

**Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 253 of the Regular Session**

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

SENATE BILL 94

5 By: Joint Budget Committee
6
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For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
SERVICES AND OPERATING EXPENSES FOR THE WORKERS'
COMPENSATION COMMISSION FOR THE FISCAL YEAR
ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE WORKERS' COMPENSATION
COMMISSION APPROPRIATION FOR THE
2009-2010 FISCAL YEAR.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. REGULAR SALARIES. There is hereby established for the Workers'
24 Compensation Commission for the 2009-2010 fiscal year, the following maximum
25 number of regular employees whose salaries shall be governed by the
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
28 Provided, however, that any position to which a specific maximum annual
29 salary is set out herein in dollars, shall be exempt from the provisions of
30 said Uniform Classification and Compensation Act. All persons occupying
31 positions authorized herein are hereby governed by the provisions of the
32 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
33 or its successor.
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Maximum Annual
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1				Maximum	Salary Rate
2	Item	Class		No. of	Fiscal Year
3	No.	Code	Title	Employees	2009-2010
4	(1)	U100U	WCC CHAIRMAN	1	\$118,792
5	(2)	U007U	WCC COMMISSIONER	2	\$116,877
6	(3)	U046U	WCC CHIEF EXEC OFFICER	1	\$116,319
7	(4)	N070N	WCC ASST CHIEF EXECUTIVE OFFICER	1	GRADE N908
8	(5)	G005N	WCC CHIEF ADMIN LAW JUDGE	1	GRADE N908
9	(6)	G010N	WCC ADMINISTRATIVE LAW JUDGE	13	GRADE N906
10	(7)	G004C	MANAGING ATTORNEY	1	GRADE C129
11	(8)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
12	(9)	G007C	WCC DIVISION MANAGER	7	GRADE C128
13	(10)	G047C	ATTORNEY SPECIALIST	6	GRADE C126
14	(11)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
15	(12)	G073C	ATTORNEY	11	GRADE C124
16	(13)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
17	(14)	G093C	OPERATIONS MANAGER	1	GRADE C122
18	(15)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
19	(16)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
20	(17)	G107C	WCC PROGRAM MANAGER	4	GRADE C121
21	(18)	L038C	REGISTERED NURSE	2	GRADE C120
22	(19)	D063C	COMPUTER SUPPORT SPECIALIST	1	GRADE C119
23	(20)	D062C	DATABASE ANALYST	1	GRADE C119
24	(21)	R024C	ASST PERSONNEL MANAGER	1	GRADE C118
25	(22)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	2	GRADE C118
26	(23)	A074C	FISCAL SUPPORT SUPERVISOR	3	GRADE C118
27	(24)	C009C	HEARING REPORTER	4	GRADE C118
28	(25)	G168C	INDUSTRIAL CONSULTANT	5	GRADE C118
29	(26)	G160C	WCC PROGRAM COORDINATOR	2	GRADE C118
30	(27)	D071C	COMPUTER SUPPORT ANALYST	1	GRADE C117
31	(28)	G179C	LEGAL SERVICES SPECIALIST	2	GRADE C117
32	(29)	E048C	EDUCATION & INSTRUCTION SPECIALIST	1	GRADE C116
33	(30)	X123C	INSURANCE INVESTIGATOR	3	GRADE C116
34	(31)	G193C	WCC PROGRAM SPECIALIST	6	GRADE C116
35	(32)	C036C	ADMINISTRATIVE REVIEW ANALYST	1	GRADE C115
36	(33)	C050C	ADMINISTRATIVE SUPPORT SUPERVISOR	4	GRADE C113

1	(34)	R036C	HUMAN RESOURCES SPECIALIST	1	GRADE C113
2	(35)	C046C	LEGAL SUPPORT SPECIALIST	15	GRADE C113
3	(36)	C043C	RECORDS MANAGEMENT ANALYST	2	GRADE C113
4	(37)	C056C	ADMINISTRATIVE SPECIALIST III	30	GRADE C112
5	(38)	C073C	ADMINISTRATIVE SPECIALIST II	8	GRADE C109
6	(39)	C083C	MAIL SERVICES COORDINATOR	2	GRADE C107
7	(40)	C087C	ADMINISTRATIVE SPECIALIST I	<u>2</u>	GRADE C106
8			MAX. NO. OF EMPLOYEES	153	

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10 SECTION 2. EXTRA HELP. There is hereby authorized, for the Workers'
 11 Compensation Commission for the 2009-2010 fiscal year, the following maximum
 12 number of part-time or temporary employees, to be known as "Extra Help",
 13 payable from funds appropriated herein for such purposes: two (2) temporary
 14 or part-time employees, when needed, at rates of pay not to exceed those
 15 provided in the Uniform Classification and Compensation Act, or its
 16 successor, or this act for the appropriate classification.

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18 SECTION 3. APPROPRIATION - ADMINISTRATION. There is hereby appropriated,
 19 to the Workers' Compensation Commission, to be payable from the Workers'
 20 Compensation Fund, for personal services and operating expenses of the
 21 Workers' Compensation Commission for the fiscal year ending June 30, 2010,
 22 the following:

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24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2009-2010</u>
26	(01) REGULAR SALARIES	\$ 7,503,847
27	(02) EXTRA HELP	100,000
28	(03) PERSONAL SERVICES MATCHING	2,234,723
29	(04) OVERTIME	10,000
30	(05) MAINT. & GEN. OPERATION	
31	(A) OPER. EXPENSE	1,655,609
32	(B) CONF. & TRAVEL	96,096
33	(C) PROF. FEES	268,464
34	(D) CAP. OUTLAY	20,000
35	(E) DATA PROC.	0
36	(06) REFUND/REIMBURSEMENTS - ADMIN	685,500

