

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Joint Budget Committee**

A Bill

ACT 315 OF 1995
SENATE BILL 233

For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND
9 OPERATING EXPENSES FOR THE WORKERS' COMPENSATION
10 COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1997;
11 AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT FOR THE WORKERS' COMPENSATION
15 COMMISSION APPROPRIATION FOR THE 1995-97
16 BIENNIUM."

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

20 SECTION 1. REGULAR SALARIES. There is hereby established for the
21 Workers' Compensation Commission for the 1995-97 biennium, the following
22 maximum number of regular employees whose salaries shall be governed by the
23 provisions of the Uniform Classification and Compensation Act (Arkansas Code
24 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
25 Provided, however, that any position to which a specific maximum annual salary
26 is set out herein in dollars, shall be exempt from the provisions of said
27 Uniform Classification and Compensation Act. All persons occupying positions
28 authorized herein are hereby governed by the provisions of the Regular
29 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
30 successor.

Item	Class	No. of	Maximum Annual		
		Employees	Salary Rate		
			Fiscal Years		
No.	Code	Title	1995-96	1996-97	
36	(1) 6606 WRK COMP	PHYSICIAN SPECIALIST	1	\$107,317	\$110,000

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1	(2)	9997 WK CMP COMMISSION CHAIRMAN	1	\$ 78,462	\$ 80,423
2	(3)	9991 WK CMP COMMISSIONER	2	\$ 77,155	\$ 79,083
3	(4)	9904 WORKERS COMP CHIEF ADMIN OFFICER	1	\$ 72,796	\$ 74,615
4	(5)	8921 WCC ASST CHIEF ADMIN OFFICER	1	\$ 69,309	\$ 71,041
5	(6)	8919 WCC SELF INSURED ADMINISTRATOR	1	\$ 69,309	\$ 71,041
6	(7)	9808 WCC CHIEF ADMIN LAW JUDGE	1	\$ 69,308	\$ 71,040
7	(8)	9750 ADMINISTRATIVE LAW JUDGE	13	\$ 64,076	\$ 65,677
8	(9)	127Z WRKS COMP DEPARTMENT HEAD	9		GRADE 26
9		R038 ATTORNEY SUPERVISOR	1		
10	(10)	R170 ATTORNEY SPECIALIST	3		GRADE 25
11	(11)	R036 ATTORNEY	12		GRADE 24
12	(12)	766Z WRKS COMP PROGRAM MANAGER	7		GRADE 23
13		D080 APPLICATIONS & SYSTEMS MANAGER	3		
14	(13)	D066 SYSTEMS COORDINATION ANALYST II	1		GRADE 22
15		909Z PROGRAM SUPPORT MANAGER	1		
16		R472 WRKS COMP DEPUTY EXEC DIRECTOR	4		
17		R484 WRKS COMP CLAIMS MANAGER	1		
18		L074 RN PRACTITIONER II	1		
19	(14)	A116 RATE ANALYST III	1		GRADE 21
20		D123 APPLICATIONS & SYSTEMS ANALYST	1		
21		A251 SR AUDITOR	3		
22		R356 INDUSTRIAL CONSULTANT	9		
23	(15)	R266 MANAGEMENT PROJECT ANALYST II	2		GRADE 20
24		M116 UTILIZATION REVIEW NURSE	3		
25		X323 WRKS COMP COMPLIANCE OFFICER	1		
26		A006 ACCOUNTING SUPERVISOR I	2		
27		R133 AGENCY DIRECTOR RESEARCH & STATS	1		
28	(16)	K043 HEARING REPORTER	3		GRADE 19
29		R030 ASST PERSONNEL MANAGER	1		
30	(17)	A111 ACCOUNTANT	1		GRADE 18
31		R264 MANAGEMENT PROJECT ANALYST I	3		
32		D129 DATA PROCESSING COORDINATOR	1		
33	(18)	R402 WRKS COMP SELF INSURERS PROG COORD	1		GRADE 17
34		R010 ADMINISTRATIVE ASSISTANT II	8		
35		X361 INSURANCE INVESTIGATOR	5		

