

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.

Act 2088 of the Regular Session

As Engrossed: S2/24/05 S3/14/05

A Bill

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

SENATE BILL 82

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE WORKERS'
11 COMPENSATION COMMISSION FOR THE BIENNIAL PERIOD
12 ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.
13
14

Subtitle

15
16 AN ACT FOR THE WORKERS' COMPENSATION
17 COMMISSION APPROPRIATION FOR THE
18 2005-2007 BIENNIUM.
19
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 2005-2007 biennium, the following maximum
25 number of regular employees whose salaries shall be governed by the
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
28 Provided, however, that any position to which a specific maximum annual
29 salary is set out herein in dollars, shall be exempt from the provisions of
30 said Uniform Classification and Compensation Act. All persons occupying
31 positions authorized herein are hereby governed by the provisions of the
32 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
33 or its successor.
34

35
Maximum Annual



1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2005-2006	2006-2007
4	(1)	9997	WK CMP COMMISSION CHAIRMAN	1	\$106,241	\$108,744
5	(2)	9991	WK CMP COMMISSIONER	2	\$104,514	\$106,991
6	(3)	9912	WRKS COMP CHIEF EXEC OFFICER	1	\$104,009	\$106,479
7	(4)	9134	WCC HEALTH & SAFETY ADMINISTRATOR	1	\$94,143	\$96,465
8	(5)	8921	WCC ASST CHIEF ADMIN OFFICER	1	\$94,143	\$96,465
9	(6)	8919	WCC SELF INSURED ADMINISTRATOR	1	\$94,143	\$96,465
10	(7)	9808	WCC CHIEF ADMIN LAW JUDGE	1	\$94,142	\$96,464
11	(8)	9750	ADMINISTRATIVE LAW JUDGE	13	\$87,146	\$89,351
12	(9)	127Z	WRKS COMP DEPARTMENT HEAD	10		GRADE 26
13	(10)	R038	ATTORNEY SUPERVISOR	1		GRADE 26
14	(11)	R170	ATTORNEY SPECIALIST	5		GRADE 25
15	(12)	R036	ATTORNEY	11		GRADE 24
16	(13)	766Z	WRKS COMP PROGRAM MANAGER	7		GRADE 23
17	(14)	D080	APPLICATIONS & SYSTEMS MANAGER	3		GRADE 23
18	(15)	909Z	PROGRAM SUPPORT MANAGER	4		GRADE 22
19	(16)	R484	WRKS COMP CLAIMS MANAGER	2		GRADE 22
20	(17)	R356	INDUSTRIAL CONSULTANT	6		GRADE 21
21	(18)	A116	RATE ANALYST III	1		GRADE 21
22	(19)	A251	SR AUDITOR	2		GRADE 21
23	(20)	M116	UTILIZATION REVIEW NURSE	2		GRADE 20
24	(21)	R266	MANAGEMENT PROJECT ANALYST II	3		GRADE 20
25	(22)	R133	AGENCY DIRECTOR RESEARCH & STATS	1		GRADE 20
26	(23)	D121	USER SUPPORT ANALYST	2		GRADE 20
27	(24)	A006	ACCOUNTING SUPERVISOR I	1		GRADE 20
28	(25)	X323	WRKS COMP COMPLIANCE OFFICER	1		GRADE 20
29	(26)	K043	HEARING REPORTER	3		GRADE 19
30	(27)	R264	MANAGEMENT PROJECT ANALYST I	2		GRADE 18
31	(28)	A111	ACCOUNTANT	1		GRADE 18
32	(29)	X361	INSURANCE INVESTIGATOR	6		GRADE 18
33	(30)	R162	STATISTICIAN/STATISTICIAN II	2		GRADE 17
34	(31)	R010	ADMINISTRATIVE ASSISTANT II	29		GRADE 17
35	(32)	R009	ADMINISTRATIVE ASSISTANT I	11		GRADE 15
36	(33)	D005	COMPUTER OPERATOR II	1		GRADE 15

