

Act 827 of the 1989 Regular Session.

Act 827

SB271

By: Joint Budget Committee

"AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES OF THE WORKERS COMPENSATION COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1991; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. REGULAR SALARIES - RESEARCH AND STATISTICS DIVISION. There is hereby established for the Workers Compensation Commission for the 1989-91 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act, or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act, or its successor.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				1989-90	1990-91
(1)	826Z	AGENCY DIR RESEARCH & STATISTICS	1	GRADE 20	
(2)	R162	STATISTICIAN/STATISTICIAN II	2	GRADE 16	
(3)	K179	SECRETARY/WORD PROCESS SPECIALIST	1	GRADE 12	
		MAX NO. OF EMPLOYEES	4		

SECTION 2. APPROPRIATIONS - RESEARCH AND STATISTICS DIVISION - STATE. There is hereby appropriated, to the Workers Compensation Commission - Research and Statistics Division - State, to be payable from the Worker's Compensation Fund, for personal services and operating expenses of the Workers Compensation Commission - Research and Statistics Division - State for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS			
		1989-90		1990-91
(01)	REGULAR SALARIES	\$ 36,838	\$	38,864
(02)	PERSONAL SERV MATCHING	9,798		10,688
(03)	MAINT. & GEN. OPERATION			
	(A) OPER. EXPENSES	\$ 13,593	\$	13,593
	(B) CONF. & TRAVEL	2,992		2,992
	(C) PROF. FEES	16,987		16,987
	(D) CAPITAL OUTLAY	615		615
	(E) DATA PROCESSING	0		0
	TOTAL MAINT. & GEN. OPER.	34,187		34,187
(04)	INDIRECT COST	21,015		21,015
	TOTAL AMOUNT APPROPRIATED	\$ 97,590	\$	99,065

SECTION 3. APPROPRIATIONS - RESEARCH AND STATISTICS DIVISION - FEDERAL. There is hereby appropriated, to the Workers Compensation Commission -

Research and Statistics Division - Federal, to be payable from the Worker's Compensation Federal Fund, for personal services and operating expenses of the Workers Compensation Commission - Research and Statistics Division for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) REGULAR SALARIES	\$ 36,838	\$ 38,864
(02) PERSONAL SERV MATCHING	9,798	10,688
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 13,593	\$ 13,593
(B) CONF. & TRAVEL	2,992	2,992
(C) PROF. FEES	16,987	16,987
(D) CAPITAL OUTLAY	615	615
(E) DATA PROCESSING	0	0
TOTAL MAINT. & GEN. OPER.	34,187	34,187
(04) INDIRECT COST	21,015	21,015
TOTAL AMOUNT APPROPRIATED	\$ 97,590	\$ 99,065

SECTION 4. REGULAR SALARIES - ADMINISTRATION. There is hereby established for the Workers Compensation Commission for the 1989-91 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act, or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act, or its successor.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				1989-90	1990-91
(1)	9997	WK CMP COMMISSION CHAIRMAN	1	\$59,000	\$60,000
(2)	9991	WK CMP COMMISSIONER	2	\$58,000	\$59,000
(2a)	9808	WCC CHIEF ADMIN. LAW JUDGE	1	\$51,000	53,000
(3)	9750	WCC ADMINISTRATIVE LAW JUDGE	12	\$48,000	\$49,000
(3a)	9801	WCC DIRECTOR	1	\$55,075	\$58,130
(4)	R407	WCC DEPARTMENT HEAD	6		GRADE 26
	769Z	WC CHIEF LEGAL ADVISOR	1		
(5)	764Z	WCC SR SPECIAL FUNDS DEFENSE ATTY	3		GRADE 24
	R405	WCC LEGAL ADVISOR	5		
(6)	766Z	WK CMP PROGRAM MANAGER	2		GRADE 23
(7)	909Z	PROGRAM SUPPORT MANAGER	1		GRADE 22
	R472	WORKERS COMP DEP EXEC DIRECTOR	4		
	R484	WK COMP SECOND INJURY FUND OFFICER	1		
(8)	A116	RATE ANALYST III	1		GRADE 21
	700Z	WCC OFFICE MANAGER	1		
(9)	D038	SYSTEMS PROGRAMMER	1		GRADE 20
	R314	WK CMP ASST EXEC SEC/OPR MGR	1		
(10)	K043	HEARING REPORTER	3		GRADE 19
(11)	R264	MANAGEMENT PROJECT ANALYST I	2		GRADE 18
	R256	LIBRARIAN III	1		
	A006	ACCOUNTING SUPV I	1		
(12)	A004	ACCOUNTANT II	1		GRADE 17
	R402	WK CMP SELF-INSURERS ASST ADMR	1		
	R430	ADMINISTRATIVE OFFICER	1		

