

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

SENATE BILL 233

4 By: Joint Budget Committee
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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

12
13 "AN ACT FOR THE WORKERS' COMPENSATION
14 COMMISSION APPROPRIATION FOR THE 1995-97
15 BIENNIUM."
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17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

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
26 salary is set out herein in dollars, shall be exempt from the provisions of
27 said Uniform Classification and Compensation Act. All persons occupying
28 positions authorized herein are hereby governed by the provisions of the
29 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
30 or its successor.
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			Maximum Annual	
			Maximum	Salary Rate
Item	Class		No. of	Fiscal Years
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No.	Code	Title	Employees	1995-96 1996-97

1	(1) 6606 WRK COMP PHYSICIAN SPECIALIST	1	\$107,317	
2	\$110,000			
3	(2) 9997 WK CMP COMMISSION CHAIRMAN	1	\$ 78,462	\$
4	80,423			
5	(3) 9991 WK CMP COMMISSIONER	2	\$ 77,155	\$
6	79,083			
7	(4) 9904 WORKERS COMP CHIEF ADMIN OFFICER	1	\$ 72,796	\$
8	74,615			
9	(5) 8921 WCC ASST CHIEF ADMIN OFFICER	1	\$ 69,309	\$
10	71,041			
11	(6) 8919 WCC SELF INSURED ADMINISTRATOR	1	\$ 69,309	\$
12	71,041			
13	(7) 9808 WCC CHIEF ADMIN LAW JUDGE	1	\$ 69,308	\$
14	71,040			
15	(8) 9750 ADMINISTRATIVE LAW JUDGE	13	\$ 64,076	\$
16	65,677			
17	(9) 127Z WRKS COMP DEPARTMENT HEAD	9		GRADE 26
18	R038 ATTORNEY SUPERVISOR	1		
19	(10) R170 ATTORNEY SPECIALIST	3		GRADE 25
20	(11) R036 ATTORNEY	12		GRADE 24
21	(12) 766Z WRKS COMP PROGRAM MANAGER	7		GRADE 23
22	D080 APPLICATIONS & SYSTEMS MANAGER	3		
23	(13) D066 SYSTEMS COORDINATION ANALYST II	1		GRADE 22
24	909Z PROGRAM SUPPORT MANAGER	1		
25	R472 WRKS COMP DEPUTY EXEC DIRECTOR	4		
26	R484 WRKS COMP CLAIMS MANAGER	1		
27	L074 RN PRACTITIONER II	1		
28	(14) A116 RATE ANALYST III	1		GRADE 21
29	D123 APPLICATIONS & SYSTEMS ANALYST	1		
30	A251 SR AUDITOR	3		
31	R356 INDUSTRIAL CONSULTANT	9		
32	(15) R266 MANAGEMENT PROJECT ANALYST II	2		GRADE 20
33	M116 UTILIZATION REVIEW NURSE	3		
34	X323 WRKS COMP COMPLIANCE OFFICER	1		
35	A006 ACCOUNTING SUPERVISOR I	2		

1	R133 AGENCY DIRECTOR RESEARCH & STATS	1	
2	(16) K043 HEARING REPORTER	3	GRADE 19
3	R030 ASST PERSONNEL MANAGER	1	
4	(17) A111 ACCOUNTANT	1	GRADE 18
5	R264 MANAGEMENT PROJECT ANALYST I	3	
6	D129 DATA PROCESSING COORDINATOR	1	
7	(18) R402 WRKS COMP SELF INSURERS PROG COORD	1	GRADE 17
8	R010 ADMINISTRATIVE ASSISTANT II	8	
9	X361 INSURANCE INVESTIGATOR	5	
10	R162 STATISTICIAN/STATISTICIAN II	2	
11	(19) R440 BUSINESS CONTROLLER II	1	GRADE 16
12	(20) R009 ADMINISTRATIVE ASSISTANT I	25	GRADE 15
13	V051 STOREROOM SUPV/STORE SUPV	1	
14	K011 ADMINISTRATIVE OFFICE SUPERVISOR	2	
15	(21) K079 MICRO-PHOTOGRAPHER SUPERVISOR	1	GRADE 14
16	(22) D003 COMPUTER OPERATOR I	5	GRADE 13
17	K153 SECRETARY II	11	
18	(23) K039 DOCUMENT EXAMINER II	2	GRADE 12
19	(24) K155 SECRETARY I	2	GRADE 11
20	(25) K037 DOCUMENT EXAMINER I	4	GRADE 10
21	MAX NO. OF EMPLOYEES	166	

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

ITEM NO.	FISCAL YEARS	
	1995-96	1996-97
(01) REGULAR SALARIES	\$ 5,356,789	\$
5,371,092		
(02) PERSONAL SERV MATCHING	1,434,620	
1,437,397		
(03) MAINT. & GEN. OPERATION		

1	(A) OPER. EXPENSE \$	1,600,784	\$	1,600,784
2	(B) CONF. & TRVL.	96,096		96,096
3	(C) PROF. FEES	968,464		968,464
4	(D) CAP. OUTLAY	73,000		94,000
5	(E) DATA PROC.	<u>10,000</u>		<u>10,000</u>
6	TOTAL MAINT. & GEN. OPER.			2,748,344
7		2,769,344		
8	(04) COMPUTER SOFTWARE/HARDWARE			<u>60,000</u>
9		<u>0</u>		
10	TOTAL AMOUNT APPROPRIATED		\$	<u>9,599,753</u> \$
11		<u>9,577,833</u>		