1	(34)	V051	STOREROOM SUPV/STORE SUPV	1	GRADE 15
2	(35)	K011	ADMINISTRATIVE OFFICE SUPERVISOR	1	GRADE 15
3	(36)	K028	CLAIMS DATA SPECIALIST II	4	GRADE 15
4	(37)	K029	CLAIMS DATA SPECIALIST I	3	GRADE 14
5	(38)	K079	MICRO-PHOTOGRAPHER SUPERVISOR	1	GRADE 14
6	(39)	K153	SECRETARY II	3	GRADE 13
7	(40)	K039	DOCUMENT EXAMINER II	<u>2</u>	GRADE 12
8			MAX. NO. OF EMPLOYEES	153	

9

10 SECTION 2. EXTRA HELP. There is hereby authorized, for the Workers'
 11 Compensation Commission for the 2005-2007 biennium, the following maximum
 12 number of part-time or temporary employees, to be known as "Extra Help",
 13 payable from funds appropriated herein for such purposes: two (2) temporary
 14 or part-time employees, when needed, at rates of pay not to exceed those
 15 provided in the Uniform Classification and Compensation Act, or its
 16 successor, or this act for the appropriate classification.

17

18 SECTION 3. APPROPRIATION - ADMINISTRATION. There is hereby appropriated,
 19 to the Workers' Compensation Commission, to be payable from the Workers'
 20 Compensation Fund, for personal services and operating expenses of the
 21 Workers' Compensation Commission for the biennial period ending June 30,
 22 2007, the following:

23

24	ITEM		FISCAL YEARS	
25	<u>NO.</u>		<u>2005-2006</u>	<u>2006-2007</u>
26	(01)	REGULAR SALARIES	\$ 6,924,177	\$ 7,118,320
27	(02)	EXTRA HELP	100,000	100,000
28	(03)	PERSONAL SERVICES MATCHING	1,893,418	1,929,590
29	(04)	OVERTIME	10,000	10,000
30	(05)	MAINT. & GEN. OPERATION		
31	(A)	OPER. EXPENSE	1,645,609	1,645,609
32	(B)	CONF. & TRAVEL	96,096	96,096
33	(C)	PROF. FEES	268,464	268,464
34	(D)	CAP. OUTLAY	30,000	30,000
35	(E)	DATA PROC.	10,000	10,000
36	(06)	REFUND/REIMBURSEMENTS - ADMIN	750,000	750,000

1	(07) COMPUTER SOFTWARE/HARDWARE	<u>174,830</u>	<u>159,160</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 11,902,594</u>	<u>\$ 12,117,239</u>

3

4 SECTION 4. APPROPRIATION - PURCHASE ANNUITIES. There is hereby
 5 appropriated, to the Workers' Compensation Commission, to be payable from the
 6 Death and Permanent Total Disability Trust Fund, for the purchase of
 7 annuities to fund the financial obligations of the Death and Permanent Total
 8 Disability Trust Fund by the Workers' Compensation Commission for the
 9 biennial period ending June 30, 2007, the following:

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11	ITEM	FISCAL YEARS	
12	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
13	(01) PURCHASE ANNUITIES	<u>\$ 4,000,000</u>	<u>\$ 4,000,000</u>

14

15 SECTION 5. APPROPRIATION - REFUNDS AND CLAIMS. There is hereby
 16 appropriated, to the Workers' Compensation Commission, to be payable from the
 17 Death and Permanent Total Disability Trust Fund, for refund of taxes and
 18 payment of death and total disability claims allowed by the Workers'
 19 Compensation Commission for the biennial period ending June 30, 2007, the
 20 following:

21

22	ITEM	FISCAL YEARS	
23	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
24	(01) REFUND/REIMBURSEMENTS - DEATH AND		
25	TOTAL DISABILITY	\$ 750,000	\$ 750,000
26	(02) CLAIMS - DEATH AND TOTAL DISABILITY	<u>17,000,000</u>	<u>19,000,000</u>
27	TOTAL AMOUNT APPROPRIATED	<u>\$ 17,750,000</u>	<u>\$ 19,750,000</u>