	R030 ASST PERSONNEL MANAGER	1	
(13)	R010 ADMINISTRATIVE ASSISTANT II	2	GRADE 16
(14)	A002 ACCOUNTANT I	3	GRADE 15
	X361 INSURANCE INVESTIGATOR	4	
(15)	R009 ADMINISTRATIVE ASSISTANT I	23	GRADE 14
	K087 OFFICE SERVICES SUPV/OFFICE MANAGER	1	
(16)	K041 EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 13
	K079 MICRO-PHOTOGRAPHER SUPERVISOR	1	
	K163 DATA ENTRY SUPV II	1	
(17)	K179 SECRETARY/WORD PROCESS SPECIALIST	1	GRADE 12
	D003 COMPUTER OPERATOR I	4	
(18)	A013 BOOKKEEPER II/ACCOUNTING ASST II	2	GRADE 11
	K153 SECRETARY II	6	
	K170 MAILROOM SUPV	1	
(19)	K005 CLAIMS EXAMINER	1	GRADE 10
(20)	K077 MICRO-PHOTOGRAPHER II	1	GRADE 09
	K155 SECRETARY I	5	
(21)	K007 CLAIMS FILE EXAMINER	6	GRADE 08
	K065 MAIL OFFICER	1	
(22)	C011 SWITCHBOARD OPERATOR II	1	GRADE 07
	K017 CLERK STENO	1	
		<u>119</u>	
	MAX NO. OF EMPLOYEES	119	

SECTION 5. APPROPRIATIONS - ADMINISTRATION. There is hereby appropriated, to the Workers Compensation Commission, to be payable from the Worker's Compensation Fund, for personal services and operating expenses of the Workers Compensation Commission - Administration for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) REGULAR SALARIES	\$ 2,978,869	\$ 3,148,641
(02) PERSONAL SERV MATCHING	744,717	787,160
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 1,685,491	\$ 1,685,491
(B) CONF. & TRAVEL	34,862	34,862
(C) PROF. FEES	88,097	88,097
(D) CAPITAL OUTLAY	104,770	41,240
(E) DATA PROCESSING	10,000	10,000
TOTAL MAINT. & GEN. OPER.	<u>1,923,220</u>	<u>1,859,690</u>
TOTAL AMOUNT APPROPRIATED	\$ 5,128,656	\$ 5,157,584

SECTION 6. APPROPRIATIONS. There is hereby appropriated, to the Workers Compensation Commission, to be payable from the Justice Building Rental Trust Fund, for rental of office space for the Workers Compensation Commission for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) RENT OF OFFICE SPACE	\$ 85,000	\$ 85,000

SECTION 7. APPROPRIATIONS - CLAIMS. There is hereby appropriated, to the Workers Compensation Commission, to be payable from the Death and Permanent Total Disability Trust Fund, for death and total disability claims for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91

(01) CLAIMS \$ 4,162,813 \$ 4,162,813

SECTION 8. APPROPRIATIONS. There is hereby appropriated, to the Workers Compensation Commission, to be payable from the Second Injury Trust Fund, for payment of second injury claims for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) CLAIMS	\$ 3,000,000	\$ 3,000,000

