

**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 405 of the Regular Session**

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

SENATE BILL 197

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
SERVICES AND OPERATING EXPENSES FOR THE WORKERS'
COMPENSATION COMMISSION FOR THE BIENNIAL PERIOD
ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE WORKERS' COMPENSATION
COMMISSION APPROPRIATION FOR THE
2007-2009 BIENNIUM.

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 2007-2009 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

Maximum Annual
35



1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2007-2008	2008-2009
4	(1)	9997	WK CMP COMMISSION CHAIRMAN	1	\$110,918	\$113,136
5	(2)	9991	WK CMP COMMISSIONER	2	\$109,130	\$111,312
6	(3)	9912	WRKS COMP CHIEF EXEC OFFICER	1	\$108,608	\$110,780
7	(4)	9134	WCC HEALTH & SAFETY ADMINISTRATOR	1	\$98,394	\$100,361
8	(5)	8921	WCC ASST CHIEF ADMIN OFFICER	1	\$98,394	\$100,361
9	(6)	8919	WCC SELF INSURED ADMINISTRATOR	1	\$98,394	\$100,361
10	(7)	9808	WCC CHIEF ADMIN LAW JUDGE	1	\$98,393	\$100,360
11	(8)	9750	ADMINISTRATIVE LAW JUDGE	13	\$91,138	\$92,960
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 2007-2009 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 2009, the following:

23

24	ITEM		FISCAL YEARS	
25	<u>NO.</u>		<u>2007-2008</u>	<u>2008-2009</u>
26	(01)	REGULAR SALARIES	\$ 7,153,093	\$ 7,296,480
27	(02)	EXTRA HELP	100,000	100,000
28	(03)	PERSONAL SERVICES MATCHING	2,098,675	2,128,400
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	685,500	685,500

1	(07) COMPUTER SOFTWARE/HARDWARE	<u>103,000</u>	<u>103,000</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 12,200,437</u>	<u>\$ 12,373,549</u>

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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, 2009, the following:

10			
11	ITEM	FISCAL YEARS	
12	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</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, 2009, the

20 following:

21			
22	ITEM	FISCAL YEARS	
23	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
24	(01) REFUND/REIMBURSEMENTS - DEATH AND		
25	TOTAL DISABILITY	\$ 750,000	\$ 750,000
26	(02) CLAIMS - DEATH AND TOTAL DISABILITY	<u>19,000,000</u>	<u>19,000,000</u>
27	TOTAL AMOUNT APPROPRIATED	<u>\$ 19,750,000</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, 2009, the following:

34			
35	ITEM	FISCAL YEARS	
36	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>

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

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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 2009, the following:

11

12	ITEM	FISCAL YEARS	
13	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
14	(01) MAINT. & GEN. OPERATION		
15	(A) OPER. EXPENSE	\$ 85,000	\$ 85,000
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>40,000</u>	<u>40,000</u>
21	TOTAL AMOUNT APPROPRIATED	<u>\$ 140,000</u>	<u>\$ 140,000</u>

22

23 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 25 FORWARD. Any unexpended balance of appropriation approved for the purchase
 26 of computer software and hardware by Item (07) in Section 3 of this Act,
 27 which remains at the close of the fiscal year ending June 30, ~~2006~~ 2008,
 28 shall be carried forward and made available for the same purpose for the
 29 fiscal year ending June 30, ~~2007~~ 2009 after having received prior approval by
 30 the Arkansas Legislative Council or Joint Budget Committee.

31 Determining the maximum number of employees and the maximum amount of
 32 appropriation and general revenue funding for a state agency each fiscal year
 33 is the prerogative of the General Assembly. This is usually accomplished by
 34 delineating such maximums in the appropriation act(s) for a state agency and
 35 the general revenue allocations authorized for each fund and fund account by
 36 amendment to the Revenue Stabilization law. Further, the General Assembly

1 has determined that the Workers' Compensation Commission may operate more
2 efficiently if some flexibility is provided to the Workers' Compensation
3 Commission authorizing broad powers under this Section. Therefore, it is both
4 necessary and appropriate that the General Assembly maintain oversight by
5 requiring prior approval of the Legislative Council or Joint Budget Committee
6 as provided by this section. The requirement of approval by the Legislative
7 Council or Joint Budget Committee is not a severable part of this section.
8 If the requirement of approval by the Legislative Council or Joint Budget
9 Committee is ruled unconstitutional by a court of competent jurisdiction,
10 this entire section is void.