28

29 SECTION 6. APPROPRIATION - SECOND INJURY CLAIMS. There is hereby
 30 appropriated, to the Workers' Compensation Commission, to be payable from the
 31 Second Injury Trust Fund, for refund of taxes and payment of second injury
 32 claims by the Workers' Compensation Commission for the biennial period ending
 33 June 30, 2007, the following:

34

35	ITEM	FISCAL YEARS	
36	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>

1	(01) REFUND/REIMBURSEMENTS - SECOND INJURY	\$ 250,000	\$ 250,000
2	(02) CLAIMS - SECOND INJURY	<u>8,000,000</u>	<u>9,000,000</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 8,250,000</u>	<u>\$ 9,250,000</u>

4

5 SECTION 7. APPROPRIATION - SEMINAR - CASH. There is hereby appropriated,
 6 to the Workers' Compensation Commission, to be payable from the cash fund
 7 deposited in the State Treasury as determined by the Chief Fiscal Officer of
 8 the State, for scholarships and educational conference expenses of the
 9 Workers' Compensation Commission for the biennial period ending June 30,
 10 2007, the following:

11

12	ITEM	FISCAL YEARS	
13	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
14	(01) MAINT. & GEN. OPERATION		
15	(A) OPER. EXPENSE	\$ 105,000	\$ 105,000
16	(B) CONF. & TRAVEL	0	0
17	(C) PROF. FEES	15,000	15,000
18	(D) CAP. OUTLAY	0	0
19	(E) DATA PROC.	0	0
20	(02) SCHOLARSHIPS	<u>20,000</u>	<u>20,000</u>
21	TOTAL AMOUNT APPROPRIATED	<u>\$ 140,000</u>	<u>\$ 140,000</u>

22

23 SECTION 8. APPROPRIATION - WORKERS' COMPENSATION COMMISSION BUILDING.
 24 There is hereby appropriated, to the Workers' Compensation Commission, to be
 25 payable from the Workers' Compensation Fund, the following:

26 (A) For Various Maintenance, Renovation, Equipping, Construction,
 27 Improvement, Upgrade, & Repair Projects for the Workers' Compensation
 28 Commission Building, the sum of\$300,000.

29

30 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 32 FORWARD. Any unexpended balance of appropriation approved for the purchase
 33 of computer software and hardware by Item (07) in Section 3 of this Act,
 34 which remains at the close of the fiscal year ending June 30, ~~2004~~ 2006,
 35 shall be carried forward and made available for the same purpose for the
 36 fiscal year ending June 30, ~~2005~~ 2007 after having received prior approval by

1 the Arkansas Legislative Council or Joint Budget Committee.

2 Determining the maximum number of employees and the maximum amount of
3 appropriation and general revenue funding for a state agency each fiscal year
4 is the prerogative of the General Assembly. This is usually accomplished by
5 delineating such maximums in the appropriation act(s) for a state agency and
6 the general revenue allocations authorized for each fund and fund account by
7 amendment to the Revenue Stabilization law. Further, the General Assembly
8 has determined that the Workers' Compensation Commission may operate more
9 efficiently if some flexibility is provided to the Workers' Compensation
10 Commission authorizing broad powers under this Section. Therefore, it is both
11 necessary and appropriate that the General Assembly maintain oversight by
12 requiring prior approval of the Legislative Council or Joint Budget Committee
13 as provided by this section. The requirement of approval by the Legislative
14 Council or Joint Budget Committee is not a severable part of this section.
15 If the requirement of approval by the Legislative Council or Joint Budget
16 Committee is ruled unconstitutional by a court of competent jurisdiction,
17 this entire section is void.

