

By: Senator(s) Clarke, Hopson, Horhn, DeBar, To: Appropriations  
Dearing, Jackson (15th)

SENATE BILL NO. 2965  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE  
2 MISSISSIPPI WORKERS' COMPENSATION COMMISSION FOR FISCAL YEAR 2019.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

4 **SECTION 1.** The following sum, or so much thereof as may be  
5 necessary, is hereby appropriated out of any money in the State  
6 General Fund not otherwise appropriated, for the purpose of  
7 defraying the expenses incurred by the Mississippi Workers'  
8 Compensation Commission for the fiscal year beginning  
9 July 1, 2018, and ending June 30, 2019.....\$ 5,300,464.00.

10 **SECTION 2.** With the funds appropriated herein, the following  
11 positions are authorized:

12 AUTHORIZED POSITIONS:

13	Permanent:	Full Time.....	56
14		Part Time.....	0
15	Time-Limited:	Full Time.....	0
16		Part Time.....	0

17 With the funds herein appropriated, it shall be the agency's  
18 responsibility to make certain that funds required to be



19 appropriated for "Personal Services" for Fiscal Year 2020 do not  
20 exceed Fiscal Year 2019 funds appropriated for that purpose,  
21 unless programs or positions are added to the agency's Fiscal Year  
22 2019 budget by the Mississippi Legislature. Based on data  
23 provided by the Legislative Budget Office, the State Personnel  
24 Board shall determine and publish the projected annual cost to  
25 fully fund all appropriated positions in compliance with the  
26 provisions of this act. It shall be the responsibility of the  
27 agency head to ensure that no single personnel action increases  
28 this projected annual cost and/or the Fiscal Year 2019  
29 appropriations for "Personal Services" when annualized, with the  
30 exception of escalated funds and the award of benchmarks. If, at  
31 the time the agency takes any action to change "Personal  
32 Services," the State Personnel Board determines that the agency  
33 has taken an action which would cause the agency to exceed this  
34 projected annual cost or the Fiscal Year 2019 "Personal Services"  
35 appropriated level, when annualized, then only those actions which  
36 reduce the projected annual cost and/or the appropriation  
37 requirement will be processed by the State Personnel Board until  
38 such time as the requirements of this provision are met.

39 Any transfers or escalations shall be made in accordance with  
40 the terms, conditions and procedures established by law or  
41 allowable under the terms set forth within this act. The State  
42 Personnel Board shall not escalate positions without written  
43 approval from the Department of Finance and Administration. The



44 Department of Finance and Administration shall not provide written  
45 approval to escalate any funds for salaries and/or positions  
46 without proof of availability of new or additional funds above the  
47 appropriated level.

48 No general funds authorized to be expended herein shall be  
49 used to replace federal funds and/or other special funds which are  
50 being used for salaries authorized under the provisions of this  
51 act and which are withdrawn and no longer available.

52 None of the funds herein appropriated shall be used in  
53 violation of Internal Revenue Service's Publication 15-A relating  
54 to the reporting of income paid to contract employees, as  
55 interpreted by the Office of the State Auditor.

56 **SECTION 3.** It is the intention of the Legislature that with  
57 the funds appropriated in Section 1, the Mississippi Workers'  
58 Compensation Commission shall enter into a contract with the  
59 industrial private sector for the purpose of implementing a safety  
60 education and training program.

61 **SECTION 4.** In compliance with the "Mississippi Performance  
62 Budget and Strategic Planning Act of 1994," it is the intent of  
63 the Legislature that the funds provided herein shall be utilized  
64 in the most efficient and effective manner possible to achieve the  
65 intended mission of this agency. Based on the funding authorized,  
66 this agency shall make every effort to attain the targeted  
67 performance measures provided below:

68

FY2019



<u>Performance Measures</u>	<u>Target</u>	
69		
70	Adjudication	
71	Cases Resolved at the Administrative or	
72	Commission Level within 3 Months (Number of)	850
73	Cases Resolved at the Administrative or	
74	Commission Level within 6 Months (Number of)	850
75	Cases Resolved at the Administrative or	
76	Commission Level within 9 Months (Number of)	850
77	Cases Resolved at the Administrative or	
78	Commission Level within 1 Year (Number of)	850
79	Self-insurance	
80	Percentage of Individual Self-insurers	
81	Reviewed in the Past Fiscal Year (%)	34.00
82	Percentage of Individual Self-insurer	
83	Reviews Conducted in the Past Fiscal	
84	Year Showing that Reserves are	
85	Insufficient to Cover Claims (%)	0.00
86	Percentage of Self-insurance Groups	
87	Reviewed in the Past Fiscal Year (%)	100.00
88	Percentage of Self-insurance Group	
89	Reviews Conducted in the Past Fiscal	
90	Year Showing that Reserves are	
91	Insufficient to Cover Claims (%)	0.00
92	Medical Cost Containment	
93	Fee Schedule Adjustments (Cost in Millions)	29.00



94 Medical Cost Savings to Payers (as a %  
95 of Total Billings) 44.00

96 A reporting of the degree to which the performance targets  
97 set above have been or are being achieved shall be provided in the  
98 agency's budget request submitted to the Joint Legislative Budget  
99 Committee for Fiscal Year 2020.

100 **SECTION 5.** It is the intention of the Legislature that  
101 whenever two (2) or more bids are received by this agency for the  
102 purchase of commodities or equipment, and whenever all things  
103 stated in such received bids are equal with respect to price,  
104 quality and service, the Mississippi Industries for the Blind  
105 shall be given preference. A similar preference shall be given to  
106 the Mississippi Industries for the Blind whenever purchases are  
107 made without competitive bids.

108 **SECTION 6.** It is the intention of the Legislature that the  
109 salary of the Workers' Compensation Commission members shall be  
110 equal and the salary of the Commission Chairman shall exceed these  
111 salaries as approved by the State Personnel Board.

112 **SECTION 7.** The following sum, or so much thereof as may be  
113 necessary, is hereby appropriated out of any money in the State  
114 Treasury to the credit of the Second Injury Fund (Fund Number  
115 3352200000) for the purpose of making payments under the  
116 provisions of Section 71-3-73, Mississippi Code of 1972, for the  
117 fiscal year beginning July 1, 2018, and ending June 30, 2019.....  
118 .....\$ 200,000.00.



119           **SECTION 8.** It is the intention of the Legislature that the  
120 funds herein appropriated shall be expended in compliance with  
121 Section 27-104-25, Mississippi Code of 1972, that no state agency  
122 shall incur obligations or indebtedness in excess of their  
123 appropriation and that the responsible officers, either personally  
124 or upon their official bonds, shall be held responsible for  
125 actions contrary to this provision.

126           **SECTION 9.** The money herein appropriated shall be paid by  
127 the State Treasurer out of any money in the State Treasury to the  
128 credit of the proper fund or funds as set forth in this act, upon  
129 warrants issued by the State Fiscal Officer; and the State Fiscal  
130 Officer shall issue his warrants upon requisitions signed by the  
131 proper person, officer or officers, in the manner provided by law.

132           **SECTION 10.** This act shall take effect and be in force from  
133 and after July 1, 2018.

