

HOUSE BILL NO. HB0075

Unemployment insurance amendments.

Sponsored by: Representative(s) Martin, Esquibel, K.,
Iekel and Millin and Senator(s) Decaria

A BILL

for

1 AN ACT relating to unemployment compensation; extending the
2 recoupment period for benefits obtained by fraud;
3 clarifying conditions for termination of an employer's
4 delinquent contribution rate; amending the size of projects
5 that require incremental bond payments as specified;
6 amending conditions for cancellation of overpayments;
7 repealing obsolete provisions; making other conforming
8 amendments; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 27-3-102(a)(xviii)(A) and (xxii),
13 27-3-409(b)(i), (f)(intro) and (i), 27-3-503(b) and
14 27-3-516(a) are amended to read:

15

16 **27-3-102. Definitions generally.**

1

2 (a) As used in this act:

3

4 (xviii) "Wage" means remuneration payable for
5 services from any source including commissions, bonuses and
6 cash. The reasonable cash value of remuneration other than
7 cash or check shall be prescribed by rule of the
8 commission. To the extent the following are not considered
9 wages under 26 U.S.C. §§ 3301 through 3311, "wage" does not
10 include:

11

12 (A) For purposes of W.S. 27-3-503 through
13 27-3-509, remuneration greater than fifty-five percent
14 (55%) of the statewide average annual wage calculated
15 pursuant to W.S. 27-3-303(a) and rounded to the lowest one
16 hundred dollars (\$100.00), which is paid during any
17 calendar year to an individual by each employer or a
18 predecessor within any calendar year including employment
19 under any other state unemployment compensation law unless
20 the amount is subject to a federal tax against which credit
21 may be taken for contributions paid into any state
22 unemployment fund; ~~For purposes of this subparagraph~~
23 ~~during calendar year 2003 only, "wage" shall not include~~

~~any amount in excess of fourteen thousand seven hundred
dollars (\$14,700.00) paid to an employee by an employer;~~

(xxii) "This act" means W.S. 27-3-101 through
~~27-3-705~~ 27-3-706.

**27-3-409. Payment of benefits upon determination;
repayment of overpaid benefits; penalty.**

(b) An individual receiving benefits under this act
to which he is not entitled shall be liable for and repay
the benefit. Repayment of the benefits shall be had either
by recoupment, recovery by civil action or both:

(i) The department in its discretion, may recoup
the benefit amount liable to be repaid by offsetting,
without civil action, against future benefits payable to
the individual under this act within five (5) years from
the effective date of the claim resulting in the
overpayment if the claim was not fraudulent or within ten
(10) years from the effective date of a claim for which
restitution was ordered pursuant to W.S. 27-3-702(b). The
department shall waive recoupment if an individual is
without fault in receiving the benefits and it defeats the

1 purpose of this act or is against equity and good
2 conscience as considered by the department in accordance
3 with regulations of the commission;

4
5 (f) The department may cancel the amount of
6 overpayments or penalty due on any overpayment ~~five (5)~~
7 ~~years after the effective date of the claim resulting in an~~
8 ~~overpayment~~ after the expiration of the time periods
9 described in paragraph (b) (i) of this section when:

10
11 (i) The individual cannot be located; ~~within the~~
12 ~~state of Wyoming;~~

13
14 **27-3-503. Payment; base rate; failure to pay; rate**
15 **variations; benefit ratio; new employer rate; special**
16 **reserve rate.**

17
18 (b) Except as otherwise provided by law, the base
19 rate of contributions assigned to any employer is eight and
20 one-half percent (8.5%) for 1988 and each calendar year
21 thereafter subject to rate variations under subsections (d)
22 and (f) of this section in addition to the adjustment
23 factors computed under W.S. 27-3-505. ~~For calendar year~~
24 ~~2003, the base rate assigned to any employer under this~~

1 ~~subsection or any variation assigned under subsection (d)~~
2 ~~of this section shall be reduced by twenty five percent~~
3 ~~(25%). For the calendar year 2004, the base rate assigned~~
4 ~~to any employer under this subsection or any variation~~
5 ~~assigned under subsection (d) of this section shall be~~
6 ~~reduced by fourteen percent (14%).~~ Except as hereafter
7 provided, a contributing employer failing to pay all
8 contributions, interest and penalties or to submit all
9 quarterly contribution reports due on his account or any
10 account assumed under W.S. 27-3-507 on or before September
11 30 preceding the effective date of his assigned rate shall
12 be assigned a delinquent rate which shall include a two
13 percent (2%) tax rate increase in his base rate and shall
14 also include in addition thereto the adjustment factors for
15 the next calendar year beginning January 1. The delinquent
16 rate shall not exceed the maximum assignable rate. The
17 delinquent rate shall continue to be assigned through and
18 including the calendar quarter in which the delinquent
19 employer satisfies his delinquent account by paying all
20 contributions, interest and penalties due and submitting
21 all ~~payments and~~ contribution reports due. Upon
22 satisfaction of the delinquent account, the contributing
23 employer shall be assigned the contribution rate otherwise
24 applicable under this article beginning the next full

1 calendar quarter. Provided however, that a delinquent
2 employer shall pay an assigned delinquent rate for at least
3 the first quarter even if the account is satisfied before
4 January 1 of the new calendar year.

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6 **27-3-516. Incremental bond for impact industries.**

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8 (a) Any project in Wyoming with an estimated
9 construction cost of at least ~~twenty five million dollars~~
10 ~~(\$25,000,000.00)~~ one hundred million dollars
11 (\$100,000,000.00), a majority of which is planned to be
12 completed or discontinued within a period of seven (7)
13 years, and which will require the employment of at least
14 two hundred fifty (250) people is subject to this section.
15 After the project is initiated, each employing unit working
16 on a project which meets the criteria specified under this
17 section shall report annually to the department any change
18 in contract bids within the state as may have been
19 determined under subsection (b) of this section.

20
21 **Section 2.** W.S. 27-3-502(g)(vi) and 27-3-516(e) are
22 repealed.

