

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/31/99
A Bill

SENATE BILL 109

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 AND OPERATING EXPENSES FOR THE WORKERS' COMPENSATION
11 COMMISSION FOR THE BIENNIAL PERIOD ENDING JUNE 30,
12 2001; AND FOR OTHER PURPOSES. "

Subtitle

14 "AN ACT FOR THE WORKERS' COMPENSATION
15 COMMISSION APPROPRIATION FOR THE
16 1999-2001 BIENNIUM. "
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18
19

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

22 SECTION 1. REGULAR SALARIES. There is hereby established for the Workers'
23 Compensation Commission for the 1999-2001 biennium, the following maximum
24 number of regular employees whose salaries shall be governed by the provisions
25 of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201
26 et seq.), or its successor, and all laws amendatory thereto. Provided,
27 however, that any position to which a specific maximum annual salary is set
28 out herein in dollars, shall be exempt from the provisions of said Uniform
29 Classification and Compensation Act. All persons occupying positions
30 authorized herein are hereby governed by the provisions of the Regular
31 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
32 successor.
33

34			Maximum Annual
35		Maximum	Salary Rate
36	Item Class	No. of	Fiscal Years

JKA019

	No.	Code	Title	Employees	1999-2000	2000-2001
1						
2	(1)	9997	WK CMP COMMISSION CHAIRMAN	1	\$91,730	\$94,298
3	(2)	9991	WK CMP COMMISSIONER	2	\$90,201	\$92,726
4	(3)	9912	WRKS COMP CHIEF EXEC OFFICER	1	\$89,754	\$92,267
5	(4)	8921	WCC ASST CHIEF ADMIN OFFICER	1	\$81,030	\$83,298
6	(5)	8919	WCC SELF INSURED ADMINISTRATOR	1	\$81,030	\$83,298
7	(6)	9808	WCC CHIEF ADMIN LAW JUDGE	1	\$81,029	\$83,297
8	(7)	9750	ADMINISTRATIVE LAW JUDGE	13	\$74,912	\$77,009
9	(8)	6606	WRK COMP PHYSICIAN SPECIALIST	1	\$125,099	\$128,601
10	(9)	R038	ATTORNEY SUPERVISOR	1		GRADE 26
11	(10)	127Z	WRKS COMP DEPARTMENT HEAD	10		GRADE 26
12	(11)	R170	ATTORNEY SPECIALIST	3		GRADE 25
13	(12)	A022	CERTIFIED FINANCIAL EXAMINER	1		GRADE 25
14	(13)	R036	ATTORNEY	13		GRADE 24
15	(14)	D080	APPLICATIONS & SYSTEMS MANAGER	3		GRADE 23
16	(15)	766Z	WRKS COMP PROGRAM MANAGER	7		GRADE 23
17	(16)	909Z	PROGRAM SUPPORT MANAGER	1		GRADE 22
18	(17)	R484	WRKS COMP CLAIMS MANAGER	2		GRADE 22
19	(18)	R472	WRKS COMP DEPUTY EXEC DIRECTOR	3		GRADE 22
20	(19)	R356	INDUSTRIAL CONSULTANT	6		GRADE 21
21	(20)	A116	RATE ANALYST III	1		GRADE 21
22	(21)	A251	SR AUDITOR	2		GRADE 21
23	(22)	A006	ACCOUNTING SUPERVISOR I	1		GRADE 20
24	(23)	R133	AGENCY DIRECTOR RESEARCH & STATS	1		GRADE 20
25	(24)	R266	MANAGEMENT PROJECT ANALYST II	2		GRADE 20
26	(25)	M116	UTILIZATION REVIEW NURSE	2		GRADE 20
27	(26)	X323	WRKS COMP COMPLIANCE OFFICER	1		GRADE 20
28	(27)	K043	HEARING REPORTER	3		GRADE 19
29	(28)	A111	ACCOUNTANT	1		GRADE 18
30	(29)	D129	DP COORDINATOR	1		GRADE 18
31	(30)	R264	MANAGEMENT PROJECT ANALYST I	3		GRADE 18
32	(31)	D128	P C SUPPORT SPECIALIST	1		GRADE 18
33	(32)	R010	ADMINISTRATIVE ASSISTANT II	22		GRADE 17
34	(33)	X361	INSURANCE INVESTIGATOR	6		GRADE 17
35	(34)	R162	STATISTICIAN/STATISTICIAN II	2		GRADE 17
36	(35)	R440	BUSINESS CONTROLLER II	1		GRADE 16

