

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

A Bill

SENATE BILL 491

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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19 SECTION 5. EMERGENCY. It is found and determined by the General
20 Assembly that the work load of the Workers_ Compensation Commission has
21 increased significantly; that because of the increased demands on the
22 commission there may be a delay of nine months to a year for a decision to be
23 rendered in a workers_ compensation case; that the commission must divide its
24 time between appeals and various administrative responsibilities; that in
25 order for the commission to focus on its primary duty, hearing appeals, this
26 act shifts some administrative responsibilities to the Executive Director of
27 the Workers_ Compensation Commission; and that this act is immediately
28 necessary for the effective administration of the workers_ compensation laws.
29 Therefore, an emergency is declared to exist and this act being necessary
30 for the immediate preservation of the public peace, health and safety shall
31 be in full force and effect from and after its passage and approval.
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