

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 84th General Assembly
3 Regular Session, 2003
4

A Bill

Act 227 of 2003
SENATE BILL 260

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

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, 2005; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE WORKERS' COMPENSATION
16 COMMISSION APPROPRIATION FOR THE
17 2003-2005 BIENNIUM.
18
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 2003-2005 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
36 Maximum Salary Rate



1	Item	Class		No. of	Fiscal Years	
2	No.	Code	Title	Employees	2003-2004	2004-2005
3	(1)	9997	WK CMP COMMISSION CHAIRMAN	1	\$101,504	\$103,775
4	(2)	9991	WK CMP COMMISSIONER	2	\$99,825	\$102,073
5	(3)	9912	WRKS COMP CHIEF EXEC OFFICER	1	\$99,335	\$101,576
6	(4)	9134	WCC HEALTH & SAFETY ADMINISTRATOR	1	\$89,750	\$91,856
7	(5)	8921	WCC ASST CHIEF ADMIN OFFICER	1	\$89,750	\$91,856
8	(6)	8919	WCC SELF INSURED ADMINISTRATOR	1	\$89,750	\$91,856
9	(7)	9808	WCC CHIEF ADMIN LAW JUDGE	1	\$89,750	\$91,855
10	(8)	9750	ADMINISTRATIVE LAW JUDGE	13	\$83,005	\$84,982
11	(9)	127Z	WRKS COMP DEPARTMENT HEAD	10	GRADE 26	
12	(10)	R038	ATTORNEY SUPERVISOR	1	GRADE 26	
13	(11)	R170	ATTORNEY SPECIALIST	5	GRADE 25	
14	(12)	R036	ATTORNEY	11	GRADE 24	
15	(13)	766Z	WRKS COMP PROGRAM MANAGER	7	GRADE 23	
16	(14)	D080	APPLICATIONS & SYSTEMS MANAGER	3	GRADE 23	
17	(15)	909Z	PROGRAM SUPPORT MANAGER	4	GRADE 22	
18	(16)	R484	WRKS COMP CLAIMS MANAGER	2	GRADE 22	
19	(17)	A116	RATE ANALYST III	1	GRADE 21	
20	(18)	A251	SR AUDITOR	2	GRADE 21	
21	(19)	R356	INDUSTRIAL CONSULTANT	6	GRADE 21	
22	(20)	A006	ACCOUNTING SUPERVISOR I	1	GRADE 20	
23	(21)	D121	USER SUPPORT ANALYST	2	GRADE 20	
24	(22)	M116	UTILIZATION REVIEW NURSE	2	GRADE 20	
25	(23)	R133	AGENCY DIRECTOR RESEARCH & STATS	1	GRADE 20	
26	(24)	R266	MANAGEMENT PROJECT ANALYST II	3	GRADE 20	
27	(25)	X323	WRKS COMP COMPLIANCE OFFICER	1	GRADE 20	
28	(26)	K043	HEARING REPORTER	3	GRADE 19	
29	(27)	A111	ACCOUNTANT	1	GRADE 18	
30	(28)	R264	MANAGEMENT PROJECT ANALYST I	2	GRADE 18	
31	(29)	X361	INSURANCE INVESTIGATOR	6	GRADE 18	
32	(30)	R010	ADMINISTRATIVE ASSISTANT II	28	GRADE 17	
33	(31)	R162	STATISTICIAN/STATISTICIAN II	2	GRADE 17	
34	(32)	D005	COMPUTER OPERATOR II	1	GRADE 15	
35	(33)	K011	ADMINISTRATIVE OFFICE SUPERVISOR	1	GRADE 15	
36	(34)	K028	CLAIMS DATA SPECIALIST II	4	GRADE 15	

1	(35)	R009	ADMINISTRATIVE ASSISTANT I	12	GRADE 15
2	(36)	V051	STOREROOM SUPV/STORE SUPV	1	GRADE 15
3	(37)	K029	CLAIMS DATA SPECIALIST I	3	GRADE 14
4	(38)	K079	MICRO-PHOTOGRAPHER SUPERVISOR	1	GRADE 14
5	(39)	K153	SECRETARY II	3	GRADE 13
6	(40)	K039	DOCUMENT EXAMINER II	<u>2</u>	GRADE 12
7			MAX. NO. OF EMPLOYEES	153	

8

9 SECTION 2. EXTRA HELP. There is hereby authorized, for the Workers'
 10 Compensation Commission for the 2003-2005 biennium, the following maximum
 11 number of part-time or temporary employees, to be known as "Extra Help",
 12 payable from funds appropriated herein for such purposes: two (2) temporary
 13 or part-time employees, when needed, at rates of pay not to exceed those
 14 provided in the Uniform Classification and Compensation Act, or its
 15 successor, or this act for the appropriate classification.

