ORIGINAL SENATE ENGROSSED
FILE NO. SF1002

ENROLLED ACT NO. 2, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 SPECIAL SESSION

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:

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(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~~ 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

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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~~ June 30, 2021. Any unused credit will expire ~~January 31, 2021~~ 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;

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(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

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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

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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.

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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)

_____ _____
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