18 The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005
19 through June 30, ~~2005~~ 2007.

20
21 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. QUARTERLY
23 REPORTS. Due to the critical role of the Health and Safety and Medical Cost
24 Containment Programs to the overall programs of the Workers' Compensation
25 Commission (WCC), the WCC shall provide quarterly reports to the Arkansas
26 Legislative Council and to the House and Senate Committees on Public Health,
27 Welfare, and Labor on the progress of the Health and Safety Program and the
28 Medical Cost Containment Program, in such detail as may be required by either
29 body. These reports shall be posted on the agency's web page.

30 The provisions of this section shall be in effect only from July 1, ~~2003~~
31 2005 through June 30, ~~2005~~ 2007.

32
33 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
35 BALANCES – WORKERS' COMPENSATION FUND, DEATH AND PERMANENT TOTAL DISABILITY
36 TRUST FUND AND SECOND INJURY TRUST FUND. (A) For all appropriations as

1 provided in this Act, the agency disbursing officer shall monitor the level
2 of fund balances in relation to expenditures on a monthly basis. If any
3 proposed expenditures would cause the Workers' Compensation Fund to decline
4 below ~~four million twenty five thousand five hundred ninety one dollars~~
5 ~~(\$4,025,591)~~ three million four hundred forty four thousand two hundred
6 dollars (\$3,440,200), the Death and Permanent Total Disability Trust Fund to
7 decline below ~~sixty eight million, six thousand five hundred fifty one~~
8 ~~dollars (\$68,006,551)~~ sixty nine million, nine hundred forty nine thousand
9 seven hundred forty dollars (\$69,949,740) or the Second Injury Trust Fund to
10 decline below ~~five million four hundred nine thousand six hundred six dollars~~
11 ~~(\$5,409,606)~~ three million two hundred twenty nine thousand eight hundred
12 forty one dollars (\$3,229,841), the disbursing officer shall immediately
13 notify the executive head of the agency. Prior to any obligations being made
14 under these circumstances, the agency head shall file written documentation
15 with the Chief Fiscal Officer of the State requesting approval of the
16 expenditures. Such documentation shall provide sufficient financial data to
17 justify the expenditures and shall include the following:

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

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

30 The provisions of this section shall be in effect only from July 1, 2003
31 2005 through June 30, ~~2005~~ 2007.

32
33 *SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
34 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*
35 *EXPENDITURES. Any expenditure from the Workers' Compensation Commission*
36 *Building appropriation in this act in an amount exceeding ten thousand*

1 dollars (\$10,000) or any combination of expenditures exceeding ten thousand
2 dollars (\$10,000) shall require approval from the Legislative Council. The
3 requirement of approval by the Legislative Council is not a severable part of
4 this section. If the requirement of approval by the Legislative Council is
5 ruled unconstitutional by a court of competent jurisdiction, this entire
6 section is void.

7 The provisions of this section shall be in effect only from July 1, 2005
8 through June 30, 2007.

9

10 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
11 by this act shall be limited to the appropriation for such agency and funds
12 made available by law for the support of such appropriations; and the
13 restrictions of the State Procurement Law, the General Accounting and
14 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
15 Procedures and Restrictions Act, or their successors, and other fiscal
16 control laws of this State, where applicable, and regulations promulgated by
17 the Department of Finance and Administration, as authorized by law, shall be
18 strictly complied with in disbursement of said funds.

19

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

28

29 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General
30 Assembly, that the Constitution of the State of Arkansas prohibits the
31 appropriation of funds for more than a two (2) year period; that the
32 effectiveness of this Act on July 1, 2005 is essential to the operation of
33 the agency for which the appropriations in this Act are provided, and that in
34 the event of an extension of the Regular Session, the delay in the effective
35 date of this Act beyond July 1, 2005 could work irreparable harm upon the
36 proper administration and provision of essential governmental programs.

1 Therefore, an emergency is hereby declared to exist and this Act being
2 necessary for the immediate preservation of the public peace, health and
3 safety shall be in full force and effect from and after July 1, 2005.

4
5 */s/ Joint Budget Committee*

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8 *APPROVED: 4/13/2005*
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