premium holiday) to Wyoming employers and authorizes that credit to be used through June of 2021. A premium credit authorized by the Legislature in the 2020 Budget Session is also extended through June of 2021;
- The bill allows the Department of Workforce Services to delay employer's worker's compensation and unemployment compensation premiums if federal relief funds are available to fund the delayed payments and for a period that maintains the actuarial soundness of both programs;
Currently, federal law is providing additional unemployment benefits to workers impacted by COVID-19. Federal funds pay for these benefits. This bill allows the Governor, by executive order, to declare that these benefits, and other benefits related to COVID-19, will not be charged to an employer's unemployment compensation account;

The bill authorizes the Department of Workforce Services and the Governor to enter into an agreement with the federal Department of Labor for a temporary short-time compensation program (workshare program). Short-time compensation programs provide benefits to employers who reduce their workforce hours but do not lay-off or terminate employees;

The bill establishes two options for the operation of housing assistance programs by the Wyoming Community Development Authority (WCDA). Under one option, a landlord providing a home to a residential tenant can apply for benefits if the landlord is losing at least twenty-five percent (25%) of rent payments, the tenant is unable to pay rent and the tenant's job has been impacted by COVID-19. The landlord cannot evict the tenant or charge additional rent while participating in the program. The other option provides rent, security deposit, mortgage payment and hazard insurance assistance to those impacted by the COVID-19 pandemic. Under this program, the WCDA must establish eligibility income thresholds and mandatory copayment obligations and benefits received from other programs must be deducted from any program benefits. A fifteen million dollars ($15,000,000) appropriation of federal funds is provided for operation of these programs.

Comments:

- Creates a new housing assistance program;
- Appropriates fifteen million dollars ($15,000,000) of federal relief funds.

The above summary is not an official publication of the Wyoming Legislature and is not an official statement of legislative intent. While the Legislative Service Office endeavored to provide accurate information in this summary, it should not be relied upon as a comprehensive abstract of the bill.

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Comments will not be edited or verified by the Legislative Service Office.

The information that you submit is considered a public record.

When filling out the Online Hotline form, required fields are indicated by an asterisk (*).

Your comments must be related to a specific bill.

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If you experience problems submitting your comments or if you would like to provide feedback on features of this system, please contact us at lsowebmaster@wyoleg.gov

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