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1	R162 STATISTICIAN/STATISTICIAN II	2	
2	(19) R440 BUSINESS CONTROLLER II	1	GRADE 16
3	(20) R009 ADMINISTRATIVE ASSISTANT I	25	GRADE 15
4	V051 STOREROOM SUPV/STORE SUPV	1	
5	K011 ADMINISTRATIVE OFFICE SUPERVISOR	2	
6	(21) K079 MICRO-PHOTOGRAPHER SUPERVISOR	1	GRADE 14
7	(22) D003 COMPUTER OPERATOR I	5	GRADE 13
8	K153 SECRETARY II	11	
9	(23) K039 DOCUMENT EXAMINER II	2	GRADE 12
10	(24) K155 SECRETARY I	2	GRADE 11
11	(25) K037 DOCUMENT EXAMINER I	<u>4</u>	GRADE 10
12			
	MAX NO. OF EMPLOYEES	166	

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14 SECTION 2. APPROPRIATIONS - ADMINISTRATION. There is hereby
 15 appropriated, to the Workers' Compensation Commission, to be payable from the
 16 Workers' Compensation Fund, for personal services and operating expenses of
 17 the Workers' Compensation Commission for the biennial period ending June 30,
 18 1997, the following:

19

20	ITEM	FISCAL YEARS	
21	NO.	1995-96	1996-97
22	(01) REGULAR SALARIES	\$ 5,356,789	\$ 5,371,092
23	(02) PERSONAL SERV MATCHING	1,434,620	1,437,397
24	(03) MAINT. & GEN. OPERATION		
25	(A) OPER. EXPENSE	\$ 1,600,784	\$ 1,600,784
26	(B) CONF. & TRVL.	96,096	96,096
27	(C) PROF. FEES	968,464	968,464
28	(D) CAP. OUTLAY	73,000	94,000
29	(E) DATA PROC.	<u>10,000</u>	<u>10,000</u>
30	TOTAL MAINT. & GEN. OPER.	2,748,344	2,769,344
31	(04) COMPUTER SOFTWARE/HARDWARE	<u>60,000</u>	<u>0</u>
32	TOTAL AMOUNT APPROPRIATED	<u>\$ 9,599,753</u>	<u>\$ 9,577,833</u>

33 SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the
 34 Workers' Compensation Commission, to be payable from the Death and Permanent
 35 Total Disability Trust Fund, for the purchase of annuities to fund the

1 financial obligations of the Death and Permanent Total Disability Trust Fund
 2 for the biennial period ending June 30, 1997, the following:

3

4 ITEM	FISCAL YEARS	
5 NO.	1995-96	1996-97
6 (01) PURCHASE ANNUITIES	<u>\$ 4,000,000</u>	<u>\$ 4,000,000</u>

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8 SECTION 4. APPROPRIATIONS - CLAIMS. There is hereby appropriated, to
 9 the Workers' Compensation Commission, to be payable from the Death and
 10 Permanent Total Disability Trust Fund, for death and total disability claims
 11 allowed by the Workers' Compensation Commission for the biennial period ending
 12 June 30, 1997, the following:

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14 ITEM	FISCAL YEARS	
15 NO.	1995-96	1996-97
16 (01) CLAIMS	<u>\$ 5,000,000</u>	<u>\$ 5,700,000</u>

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18 SECTION 5. APPROPRIATIONS - SECOND INJURY CLAIMS. There is hereby
 19 appropriated, to the Workers' Compensation Commission, to be payable from the
 20 Second Injury Trust Fund, for payment of second injury claims for the biennial
 21 period ending June 30, 1997, the following:

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23 ITEM	FISCAL YEARS	
24 NO.	1995-96	1996-97
25 (01) CLAIMS	<u>\$ 3,000,000</u>	<u>\$ 3,000,000</u>

26

27 SECTION 6. CARRY FORWARD. Any unexpended balance of appropriation
 28 approved for the purchase of computer software and hardware by Item (04) in
 29 Section 2 of this Act, which remains at the close of the fiscal year ending
 30 June 30, 1996, shall be carried forward and made available for the same
 31 purpose for the fiscal year ending June 30, 1997.

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33 SECTION 7. No monies appropriated by this Act, or Act 1046 of 1987, or
 34 any other Act shall be expended to fund preliminary conferences held pursuant
 35 to Arkansas Code §§11-9-102, 11-9-205, 11-9-501 - 503, 11-9-517, 11-9-521 -

1 522, 11-9-527, 11-9-701 - 704, 11-9-715, 11-9-802, 11-9-804 other than in the
2 county where the accident occurred, if the same occurred in this State, the
3 county of the claimant's residence, or such other county as agreed to by the
4 parties.