12 SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the
 13 Workers' Compensation Commission, to be payable from the Death and Permanent
 14 ~~Total Disability Trust Fund, for the purchase of annuities to fund the~~
 15 financial obligations of the Death and Permanent Total Disability Trust Fund
 16 for the biennial period ending June 30, 1997, the following:

17				
18	ITEM		FISCAL YEARS	
19	NO.		1995-96	1996-97
20	(01) PURCHASE ANNUITIES		<u>\$ 4,000,000</u>	<u>\$</u>
21		<u>4,000,000</u>		
22				

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

28				
29	ITEM		FISCAL YEARS	
30	NO.		1995-96	1996-97
31	(01) CLAIMS		<u>\$ 5,000,000</u>	<u>\$</u>
32		<u>5,700,000</u>		
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34 SECTION 5. APPROPRIATIONS - SECOND INJURY CLAIMS. There is hereby
 35 appropriated, to the Workers' Compensation Commission, to be payable from the

1 Second Injury Trust Fund, for payment of second injury claims for the
 2 biennial period ending June 30, 1997, the following:

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4 ITEM	FISCAL YEARS	
5 NO.	1995-96	1996-97
6 (01) CLAIMS	<u>\$ 3,000,000</u>	
7 <u>3,000,000</u>		

8

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

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15 SECTION 7. No monies appropriated by this Act, or Act 1046 of 1987, or
 16 any other Act shall be expended to fund preliminary conferences held pursuant
 17 to Arkansas Code §§11-9-102, 11-9-205, 11-9-501 - 503, 11-9-517, 11-9-521 -
 18 522, 11-9-527, 11-9-701 - 704, 11-9-715, 11-9-802, 11-9-804 other than in the
 19 county where the accident occurred, if the same occurred in this State, the
 20 county of the claimant's residence, or such other county as agreed to by the
 21 parties.

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23 ~~SECTION 8. FUND TRANSFER TO SUPPORT WORKERS' COMPENSATION FRAUD UNIT~~
 24 OF THE STATE INSURANCE DEPARTMENT. One month before the beginning of any
 25 fiscal quarter, the Arkansas Insurance Commissioner shall provide to the
 26 Arkansas Workers' Compensation Commission, the estimated funding need of the
 27 Workers' Compensation Fraud Unit of the Insurance Department for the ensuing
 28 quarter. Such provided certification shall itemize each position to be
 29 utilized in the Fraud Unit and funded by the Arkansas Workers' Compensation
 30 Commission and make estimates of all other budgetary line items necessary to
 31 provide support to the Fraud Unit. This certification must deduct unexpended
 32 and unencumbered balances of the Workers' Compensation Fraud Unit from the
 33 previous quarter, so that only the current need, excluding unexpended and
 34 unencumbered funds, is certified for fund transfer authorized herein. On or
 35 before the first day of each fiscal quarter, the Arkansas Workers'

1 Compensation Commission shall certify to the Chief Fiscal Officer of the
2 State that funds are available for transfer, upon which certification the
3 Chief Fiscal Officer, the Arkansas State Treasurer and the Auditor of State
4 shall transfer those funds from the Workers' Compensation Fund of the
5 Arkansas Workers' Compensation Commission to the Fund Account used for the
6 maintenance, operation, and support of the State Insurance Department
7 Workers' Compensation Fraud Unit. The sum of the four quarterly transfers in
8 each fiscal year ending June 30 cannot exceed \$600,000.

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

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15 SECTION 10. Due to the critical role of the Health and Safety and
16 Medical Cost Containment Programs to the overall programs of the Workers'
17 Compensation Commission (WCC), the WCC shall provide quarterly reports to the
18 Arkansas Legislative Council and to the Public Health, Welfare, and Labor
19 Committee on the progress of the Health and Safety Program and the Medical
20 Cost Containment Program, in such detail as may be required by the Arkansas
21 Legislative Council or the Public Health, Welfare, and Labor Committee or
22 both.

23

24 SECTION 11. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
25 authorized by this Act shall be limited to the appropriation for such agency
26 and funds made available by law for the support of such appropriations; and
27 the restrictions of the State Purchasing 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
35 Assembly that any funds disbursed under the authority of the appropriations

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

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

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

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18 SECTION 15. GENERAL REPEALER. All laws and parts of laws in conflict
19 with this Act are hereby repealed.

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21 SECTION 16. EMERGENCY CLAUSE. It is hereby found and determined by
22 the Eightieth General Assembly, that the Constitution of the State of
23 Arkansas prohibits the appropriation of funds for more than a two (2) year
24 period; that the effectiveness of this Act on July 1, 1995 is essential to
25 the operation of the agency for which the appropriations in this Act are
26 provided, and that in the event of an extension of the Regular Session, the
27 delay in the effective date of this Act beyond July 1, 1995 could work
28 irreparable harm upon the proper administration and provision of essential
29 governmental programs. Therefore, an emergency is hereby declared to exist
30 and this Act being necessary for the immediate preservation of the public
31 peace, health and safety shall be in full force and effect from and after
32 July 1, 1995.

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