16

17 SECTION 3. APPROPRIATION - ADMINISTRATION. There is hereby appropriated,
 18 to the Workers' Compensation Commission, to be payable from the Worker's
 19 Compensation Fund, for personal services and operating expenses of the
 20 Workers' Compensation Commission for the biennial period ending June 30,
 21 2005, the following:

22

23	ITEM		FISCAL YEARS	
24	<u>NO.</u>		<u>2003-2004</u>	<u>2004-2005</u>
25	(01)	REGULAR SALARIES	\$ 6,800,230	\$ 6,983,836
26	(02)	EXTRA HELP	100,000	100,000
27	(03)	PERSONAL SERV MATCH	1,735,816	1,768,833
28	(04)	OVERTIME	10,000	10,000
29	(05)	MAINT. & GEN. OPERATION		
30	(A)	OPER. EXPENSE	1,645,784	1,645,784
31	(B)	CONF. & TRAVEL	96,096	96,096
32	(C)	PROF. FEES	268,464	268,464
33	(D)	CAP. OUTLAY	30,000	30,000
34	(E)	DATA PROC.	10,000	10,000
35	(06)	REFUNDS/REIMBURSEMENTS-ADMIN	750,000	750,000
36	(07)	COMPUTER SOFTWARE/HARDWARE	<u>441,118</u>	<u>0</u>

1 TOTAL AMOUNT APPROPRIATED \$ 11,887,508 \$ 11,663,013

2

3 SECTION 4. APPROPRIATION - PURCHASE ANNUITIES. There is hereby
 4 appropriated, to the Workers' Compensation Commission, to be payable from the
 5 Death and Permanent Total Disability Trust Fund, for the purchase of
 6 annuities to fund the financial obligations of the Death and Permanent Total
 7 Disability Trust Fund by the Workers' Compensation Commission for the
 8 biennial period ending June 30, 2005, the following:

9

10 ITEM	FISCAL YEARS	
11 NO.	2003-2004	2004-2005
12 (01) PURCHASE ANNUITIES	\$ <u>4,000,000</u>	\$ <u>4,000,000</u>

13

14 SECTION 5. APPROPRIATION - REFUNDS AND CLAIMS. There is hereby
 15 appropriated, to the Workers' Compensation Commission, to be payable from the
 16 Death and Permanent Total Disability Trust Fund, for refund of taxes and
 17 payment of death and total disability claims allowed by the Workers'
 18 Compensation Commission for the biennial period ending June 30, 2005, the
 19 following:

20

21 ITEM	FISCAL YEARS	
22 NO.	2003-2004	2004-2005
23 (01) REFUNDS/REIMBURSEMENTS - DEATH AND		
24 TOTAL DISABILITY	\$ 750,000	\$ 750,000
25 (02) CLAIMS-DEATH AND TOTAL DISABILITY	<u>15,000,000</u>	<u>16,000,000</u>
26 TOTAL AMOUNT APPROPRIATED	\$ <u>15,750,000</u>	\$ <u>16,750,000</u>

27

28 SECTION 6. APPROPRIATION - SECOND INJURY CLAIMS. There is hereby
 29 appropriated, to the Workers' Compensation Commission, to be payable from the
 30 Second Injury Trust Fund, for refund of taxes and payment of second injury
 31 claims by the Workers' Compensation Commission for the biennial period ending
 32 June 30, 2005, the following:

33

34 ITEM	FISCAL YEARS	
35 NO.	2003-2004	2004-2005
36 (01) REFUNDS/REIMBURSEMENTS-SECOND INJURY	\$ 250,000	\$ 250,000

1	(02) CLAIMS-SECOND INJURY	<u>4,000,000</u>	<u>4,000,000</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 4,250,000</u>	<u>\$ 4,250,000</u>

3
 4 SECTION 7. APPROPRIATION - SEMINAR - CASH. There is hereby appropriated,
 5 to the Workers' Compensation Commission, to be payable from the cash fund
 6 deposited in the State Treasury as determined by the Chief Fiscal Officer of
 7 the State, for scholarships and educational conference expenses of the
 8 Workers' Compensation Commission for the biennial period ending June 30,
 9 2005, the following:

11	ITEM	FISCAL YEARS	
12	<u>NO.</u>	<u>2003-2004</u>	<u>2004-2005</u>
13	(01) MAINT. & GEN. OPERATION		
14	(A) OPER. EXPENSE	\$ 105,000	\$ 105,000
15	(B) CONF. & TRAVEL	0	0
16	(C) PROF. FEES	15,000	15,000
17	(D) CAP. OUTLAY	0	0
18	(E) DATA PROC.	0	0
19	(02) SCHOLARSHIPS	<u>20,000</u>	<u>20,000</u>
20	TOTAL AMOUNT APPROPRIATED	<u>\$ 140,000</u>	<u>\$ 140,000</u>

21
 22 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

24 CARRY FORWARD. Any unexpended balance of appropriation approved for the
 25 purchase of computer software and hardware by Item (07) in Section 3 of this
 26 Act, which remains at the close of the fiscal year ending ~~June 30, 2002~~ June
 27 30, 2004, shall be carried forward and made available for the same purpose
 28 for the fiscal year ending ~~June 30, 2003~~ June 30, 2005 after having received
 29 prior approval by the Arkansas Legislative Council or Joint Budget Committee.