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6 SECTION 8. FUND TRANSFER TO SUPPORT WORKERS' COMPENSATION FRAUD UNIT OF
7 THE STATE INSURANCE DEPARTMENT. One month before the beginning of any fiscal
8 quarter, the Arkansas Insurance Commissioner shall provide to the Arkansas
9 Workers' Compensation Commission, the estimated funding need of the Workers'
10 Compensation Fraud Unit of the Insurance Department for the ensuing quarter.
11 Such provided certification shall itemize each position to be utilized in the
12 Fraud Unit and funded by the Arkansas Workers' Compensation Commission and
13 make estimates of all other budgetary line items necessary to provide support
14 to the Fraud Unit. This certification must deduct unexpended and unencumbered
15 balances of the Workers' Compensation Fraud Unit from the previous quarter, so
16 that only the current need, excluding unexpended and unencumbered funds, is
17 certified for fund transfer authorized herein. On or before the first day of
18 each fiscal quarter, the Arkansas Workers' Compensation Commission shall
19 certify to the Chief Fiscal Officer of the State that funds are available for
20 transfer, upon which certification the Chief Fiscal Officer, the Arkansas
21 State Treasurer and the Auditor of State shall transfer those funds from the
22 Workers' Compensation Fund of the Arkansas Workers' Compensation Commission to
23 the Fund Account used for the maintenance, operation, and support of the State
24 Insurance Department Workers' Compensation Fraud Unit. The sum of the four
25 quarterly transfers in each fiscal year ending June 30 cannot exceed \$600,000.

26

27 SECTION 9. The Workers' Compensation Commission shall contract with the
28 Arkansas Department of Labor for the purpose of providing Safety and Health
29 Consultation and Training for Arkansas employers and employees from the
30 appropriations provided in Section 2 Item 3(C) of this Act.

31

32 SECTION 10. Due to the critical role of the Health and Safety and
33 Medical Cost Containment Programs to the overall programs of the Workers'
34 Compensation Commission (WCC), the WCC shall provide quarterly reports to the
35 Arkansas Legislative Council and to the Public Health, Welfare, and Labor

1 Committee on the progress of the Health and Safety Program and the Medical
2 Cost Containment Program, in such detail as may be required by the Arkansas
3 Legislative Council or the Public Health, Welfare, and Labor Committee or
4 both.

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6 SECTION 11. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
7 authorized by this Act shall be limited to the appropriation for such agency
8 and funds made available by law for the support of such appropriations; and
9 the restrictions of the State Purchasing Law, the General Accounting and
10 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
11 Procedures and Restrictions Act, or their successors, and other fiscal control
12 laws of this State, where applicable, and regulations promulgated by the
13 Department of Finance and Administration, as authorized by law, shall be
14 strictly complied with in disbursement of said funds.

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16 SECTION 12. LEGISLATIVE INTENT. It is the intent of the General
17 Assembly that any funds disbursed under the authority of the appropriations
18 contained in this Act shall be in compliance with the stated reasons for which
19 this Act was adopted, as evidenced by the Agency Requests, Executive
20 Recommendations and Legislative Recommendations contained in the budget
21 manuals prepared by the Department of Finance and Administration, letters, or
22 summarized oral testimony in the official minutes of the Arkansas Legislative
23 Council or Joint Budget Committee which relate to its passage and adoption.

24

25 SECTION 13. CODE. All provisions of this Act of a general and
26 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the
27 Arkansas Code Revision Commission shall incorporate the same in the Code.

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29 SECTION 14. SEVERABILITY. If any provision of this Act or the
30 application thereof to any person or circumstance is held invalid, such
31 invalidity shall not affect other provisions or applications of the Act which
32 can be given effect without the invalid provision or application, and to this
33 end the provisions of this Act are declared to be severable.

34

35 SECTION 15. GENERAL REPEALER. All laws and parts of laws in conflict

1 with this Act are hereby repealed.

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3 SECTION 16. EMERGENCY CLAUSE. It is hereby found and determined by the
4 Eightieth General Assembly, that the Constitution of the State of Arkansas
5 prohibits the appropriation of funds for more than a two (2) year period; that
6 the effectiveness of this Act on July 1, 1995 is essential to the operation of
7 the agency for which the appropriations in this Act are provided, and that in
8 the event of an extension of the Regular Session, the delay in the effective
9 date of this Act beyond July 1, 1995 could work irreparable harm upon the
10 proper administration and provision of essential governmental programs.
11 Therefore, an emergency is hereby declared to exist and this Act being
12 necessary for the immediate preservation of the public peace, health and
13 safety shall be in full force and effect from and after July 1, 1995.

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APPROVED: 2-14-95

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