11 Any carry forward of unexpended balance of appropriation and/or funding as
12 authorized herein, may be carried forward under the following conditions:

13 (1) Prior to June 30, 2008 the Agency shall by written statement set
14 forth its reason(s) for the need to carry forward said appropriation and/or
15 funding to the Department of Finance and Administration Office of Budget;

16 (2) The Department of Finance and Administration Office of Budget shall
17 report to the Arkansas Legislative Council all amounts carried forward from
18 the first fiscal year of the biennium to the second fiscal year of the
19 biennium by the September Arkansas Legislative Council or Joint Budget
20 Committee meeting in the second fiscal year of the biennial period which
21 report shall include the name of the Agency, Board, Commission or Institution
22 and the amount of the appropriation and/or funding carried forward from the
23 first fiscal year to the second fiscal year, the program name or line item,
24 the funding source of that appropriation and a copy of the written request
25 set forth in (1) above;

26 (3) Each Agency, Board, Commission or Institution shall provide a written
27 report to the Arkansas Legislative Council or Joint Budget Committee
28 containing all information set forth in item (2) above, along with a written
29 statement as to the current status of the project, contract, purpose etc. for
30 which the carry forward was originally requested no later than thirty (30)
31 days prior to the time the Agency, Board, Commission or Institution presents
32 its budget request to the Arkansas Legislative Council/Joint Budget
33 Committee; and

34 (4) Thereupon, the Department of Finance and Administration shall include
35 all information obtained in item (3) above in the biennial budget manuals
36 and/or a statement of non-compliance by the Agency, Board, Commission or

1 Institution.

2 The provisions of this section shall be in effect only from July 1, 2005
3 2007 through June 30, ~~2007~~ 2009.

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5 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. QUARTERLY
7 REPORTS. Due to the critical role of the Health and Safety and Medical Cost
8 Containment Programs to the overall programs of the Workers' Compensation
9 Commission (WCC), the WCC shall provide quarterly reports to the Arkansas
10 Legislative Council and to the House and Senate Committees on Public Health,
11 Welfare, and Labor on the progress of the Health and Safety Program and the
12 Medical Cost Containment Program, in such detail as may be required by either
13 body. These reports shall be posted on the agency's web page.

14 The provisions of this section shall be in effect only from July 1, 2005
15 2007 through June 30, ~~2007~~ 2009.

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17 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
19 EXPENDITURES. Any expenditure from the Workers' Compensation Commission
20 Building appropriation in this act in an amount exceeding ten thousand
21 dollars (\$10,000) or any combination of expenditures exceeding ten thousand
22 dollars (\$10,000) shall require approval from the Legislative Council. The
23 requirement of approval by the Legislative Council is not a severable part of
24 this section. If the requirement of approval by the Legislative Council is
25 ruled unconstitutional by a court of competent jurisdiction, this entire
26 section is void.

27 The provisions of this section shall be in effect only from July 1, 2005
28 2007 through June 30, ~~2007~~ 2009.

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30 SECTION 11. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
31 by this act shall be limited to the appropriation for such agency and funds
32 made available by law for the support of such appropriations; and the
33 restrictions of the State Procurement Law, the General Accounting and
34 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
35 Procedures and Restrictions Act, or their successors, and other fiscal
36 control laws of this State, where applicable, and regulations promulgated by

1 the Department of Finance and Administration, as authorized by law, shall be
2 strictly complied with in disbursement of said funds.

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

12
13 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the General
14 Assembly, that the Constitution of the State of Arkansas prohibits the
15 appropriation of funds for more than a two (2) year period; that the
16 effectiveness of this Act on July 1, 2007 is essential to the operation of
17 the agency for which the appropriations in this Act are provided, and that in
18 the event of an extension of the Regular Session, the delay in the effective
19 date of this Act beyond July 1, 2007 could work irreparable harm upon the
20 proper administration and provision of essential governmental programs.
21 Therefore, an emergency is hereby declared to exist and this Act being
22 necessary for the immediate preservation of the public peace, health and
23 safety shall be in full force and effect from and after July 1, 2007.

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25 APPROVED: 3/22/2007
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