

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

A Bill

SENATE BILL 426

4
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 2003; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE WORKERS' COMPENSATION
16 COMMISSION APPROPRIATION FOR THE
17 2001-2003 BIENNIAL PERIOD.
18
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20

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 2001-2003 biennium, the following maximum
25 number of regular employees whose salaries shall be governed by the provisions
26 of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201
27 et seq.), or its successor, and all laws amendatory thereto. Provided,
28 however, that any position to which a specific maximum annual salary is set
29 out herein in dollars, shall be exempt from the provisions of said Uniform
30 Classification and Compensation Act. All persons occupying positions
31 authorized herein are hereby governed by the provisions of the Regular
32 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
33 successor.
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36
Maximum Annual
Maximum Salary Rate

1	Item	Class		No. of	Fiscal Years	
2	No.	Code	Title	Employees	2001-2002	2002-2003
3	(1)	9997	WK CMP COMMISSION CHAIRMAN	1	\$96,749	\$99,264
4	(2)	9991	WK CMP COMMISSIONER	2	\$95,136	\$97,609
5	(3)	9912	WRKS COMP CHIEF EXEC OFFICER	1	\$94,665	\$97,126
6	(4)	9134	WCC HEALTH & SAFETY ADMINISTRATOR	1	\$85,463	\$87,685
7	(5)	8921	WCC ASST CHIEF ADMIN OFFICER	1	\$85,463	\$87,685
8	(6)	8919	WCC SELF INSURED ADMINISTRATOR	1	\$85,463	\$87,685
9	(7)	9808	WCC CHIEF ADMIN LAW JUDGE	1	\$85,462	\$87,684
10	(8)	9750	ADMINISTRATIVE LAW JUDGE	13	\$79,011	\$81,065
11	(9)	R038	ATTORNEY SUPERVISOR	1		GRADE 26
12	(10)	127Z	WRKS COMP DEPARTMENT HEAD	10		GRADE 26
13	(11)	R170	ATTORNEY SPECIALIST	5		GRADE 25
14	(12)	A022	CERTIFIED FINANCIAL EXAMINER	1		GRADE 25
15	(13)	R036	ATTORNEY	11		GRADE 24
16	(14)	D080	APPLICATIONS & SYSTEMS MANAGER	3		GRADE 23
17	(15)	766Z	WRKS COMP PROGRAM MANAGER	7		GRADE 23
18	(16)	909Z	PROGRAM SUPPORT MANAGER	4		GRADE 22
19	(17)	R484	WRKS COMP CLAIMS MANAGER	2		GRADE 22
20	(18)	R356	INDUSTRIAL CONSULTANT	6		GRADE 21
21	(19)	A116	RATE ANALYST III	1		GRADE 21
22	(20)	A251	SR AUDITOR	2		GRADE 21
23	(21)	A006	ACCOUNTING SUPERVISOR I	1		GRADE 20
24	(22)	R133	AGENCY DIRECTOR RESEARCH & STATS	1		GRADE 20
25	(23)	R266	MANAGEMENT PROJECT ANALYST II	2		GRADE 20
26	(24)	D121	USER SUPPORT ANALYST	2		GRADE 20
27	(25)	M116	UTILIZATION REVIEW NURSE	2		GRADE 20
28	(26)	X323	WRKS COMP COMPLIANCE OFFICER	1		GRADE 20
29	(27)	K043	HEARING REPORTER	3		GRADE 19
30	(28)	A111	ACCOUNTANT	1		GRADE 18
31	(29)	X361	INSURANCE INVESTIGATOR	6		GRADE 18
32	(30)	R264	MANAGEMENT PROJECT ANALYST I	3		GRADE 18
33	(31)	R010	ADMINISTRATIVE ASSISTANT II	23		GRADE 17
34	(32)	R162	STATISTICIAN/STATISTICIAN II	2		GRADE 17
35	(33)	R440	BUSINESS CONTROLLER II	1		GRADE 16
36	(34)	R009	ADMINISTRATIVE ASSISTANT I	17		GRADE 15

1	(35)	K011	ADMINISTRATIVE OFFICE SUPERVISOR	1	GRADE 15
2	(36)	K028	CLAIMS DATA SPECIALIST II	4	GRADE 15
3	(37)	D005	COMPUTER OPERATOR II	1	GRADE 15
4	(38)	V051	STOREROOM SUPV/STORE SUPV	1	GRADE 15
5	(39)	K029	CLAIMS DATA SPECIALIST I	4	GRADE 14
6	(40)	K079	MICRO-PHOTOGRAPHER SUPERVISOR	1	GRADE 14
7	(41)	K153	SECRETARY II	3	GRADE 13
8	(42)	K039	DOCUMENT EXAMINER II	<u>2</u>	GRADE 12
9			MAX. NO. OF EMPLOYEES	156	

