

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO. _____

Workers compensation amendments.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to the Wyoming Worker's Compensation Act;
2 providing elective coverage for corporate officers, limited
3 liability company members, partners and sole proprietors as
4 specified; amending premium tax eligibility and
5 distribution criteria; substituting a lifetime benefits
6 award for periodic extended benefits as specified; and
7 providing for an effective date.

8

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

10

11 **Section 1.** W.S. 27-14-102(a)(vii)(B), 27-14-108(k),
12 27-14-201(q)(intro), by creating a new paragraph (iii),
13 27-14-205(c) and 27-14-403(g)(intro) are amended to read:

1

2 **27-14-102. Definitions.**

3

4 (a) As used in this act:

5

6 (vii) "Employee" means any person engaged in any
7 extrahazardous employment under any appointment, contract
8 of hire or apprenticeship, express or implied, oral or
9 written, and includes legally employed minors, aliens
10 authorized to work by the United States department of
11 justice, office of citizenship and immigration services,
12 and aliens whom the employer reasonably believes, at the
13 date of hire and the date of injury based upon
14 documentation in the employer's possession, to be
15 authorized to work by the United States department of
16 justice, office of citizenship and immigration services.
17 "Employee" does not include:

18

19 (B) A sole proprietor or a partner of a
20 business partnership unless coverage is elected pursuant to
21 W.S. 27-14-108(k);

22

1 **27-14-108. Extrahazardous industries, employments,**
2 **occupations; enumeration; definitions; optional coverage.**

3
4 (k) Any corporation, ~~or~~ limited liability company
5 ~~employing individuals covered pursuant to subsections (a)~~
6 ~~or (j) of this section~~ or partnership may elect to obtain
7 coverage under this act for any or all of its corporate
8 officers, ~~or~~ limited liability company members or partners,
9 or sole proprietor for himself, by ~~electing to cover any or~~
10 ~~all of its officers or members and~~ notifying the division
11 in writing of its election upon initial registration with
12 the division, or thirty (30) days prior to the beginning of
13 a calendar quarter. Notwithstanding subsection (j) of this
14 section, an employer shall not withdraw coverage at any
15 time during the subsequent eight (8) calendar quarters.
16 Application for termination of coverage under this
17 subsection shall be filed in writing with the division not
18 less than thirty (30) days before any calendar quarter
19 following the initial eight (8) calendar quarters of
20 coverage. Termination of coverage shall be effective the
21 first day of the month following the division's receipt of
22 the notice of termination.

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 ~~in an amount not to exceed fifty percent (50%) of the investment earnings after inflation on reserves for the prior rate year. Of the total amount of premium credit distribution established by the division, fifty percent (50%) shall be distributed to all employers who made premium payments to the fund in the preceding year and fifty percent (50%) shall be distributed to employers whose accident frequency and injury severity in the preceding year was less than that of the industry classification under which the employer is classified. The fifty percent (50%) distribution to all employers who made premium payments shall be made on the basis of each employer's annual premium payment as compared to total premium payments made by all employers in the year preceding the year in which the premium credit was issued.~~ if it is determined by a qualified actuary retained by the division that the fund would remain fully reserved, as defined in W.S. 27-14-201(e)(vii)(A), after the premium credit is granted and implemented. If the division

1 determines to grant a premium credit, the percentage of
2 credit allowed for the rate year shall be the same for all
3 employers. The following provisions shall also apply to
4 the premium credit program:
5

6 (iii) The premium credit, if granted, shall only
7 be given to those employers who paid premium during the
8 preceding year and whose accounts are current on all
9 amounts owed under the act, including premiums, case cost
10 liability, interest and penalties.
11

12 **27-14-205. State contributions; presumed pay of**
13 **specified employees.**
14

15 (c) For purposes of determining employer
16 contributions under this act for officers of a corporation,
17 ~~or~~ members of a limited liability company, partners in a
18 partnership or a sole proprietor electing coverage under
19 W.S. 27-14-108(k), rates shall be applied for each officer
20 or member covered under this act against the statewide
21 average wage for the preceding twelve (12) month period as
22 determined under W.S. 27-14-802(b).
23

1 **27-14-403. Awards generally; method of payment.**

2

3 (g) Following payment in full of any award, or if a
4 lump sum settlement was made under subsection (f) of this
5 section when the award would have been fully paid but for
6 the lump sum settlement, to an employee for permanent total
7 disability or to a surviving spouse for death of an
8 employee, and notwithstanding the law in effect on the date
9 of the employee's original injury, an additional award for
10 ~~extended~~ lifetime benefits may be granted subject to the
11 following requirements and limitations:

12 [The following shows provisions repealed by Section 2 of
13 the bill. The repealed language is shown here as stricken
14 for convenience and will not appear in the final version of
15 the bill.]
16

17 (i) In the case of an employee:

18

19 ~~(E) The division may attach reasonable~~
20 ~~conditions to application for or receipt of awards under~~
21 ~~this subsection including retraining or educational~~
22 ~~programs and the award may be adjusted in accordance with~~
23 ~~fulfillment of the conditions;~~

24

25 ~~(G) Any award granted under this subsection~~
26 ~~shall not exceed twelve (12) months unless the division~~

~~1 determines an award for a period exceeding twelve (12)~~
~~2 months but not greater than four (4) years is appropriate.~~

3

4 Section 2. W.S. 27-14-403 (g) (i) (E) and (G) are
5 repealed.

6

7 **Section 2.** This act is effective July 1, 2008.

8

9 (END)