1	(07) INVESTMENTS	15,000,000
2	(08) COMPUTER SOFTWARE/HARDWARE	<u>353,500</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 27,927,739</u>

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5 SECTION 4. APPROPRIATION - PURCHASE ANNUITIES. There is hereby
 6 appropriated, to the Workers' Compensation Commission, to be payable from the
 7 Death and Permanent Total Disability Trust Fund, for the purchase of
 8 annuities to fund the financial obligations of the Death and Permanent Total
 9 Disability Trust Fund by the Workers' Compensation Commission for the fiscal
 10 year ending June 30, 2010, the following:

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12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2009-2010</u>
14	(01) PURCHASE ANNUITIES	<u>\$ 4,000,000</u>

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16 SECTION 5. APPROPRIATION - REFUNDS/CLAIMS/INVESTMENTS. There is hereby
 17 appropriated, to the Workers' Compensation Commission, to be payable from the
 18 Death and Permanent Total Disability Trust Fund, for refund of taxes, payment
 19 of death and total disability claims, and investment of funds in the Death
 20 and Permanent Total Disability Trust Fund as allowed by the Workers'
 21 Compensation Commission for the fiscal year ending June 30, 2010, the
 22 following:

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24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2009-2010</u>
26	(01) REFUND/REIMBURSEMENTS - DEATH AND	
27	TOTAL DISABILITY	\$ 750,000
28	(02) CLAIMS - DEATH AND TOTAL DISABILITY	21,000,000
29	(03) INVESTMENTS	<u>142,000,000</u>
30	TOTAL AMOUNT APPROPRIATED	<u>\$ 163,750,000</u>

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32 SECTION 6. APPROPRIATION - SECOND INJURY CLAIMS. There is hereby
 33 appropriated, to the Workers' Compensation Commission, to be payable from the
 34 Second Injury Trust Fund, for refund of taxes and payment of second injury
 35 claims by the Workers' Compensation Commission for the fiscal year ending
 36 June 30, 2010, the following:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) REFUND/REIMBURSEMENTS - SECOND INJURY	\$ 250,000
(02) CLAIMS - SECOND INJURY	<u>9,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 9,250,000</u>

SECTION 7. APPROPRIATION - SEMINAR - CASH. There is hereby appropriated, to the Workers' Compensation Commission, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for scholarships and educational conference expenses of the Workers' Compensation Commission for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$ 85,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	15,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(02) SCHOLARSHIPS	<u>40,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 140,000</u>

SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. QUARTERLY REPORTS. Due to the critical role of the Health and Safety and Medical Cost Containment Programs to the overall programs of the Workers' Compensation Commission (WCC), the WCC shall provide quarterly reports to the Arkansas Legislative Council and to the House and Senate Committees on Public Health, Welfare, and Labor on the progress of the Health and Safety Program and the Medical Cost Containment Program, in such detail as may be required by either body. These reports shall be posted on the agency's web page.

The provisions of this section shall be in effect only from July 1, ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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2 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

4 EXPENDITURES. Any expenditure from the Workers' Compensation Commission
5 Building appropriation in this act in an amount exceeding ten thousand
6 dollars (\$10,000) or any combination of expenditures exceeding ten thousand
7 dollars (\$10,000) shall require approval from the Legislative Council. The
8 requirement of approval by the Legislative Council is not a severable part of
9 this section. If the requirement of approval by the Legislative Council is
10 ruled unconstitutional by a court of competent jurisdiction, this entire
11 section is void.

12 The provisions of this section shall be in effect only from July 1,
13 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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15 SECTION 10. SPECIAL LANGUAGE. INVESTMENTS. All such funds as are held at
16 any time in the Death and Permanent Total Disability Trust Fund, Second
17 Injury Trust Fund, and the Workers' Compensation Fund shall be invested and
18 reinvested to the extent feasible, all such investments as authorized for use
19 by the Office of the Treasurer shall be available to the listed funds. The
20 movement of these funds into and out of investments shall be by fund
21 transfers as directed by the Chief Executive Officer of the Workers'
22 Compensation Commission.

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24 SECTION 11. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
25 by this act shall be limited to the appropriation for such agency and funds
26 made available by law for the support of such appropriations; and the
27 restrictions of the State Procurement Law, the General Accounting and
28 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
29 Procedures and Restrictions Act, or their successors, and other fiscal
30 control laws of this State, where applicable, and regulations promulgated by
31 the Department of Finance and Administration, as authorized by law, shall be
32 strictly complied with in disbursement of said funds.

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34 SECTION 12. LEGISLATIVE INTENT. It is the intent of the General Assembly
35 that any funds disbursed under the authority of the appropriations contained
36 in this act shall be in compliance with the stated reasons for which this act

1 was adopted, as evidenced by the Agency Requests, Executive Recommendations
2 and Legislative Recommendations contained in the budget manuals prepared by
3 the Department of Finance and Administration, letters, or summarized oral
4 testimony in the official minutes of the Arkansas Legislative Council or
5 Joint Budget Committee which relate to its passage and adoption.

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7 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the General
8 Assembly, that the Constitution of the State of Arkansas prohibits the
9 appropriation of funds for more than a one (1) year period; that the
10 effectiveness of this Act on July 1, 2009 is essential to the operation of
11 the agency for which the appropriations in this Act are provided, and that in
12 the event of an extension of the Regular Session, the delay in the effective
13 date of this Act beyond July 1, 2009 could work irreparable harm upon the
14 proper administration and provision of essential governmental programs.
15 Therefore, an emergency is hereby declared to exist and this Act being
16 necessary for the immediate preservation of the public peace, health and
17 safety shall be in full force and effect from and after July 1, 2009.

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20 **APPROVED: 2/26/2009**
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