10

11 SECTION 2. EXTRA HELP. There is hereby authorized, for the Workers'
 12 Compensation Commission for the 2001-2003 biennium, the following maximum
 13 number of part-time or temporary employees, to be known as "Extra Help",
 14 payable from funds appropriated herein for such purposes: two (2) temporary
 15 or part-time employees, when needed, at rates of pay not to exceed those
 16 provided in the Uniform Classification and Compensation Act, or its successor,
 17 or this act for the appropriate classification.

18

19 SECTION 3. APPROPRIATION - ADMINISTRATION. There is hereby appropriated, to
 20 the Workers' Compensation Commission, to be payable from the Worker's
 21 Compensation Fund, for personal services and operating expenses of the
 22 Workers' Compensation Commission for the biennial period ending June 30, 2003,
 23 the following:

24

25	ITEM		FISCAL YEARS	
26	<u>NO.</u>		<u>2001-2002</u>	<u>2002-2003</u>
27	(01)	REGULAR SALARIES	\$ 6,566,930	\$ 6,737,666
28	(02)	EXTRA HELP	100,000	100,000
29	(03)	PERSONAL SERV MATCHING	1,626,761	1,664,421
30	(04)	OVERTIME	10,000	10,000
31	(05)	MAINT. & GEN. OPERATION		
32	(A)	OPER. EXPENSE	1,600,784	1,600,784
33	(B)	CONF. & TRAVEL	96,096	96,096
34	(C)	PROF. FEES	268,464	268,464
35	(D)	CAP. OUTLAY	75,000	75,000
36	(E)	DATA PROC.	10,000	10,000

1	(06) REFUNDS/REIMBURSEMENTS-ADMINISTRATION	750,000	750,000
2	(07) COMPUTER SOFTWARE/HARDWARE	<u>495,000</u>	<u>0</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 11,599,035</u>	<u>\$ 11,312,431</u>

4

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 annuities
8 to fund the financial obligations of the Death and Permanent Total Disability
9 Trust Fund by the Workers' Compensation Commission for the biennial period
10 ending June 30, 2003, the following:

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13	ITEM	FISCAL YEARS	
14	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
15	(01) PURCHASE ANNUITIES	<u>\$ 4,000,000</u>	<u>\$ 4,000,000</u>

16

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, 2003, the
22 following:

23

24	ITEM	FISCAL YEARS	
25	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
26	(01) REFUNDS/REIMBURSEMENTS-DEATH AND		
27	TOTAL DISABILITY	\$ 750,000	\$ 750,000
28	(02) CLAIMS-DEATH AND TOTAL DISABILITY	<u>12,000,000</u>	<u>13,000,000</u>
29	TOTAL AMOUNT APPROPRIATED	<u>\$ 12,750,000</u>	<u>\$ 13,750,000</u>

30

31 SECTION 6. APPROPRIATION - SECOND INJURY CLAIMS. There is hereby
32 appropriated, to the Workers' Compensation Commission, to be payable from the
33 Second Injury Trust Fund, for refund of taxes and payment of second injury
34 claims by the Workers' Compensation Commission for the biennial period ending
35 June 30, 2003, the following:

36

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REFUNDS/REIMBURSEMENTS-SECOND INJURY	\$ 250,000	\$ 250,000
(02) CLAIMS-SECOND INJURY	<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. APPROPRIATIONS - SEMINAR - CASH. There is hereby appropriated, to the Workers' Compensation Commission, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Workers' Compensation Commission, for scholarships and educational conference expenses of the Workers' Compensation Commission for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	95,000	105,000
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	15,000	15,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(02) SCHOLARSHIPS	<u>10,000</u>	<u>20,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 120,000</u>	<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. CARRY FORWARD.

Any unexpended balance of appropriation approved for the purchase of computer software and hardware by Item (07) in Section 3 of this Act, which remains at the close of the fiscal year ending June 30, ~~2000~~ 2002, shall be carried forward and made available for the same purpose for the fiscal year ending June 30, ~~2001~~ 2003.

The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.

