

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representative Wallis

# A Bill

HOUSE BILL 2164

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 11-9-205 AND 11-9-301 (c)  
9 CONCERNING THE DUTIES OF THE EXECUTIVE DIRECTOR OF THE  
10 WORKERS\_ COMPENSATION COMMISSION; AND FOR OTHER PURPOSES."

## Subtitle

13 "AN ACT CONCERNING THE DUTIES OF THE  
14 EXECUTIVE DIRECTOR OF THE WORKERS\_  
15 COMPENSATION COMMISSION."

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20 SECTION 1. Arkansas Code 11-9-205 is amended to read as follows:

21 "11-9-205. Administration of chapter - Staff and expenditures.

22 (a)(1) For the purpose of administering the provisions of this  
23 chapter, the commission is authorized to make such rules and regulations as  
24 may be found necessary.

25 (2) Prior to the adoption, prescription, amendment,  
26 modification, or repeal of any rule, regulation, or form, the commission  
27 shall give at least forty-five (45) days\_ notice of its intended action. The  
28 notice shall include a statement of the terms or substance of the intended  
29 action or description of the subjects and issues involved, and the time,  
30 place, and manner in which interested persons may present their views  
31 thereon. The notice shall be mailed to any person specified by law or who  
32 shall have requested advance notice of rule-making proceedings.

33 (3) The commission shall afford all interested persons a  
34 reasonable opportunity to submit written data, views, or arguments, and, if  
35 the commission in its discretion shall so direct, oral testimony or argument.

1           (4) Each rule, regulation, or form adopted by the commission  
2 shall be effective twenty (20) days after adoption, unless a later date is  
3 specified by law or in the rule itself.

4           (5) All expenditures of the commission in the administration of  
5 this chapter shall be allowed and paid from the Workers' Compensation Fund,  
6 upon the presentation of itemized vouchers approved by the Executive  
7 Director. (b)(1) The Executive Director may appoint as many persons as may  
8 be necessary to be referees and in addition may appoint such examiners, rate  
9 experts, investigators, medical examiners, clerks, and other employees as it  
10 deems necessary to effectuate the provisions of this chapter, provided that  
11 the appointment of all rate experts shall be made by the Insurance  
12 Commissioner whose duty it is to approve the rates charged.

13           (2) Rate experts shall be considered employees of the commission  
14 and the Insurance Commissioner and shall be paid from the Workers'  
15 Compensation Fund.

16           (3) Employees appointed pursuant to subsection (b) of this  
17 section shall receive an annual salary to be fixed by the Executive Director  
18 within the appropriation made therefor.

19           (c) It shall be the duty of a referee, under the rules adopted by the  
20 commission, to hear and determine claims for compensation and to conduct  
21 hearings and investigations and to make such orders, decisions, and  
22 determinations as may be required by any rule or order of the commission.

23           (d)(1) The chief executive officer of the Workers\_ Compensation  
24 Commission shall be the Executive Director. The Executive Director shall be  
25 appointed by the Governor, subject to conformation by the Senate. The  
26 Executive Director shall serve at the pleasure of the Governor.

27           (2) For the purpose of administering the provisions of this  
28 chapter, the Executive Director is authorized:

29                   (A) To appoint and fix the compensation of temporary  
30 technical assistants and medical and legal advisers and to appoint and to fix  
31 the compensation of clerical assistants and other officers and employees; and

32                   (B) To make such expenditures including those for personal  
33 service, rent, books, periodicals, office equipment, and supplies, and for  
34 printing and binding as may be necessary."

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1 SECTION 2. Arkansas Code 11-9-301 (c) is amended to read as follows:

2 "(c) All funds established pursuant to this section shall be  
3 administered, disbursed, and invested under the direction of the Executive  
4 Director of the Workers\_ Compensation Commission."  
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6 SECTION 3. All provisions of this act of a general and permanent  
7 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
8 Code Revision Commission shall incorporate the same in the Code.  
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10 SECTION 4. If any provision of this act or the application thereof to  
11 any person or circumstance is held invalid, such invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provision or application, and to this end the provisions of this  
14 act are declared to be severable.  
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16 SECTION 5. All laws and parts of laws in conflict with this act are  
17 hereby repealed.  
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