SECTION 9. APPROPRIATIONS - WORKERS COMPENSATION SEMINAR - CASH. There is hereby appropriated, to the Workers Compensation Commission, to be payable from the cash funds, for operating expenses of the Workers Compensation Commission for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 7,000	\$ 7,000
(B) CONF. & TRAVEL	3,500	3,500
(C) PROF. FEES	1,500	1,500
(D) CAPITAL OUTLAY	0	0
(E) DATA PROCESSING	0	0
TOTAL MAINT. & GEN. OPER.	12,000	12,000
TOTAL AMOUNT APPROPRIATED	\$ 12,000	\$ 12,000

SECTION 10. SPECIAL RATES OF PAY. Due to the inability to attract and retain experienced professionals in the various fields of workers' compensation law and insurance, the Workers' Compensation Commission is authorized to pay up to the maximum authorized for the grade assigned for the classifications of positions below:

- 764Z WCC SR SPECIAL FUNDS DEFENSE ATTY
- 766Z WCC CMP PROGRAM MANAGER
- R472 WORKERS COMP DEP EXEC DIRECTOR
- R484 WK COMP SECOND INJURY FUND OFFICER
- K043 HEARING REPORTER

SECTION 11. No monies appropriated by this Act, or Act 1046 of 1987, or any other Act shall be expended to fund preliminary conferences held pursuant to Arkansas Code 11-9-102, 11-9-205, 11-9-501 - 503, 11-9-517, 11-9-521 - 522, 11-9-527, 11-9-701 - 704, 11-9-715, 11-9-802, 11-9-804 other than in the county where the accident occurred, if the same occurred in this State, the county of the claimant's residence, or such other county as agreed to by the parties.

SECTION 12. Arkansas Code 11-9-303 (a) is hereby amended to read as follows:

"(a) In addition to the premium taxes collected from carriers, the carriers shall pay annually to the Workers' Compensation Commission a tax, at the rate to be determined as provided in 11-9-306 but not to exceed three percent (3%), on all written manual premiums resulting from the writing of workers' compensation insurance on risks within the state. Provided, for the period beginning July 1, 1989 and ending June 30, 1999, the rate of tax to be collected by the commission shall not exceed three and one-quarter percent (3.25%)."

SECTION 13. Arkansas Code 11-9- 304 (a) is hereby amended to read as follows:

"(a) It shall be the duty of the commission to collect a tax from every self-insured employer at a rate to be determined as provided by 11-9-306, but not to exceed three percent (3%) of the written manual premium which would have to be paid under 11-9-303 by a carrier if the self-insured employer were insured by a carrier. Provided, for the period beginning July 1, 1989 and ending June 30, 1999, the rate of tax to be collected by the commission shall not exceed three and one-quarter percent (3.25%)."

SECTION 14. Arkansas Code 11-9-305 (a)(1) is hereby amended to read as follows:

"(a)(1) It shall be the duty of the commission to collect a tax from every public employer providing workers' compensation coverage to its employees at a rate to be determined as provided by 11-9-306 but not to exceed three percent (3%) of the written manual premium which an insurance carrier would have to pay under 11-9-303 if the public employer were insured by a carrier. Provided, for the period beginning July 1, 1989 and ending June 30, 1999, the rate of tax to be collected by the commission shall not exceed three and one-quarter percent (3.25%)."

SECTION 15. Arkansas Code 11-9-306 (d) is hereby amended to read as follows:

"(d) The total rate of taxation for all three (3) funds when added together shall not exceed three percent (3%). Provided, for the period beginning July 1, 1989 through June 30, 1999, the total rate of taxation for all three funds when added together shall not exceed three and one-quarter percent (3.25%)."

SECTION 16. All funds derived from the additional one-quarter percent (.25%) tax to be collected by the Workers' Compensation Commission during the period beginning July 1, 1989 and ending June 30, 1999, as authorized in Arkansas Code 11-9-303 (a), 11-9-304 (a) and 11-9-305 (a)(1) as amended by this act shall be used by the Workers' Compensation Commission exclusively for the lease or purchase of suitable quarters to house the Arkansas Workers' Compensation Commission."

SECTION 17. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this Act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 18. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this Act shall be in compliance with the stated reasons for which this Act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 19. All provisions of this Act of a general and permanent nature

are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 20 EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989.

APPROVED: March 22, 1989