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

1 REPORTS. Due to the critical role of the Health and Safety and Medical Cost
 2 Containment Programs to the overall programs of the Workers' Compensation
 3 Commission (WCC), the WCC shall provide quarterly reports to the Arkansas
 4 Legislative Council and to the House and Senate Committees on Public Health,
 5 Welfare, and Labor Committee on the progress of the Health and Safety Program
 6 and the Medical Cost Containment Program, in such detail as may be required by
 7 either body the Arkansas Legislative Council or the Public Health, Welfare,
 8 and Labor Committee or both. These reports shall be posted on the agency's web
 9 page.

10
 11 The provisions of this section shall be in effect only from July 1, 2001
 12 through June 30, 2003.

13
 14 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 16 PRELIMINARY CONFERENCES. No monies appropriated by this Act, or Act 1046 of
 17 1987, or any other Act shall be expended to fund preliminary conferences held
 18 pursuant to Arkansas Code 11-9-102, 11-9-205, 11-9-501 - 503, 11-9-517, 11-9-
 19 521 - 522, 11-9-527, 11-9-701 - 704, 11-9-715, 11-9-802, 11-9-804 other than
 20 in the county where the accident occurred, if the same occurred in this State,
 21 the county of the claimant's residence, or such other county as agreed to by
 22 the parties.

23
 24 The provisions of this section shall be in effect only from July 1, 2001
 25 through June 30, 2003.

26
 27 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MANAGED
 29 CARE IMPLEMENTATION. Implementation of Workers' Compensation Commission Rule
 30 33 (Managed Care) shall be voluntary for all employers.

31
 32 The provisions of this section shall be in effect only from July 1, 2001
 33 through June 30, 2003.

34
 35 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORKERS'

1 COMPENSATION COVERAGE. Municipalities with populations over one hundred fifty
2 thousand (150,000) citizens or their sewer committees are specifically
3 authorized to provide workers' compensation coverage for their officials and
4 employees through either private carriers or by self-funding on either a
5 statewide or individual basis.

6
7 The provisions of this section shall be in effect only from July 1, 2001
8 through June 30, 2003.

9
10 SECTION 13. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
11 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all
12 appropriations as provided in this Act, the agency disbursing officer shall
13 monitor the level of fund balances in relation to expenditures on a monthly
14 basis. If any proposed expenditures would cause a fund balance to decline to
15 less than fifty percent (50%) of the balance available on July 1, 2001, the
16 disbursing officer shall immediately notify the executive head of the agency.

17 Prior to any obligations being made under these circumstances, the agency
18 head shall file written documentation with the Chief Fiscal Officer of the
19 State requesting approval of the expenditures. Such documentation shall
20 provide sufficient financial data to justify the expenditures and shall
21 include the following:

- 22 1) a plan that clearly indicates the specific fiscal impact of such
23 expenditures on the fund balance.
- 24 2) information clearly indicating and explaining what programs would be cut or
25 any other measures to be taken by the agency to restore the fund balance.
- 26 3) the extent to which any of the planned expenditures are for one-time costs
27 or one-time purchase of capitalized items.
- 28 4) a statement certifying that the expenditure of fund balances will not
29 jeopardize the financial health of the agency, nor result in a permanent
30 depletion of the fund balance.

31 (B) The Chief Fiscal Officer of the State shall review the request and
32 approve or disapprove all or any part of the request, after having sought
33 prior review by the Legislative Council.

34
35 SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
36 by this act shall be limited to the appropriation for such agency and funds

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

8
9 SECTION 15. LEGISLATIVE INTENT. It is the intent of the General Assembly
10 that any funds disbursed under the authority of the appropriations contained
11 in this act shall be in compliance with the stated reasons for which this act
12 was adopted, as evidenced by the Agency Requests, Executive Recommendations
13 and Legislative Recommendations contained in the budget manuals prepared by
14 the Department of Finance and Administration, letters, or summarized oral
15 testimony in the official minutes of the Arkansas Legislative Council or Joint
16 Budget Committee which relate to its passage and adoption.

17
18 SECTION 16. EMERGENCY CLAUSE. It is found and determined by the General
19 Assembly, that the Constitution of the State of Arkansas prohibits the
20 appropriation of funds for more than a two (2) year period; that the
21 effectiveness of this Act on July 1, 2001 is essential to the operation of the
22 agency for which the appropriations in this Act are provided, and that in the
23 event of an extension of the Regular Session, the delay in the effective date
24 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
25 administration and provision of essential governmental programs. Therefore, an
26 emergency is hereby declared to exist and this Act being necessary for the
27 immediate preservation of the public peace, health and safety shall be in full
28 force and effect from and after July 1, 2001.