1	(36)	R009	ADMINISTRATIVE ASSISTANT I	18	GRADE 15
2	(37)	K011	ADMINISTRATIVE OFFICE SUPERVISOR	1	GRADE 15
3	(38)	D005	COMPUTER OPERATOR II	1	GRADE 15
4	(39)	V051	STOREROOM SUPV/STORE SUPV	1	GRADE 15
5	(40)	K079	MICRO-PHOTOGRAPHER SUPERVISOR	1	GRADE 14
6	(41)	D003	COMPUTER OPERATOR I	4	GRADE 13
7	(42)	K153	SECRETARY II	6	GRADE 13
8	(43)	K039	DOCUMENT EXAMINER II	1	GRADE 12
9	(44)	K037	DOCUMENT EXAMINER I	<u>2</u>	GRADE 10
10			MAX. NO. OF EMPLOYEES	156	

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12 SECTION 2. EXTRA HELP. There is hereby authorized, for the Workers'
 13 Compensation Commission for the 1999-2001 biennium, the following maximum
 14 number of part-time or temporary employees, to be known as "Extra Help",
 15 payable from funds appropriated herein for such purposes: two (2) temporary
 16 or part-time employees, when needed, at rates of pay not to exceed those
 17 provided in the Uniform Classification and Compensation Act, or its successor,
 18 or this act for the appropriate classification.

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20 SECTION 3. APPROPRIATION - ADMINISTRATION. There is hereby appropriated, to
 21 the Workers' Compensation Commission, to be payable from the Worker's
 22 Compensation Fund, for personal services and operating expenses of the
 23 Workers' Compensation Commission for the biennial period ending June 30, 2001,
 24 the following:

25

26	ITEM		FISCAL YEARS	
27	NO.		1999-2000	2000-2001
28	(01)	REGULAR SALARIES	\$ 6,456,549	\$ 6,637,322
29	(02)	EXTRA HELP	100,000	100,000
30	(03)	PERSONAL SERV MATCHING	1,644,495	1,676,973
31	(04)	OVERTIME	10,000	10,000
32	(05)	MAINT. & GEN. OPERATION		
33	(A)	OPER. EXPENSE	1,600,784	1,600,784
34	(B)	CONF. & TRAVEL	96,096	96,096
35	(C)	PROF. FEES	968,464	968,464
36	(D)	CAP. OUTLAY	75,000	75,000

1	(E) DATA PROC.	10,000	10,000
2	(06) REFUNDS/REIMBURSEMENTS	750,000	750,000
3	(07) COMPUTER SOFTWARE/HARDWARE	<u>548,000</u>	<u>0</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 12,259,388</u>	<u>\$ 11,924,639</u>

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6 SECTION 4. APPROPRIATION - PURCHASE ANNUITIES. There is hereby
7 appropriated, to the Workers' Compensation Commission, to be payable from the
8 Death and Permanent Total Disability Trust Fund, for the purchase of annuities
9 to fund the financial obligations of the Death and Permanent Total Disability
10 Trust Fund by the Workers' Compensation Commission for the biennial period
11 ending June 30, 2001, the following:

12

13	ITEM	FISCAL YEARS	
14	<u>NO.</u>	<u>1999-2000</u>	<u>2000-2001</u>
15	(01) PURCHASE ANNUITIES	\$ <u>4,000,000</u>	\$ <u>4,000,000</u>

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17 SECTION 5. APPROPRIATION - REFUNDS AND CLAIMS. There is hereby
18 appropriated, to the Workers' Compensation Commission, to be payable from the
19 Death and Permanent Total Disability Trust Fund, for refund of taxes and
20 payment of death and total disability claims allowed by the Workers'
21 Compensation Commission for the biennial period ending June 30, 2001, the
22 following:

23

24	ITEM	FISCAL YEARS	
25	<u>NO.</u>	<u>1999-2000</u>	<u>2000-2001</u>
26	(01) REFUNDS/REIMBURSEMENTS	\$ 750,000	\$ 750,000
27	(02) CLAIMS	<u>11,000,000</u>	<u>11,500,000</u>
28	TOTAL AMOUNT APPROPRIATED	<u>\$ 11,750,000</u>	<u>\$ 12,250,000</u>

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30 SECTION 6. APPROPRIATION - SECOND INJURY CLAIMS. There is hereby
31 appropriated, to the Workers' Compensation Commission, to be payable from the
32 Second Injury Trust Fund, for refund of taxes and payment of second injury
33 claims by the Workers' Compensation Commission for the biennial period ending
34 June 30, 2001, the following:

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36	ITEM	FISCAL YEARS	
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NO.		1999-2000	2000-2001
(01)	REFUNDS/REIMBURSEMENTS	\$ 250,000	\$ 250,000
(02)	CLAIMS	<u>4,000,000</u>	<u>4,000,000</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 4,250,000</u>	<u>\$ 4,250,000</u>

SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD.

Any unexpended balance of appropriation approved for the purchase of computer software and hardware by Item ~~(05)~~ (07) in Section ~~2~~ 3 of this Act, which remains at the close of the fiscal year ending June 30, ~~1998~~ 2000, shall be carried forward and made available for the same purpose for the fiscal year ending June 30, ~~1999~~ 2001.

SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PRELIMINARY CONFERENCES. 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 9. SPECIAL LANGUAGE. FUND TRANSFER TO SUPPORT WORKERS' COMPENSATION FRAUD UNIT OF THE STATE INSURANCE DEPARTMENT. One month before the beginning of any fiscal quarter, the Arkansas Insurance Commissioner shall provide to the Arkansas Workers' Compensation Commission, the estimated funding need of the Workers' Compensation Fraud Unit of the Insurance Department for the ensuing quarter. Such provided certification shall itemize each position to be utilized in the Fraud Unit and funded by the Arkansas Workers' Compensation Commission and make estimates of all other budgetary line items necessary to provide support to the Fraud Unit. This certification must deduct unexpended and unencumbered balances of the Workers' Compensation Fraud Unit from the previous quarter, so that only the current need, excluding unexpended and unencumbered funds, is certified for fund transfer authorized herein. On or before the first day of each fiscal quarter, the Arkansas

1 Workers' Compensation Commission shall certify to the Chief Fiscal Officer of
2 the 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 Arkansas
5 Workers' Compensation Commission to the Fund Account used for the maintenance,
6 operation, and support of the State Insurance Department Workers' Compensation
7 Fraud Unit. The sum of the four quarterly transfers in each fiscal year
8 ending June 30 cannot exceed ~~\$600,000~~ \$150,000.

9
10 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

12 CONTRACTING REQUIREMENT. The Workers' Compensation Commission shall contract
13 with the Arkansas Department of Labor for the purpose of providing Safety and
14 Health Consultation and Training for Arkansas employers and employees from the
15 appropriations provided in Section ~~2~~ 3 Item ~~3~~ 5(C) of this Act.

16
17 SECTION 11. SPECIAL LANGUAGE. QUARTERLY REPORTS. Due to the critical
18 role of the Health and Safety and Medical Cost Containment Programs to the
19 overall programs of the Workers' Compensation Commission (WCC), the WCC shall
20 provide quarterly reports to the Arkansas Legislative Council and to the
21 Public Health, Welfare, and Labor Committee on the progress of the Health and
22 Safety Program and the Medical Cost Containment Program, in such detail as may
23 be required by the Arkansas Legislative Council or the Public Health, Welfare,
24 and Labor Committee or both.

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26 SECTION 12. SPECIAL LANGUAGE. MANAGED CARE IMPLEMENTATION.
27 Implementation of Workers' Compensation Commission Rule 33 (Managed Care)
28 shall be voluntary for all employers.

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30 SECTION 13. SPECIAL LANGUAGE. WORKERS' COMPENSATION COVERAGE.
31 Municipalities with populations over one hundred fifty thousand (150,000)
32 citizens or their sewer committees are specifically authorized to provide
33 workers' compensation coverage for their officials and employees through
34 either private carriers or by self-funding on either a statewide or individual
35 basis.

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

10
11 SECTION 15. LEGISLATIVE INTENT. It is the intent of the General Assembly
12 that any funds disbursed under the authority of the appropriations contained
13 in this act shall be in compliance with the stated reasons for which this act
14 was adopted, as evidenced by the Agency Requests, Executive Recommendations
15 and Legislative Recommendations contained in the budget manuals prepared by
16 the Department of Finance and Administration, letters, or summarized oral
17 testimony in the official minutes of the Arkansas Legislative Council or Joint
18 Budget Committee which relate to its passage and adoption.

19
20 SECTION 16. CODE. All provisions of this Act of a general and permanent
21 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
22 Code Revision Commission shall incorporate the same in the Code.

23
24 SECTION 17. SEVERABILITY. If any provision of this act or the application
25 thereof to any person or circumstance is held invalid, such invalidity shall
26 not affect other provisions or applications of the act which can be given
27 effect without the invalid provision or application, and to this end the
28 provisions of this act are declared to be severable.

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30 SECTION 18. GENERAL REPEALER. All laws and parts of laws in conflict with
31 this act are hereby repealed.

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33 SECTION 19. EMERGENCY CLAUSE. It is hereby found and determined by the
34 Eighty-second General Assembly, that the Constitution of the State of Arkansas
35 prohibits the appropriation of funds for more than a two (2) year period; that
36 the effectiveness of this Act on July 1, 1999 is essential to the operation of

1 the agency for which the appropriations in this Act are provided, and that in
2 the event of an extension of the Regular Session, the delay in the effective
3 date of this Act beyond July 1, 1999 could work irreparable harm upon the
4 proper administration and provision of essential governmental programs.
5 Therefore, an emergency is hereby declared to exist and this Act being
6 necessary for the immediate preservation of the public peace, health and
7 safety shall be in full force and effect from and after July 1, 1999.

8
9 /s/ Russ

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