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

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

10 The provisions of this section shall be in effect only from ~~July 1, 2001~~ July
 11 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

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

22 The provisions of this section shall be in effect only from ~~July 1, 2001~~
 23 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

24
 25 SECTION 10. SPECIAL LANGUAGE. Arkansas Code 11-9-703 concerning
 26 preliminary conference procedures for the Workers Compensation Commission is
 27 amended to add a new subdivision to read as follows:
 28 (5) No monies appropriated by Act 1046 of 1987 or any other Act shall be
 29 expended to fund preliminary conferences held pursuant to Arkansas Code 11-9-
 30 102, 11-9-205, 11-9-501 - 503, 11-9-517, 11-9-521 - 522, 11-9-527, 11-9-701 -
 31 704, 11-9-715, 11-9-802, 11-9-804 other than in the county where the accident
 32 occurred, if the same occurred in this State, the county of the claimant's
 33 residence, or such other county as agreed to by the parties.

34
 35 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MANAGED

1 CARE IMPLEMENTATION. Implementation of Workers' Compensation Commission Rule
 2 33 (Managed Care) shall be voluntary for all employers.

3 The provisions of this section shall be in effect only from ~~July 1, 2001~~
 4 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

5
 6 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORKERS'
 8 COMPENSATION COVERAGE. Municipalities with populations over one hundred
 9 fifty thousand (150,000) citizens or their sewer committees are specifically
 10 authorized to provide workers' compensation coverage for their officials and
 11 employees through either private carriers or by self-funding on either a
 12 statewide or individual basis.

13 The provisions of this section shall be in effect only from ~~July 1, 2001~~
 14 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

15
 16 SECTION 13. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
 17 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES - WORKER'S
 18 COMPENSATION FUND, DEATH AND PERMANENT TOTAL DISABILITY TRUST FUND AND SECOND
 19 INJURY TRUST FUND. (A) For all appropriations as provided in this Act, the
 20 agency disbursing officer shall monitor the level of fund balances in
 21 relation to expenditures on a monthly basis. If any proposed expenditures
 22 would cause the Worker's Compensation Fund to decline below four million
 23 twenty five thousand five hundred ninety one dollars (\$4,025,591), the Death
 24 and Permanent Total Disability Trust Fund to decline below sixty eight
 25 million, six thousand five hundred fifty one dollars (\$68,006,551) or the
 26 Second Injury Trust Fund to decline below five million four hundred nine
 27 thousand six hundred six dollars (\$5,409,606) a fund balance to decline to
 28 ~~less than fifty percent (50%) of the balance available on July 1, 2001,~~ the
 29 disbursing officer shall immediately notify the executive head of the agency.
 30 Prior to any obligations being made under these circumstances, the agency
 31 head shall file written documentation with the Chief Fiscal Officer of the
 32 State requesting approval of the expenditures. Such documentation shall
 33 provide sufficient financial data to justify the expenditures and shall
 34 include the following:

- 35 1) a plan that clearly indicates the specific fiscal impact of such
- 36 expenditures on the fund balance.

- 1 2) information clearly indicating and explaining what programs would be cut
- 2 or any other measures to be taken by the agency to restore the fund balance.
- 3 3) the extent to which any of the planned expenditures are for one-time costs
- 4 or one-time purchase of capitalized items.
- 5 4) a statement certifying that the expenditure of fund balances will not
- 6 jeopardize the financial health of the agency, nor result in a permanent
- 7 depletion of the fund balance.

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

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

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

23
 24 SECTION 15. LEGISLATIVE INTENT. It is the intent of the General Assembly
 25 that any funds disbursed under the authority of the appropriations contained
 26 in this act shall be in compliance with the stated reasons for which this act
 27 was adopted, as evidenced by the Agency Requests, Executive Recommendations
 28 and Legislative Recommendations contained in the budget manuals prepared by
 29 the Department of Finance and Administration, letters, or summarized oral
 30 testimony in the official minutes of the Arkansas Legislative Council or
 31 Joint Budget Committee which relate to its passage and adoption.

32
 33 SECTION 16. EMERGENCY CLAUSE. It is found and determined by the General
 34 Assembly, that the Constitution of the State of Arkansas prohibits the
 35 appropriation of funds for more than a two (2) year period; that the
 36 effectiveness of this Act on July 1, 2003 is essential to the operation of

1 the agency for which the appropriations in this Act are provided, and that in
2 the event of an extension of the Regular Session, the delay in the effective
3 date of this Act beyond July 1, 2003 could work irreparable harm upon the
4 proper administration and provision of essential governmental programs.
5 Therefore, an emergency is hereby declared to exist and this Act being
6 necessary for the immediate preservation of the public peace, health and
7 safety shall be in full force and effect from and after July 1, 2003.

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11 APPROVED: 2/26/2003
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