

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.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: H2/1/01 S2/26/01

# A Bill

HOUSE BILL 1361

5 By: Representative Adams  
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## For An Act To Be Entitled

9 AN ACT TO AMEND THE INSURANCE CODE AND WORKERS' S  
10 COMPENSATION LAW TO GIVE INVESTIGATORS SPECIALIZED LAW  
11 ENFORCEMENT POWERS; AND FOR OTHER PURPOSES.  
12

### Subtitle

14 AN ACT TO AMEND THE INSURANCE CODE AND  
15 WORKERS' S COMPENSATION LAW TO GIVE  
16 INVESTIGATORS SPECIALIZED LAW  
17 ENFORCEMENT POWERS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code 11-9-106(d)(1)(B), concerning investigating  
23 workers' compensation fraud, is amended to read as follows:

24 (B)(i) The unit herein designated will investigate workers'  
25 compensation fraud, additional criminal violations that may be related  
26 thereto, and such other insurance fraud matters as may be assigned at the  
27 discretion of the director.

28 (ii) The Commissioner shall designate the personnel assigned to  
29 the Workers' Compensation Fraud Investigation Unit, who, upon meeting the  
30 qualifications established by the Arkansas Commission on Law Enforcement  
31 Standards and Training, shall have the powers of specialized law enforcement  
32 officers of the State of Arkansas for the purpose of conducting investigations  
33 under § 11-9-106(d)(1)(B). Personnel hired as specialized law enforcement  
34 officers shall have a minimum of three (3) years of certified law enforcement  
35 experience or its equivalent in national or military law enforcement  
36 experience as approved by the Arkansas Commission on Law Enforcement Standards

1 and Training.

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3 SECTION 2. Arkansas Code 23-66-508(a), concerning the Insurance Fraud  
4 Investigation Division, is amended to read as follows:

5 (a)(1) The Insurance Fraud Investigation Division is established within  
6 the State Insurance Department.

7 (2) The Insurance Commissioner shall appoint the full-time  
8 supervisory and investigative personnel of the division, who shall be  
9 qualified by training and experience to perform the duties of their positions.

10 (3) The Commissioner shall designate the personnel assigned to  
11 the Insurance Fraud Investigation Division, who, upon meeting the  
12 qualifications established by the Arkansas Commission on Law Enforcement  
13 Standards and Training, shall have the powers of specialized law enforcement  
14 officers of the State of Arkansas for the purpose of conducting investigations  
15 under § 23-66-504, and any criminal violations related to those  
16 investigations. Personnel hired as specialized law enforcement officers shall  
17 have a minimum of three (3) years of certified law enforcement experience or  
18 its equivalent in national or military law enforcement experience as approved  
19 by the Arkansas Commission on Law Enforcement Standards and Training.

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21 ~~(3)~~(4) The commissioner shall also appoint clerical and other  
22 staff necessary for the division to carry out its duties and responsibilities  
23 under this subchapter.

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25 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General  
26 Assembly of the State of Arkansas that the Arkansas Insurance Code is in  
27 immediate need of revision to protect the insurance-buying consumers of this  
28 state; that the provisions of this act are essential to the successful  
29 operations and activities of the Insurance Fraud Investigation Division and  
30 the Worker's Compensation Fraud Investigation Unit of the Arkansas Insurance  
31 Department which are intended to provide protection to the insurance-buying  
32 consumers of this state; delay in the effective date of this act would work  
33 irreparable harm upon the proper administration and provision of essential  
34 governmental programs. Therefore, an emergency is declared to exist and this  
35 act being immediately necessary for the preservation of the public peace,  
36 health and safety shall become effective on the date of its approval by the

1 Governor. If the bill is neither approved nor vetoed by the Governor, it  
2 shall become effective on the expiration of the period of time during which  
3 the Governor may veto the bill. If the bill is vetoed by the Governor and the  
4 veto is overridden, it shall become effective on the date the last house  
5 overrides the veto.

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*/s/ Adams*