

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 85th General Assembly  
3 Regular Session, 2005

# A Bill

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  
36  
Maximum Annual  
Maximum Salary Rate



1	Item	Class		No. of	Fiscal Years	
2	No.	Code	Title	Employees	2005-2006	2006-2007
3	(1)	9997	WK CMP COMMISSION CHAIRMAN	1	\$106,241	\$108,744
4	(2)	9991	WK CMP COMMISSIONER	2	\$104,514	\$106,991
5	(3)	9912	WRKS COMP CHIEF EXEC OFFICER	1	\$104,009	\$106,479
6	(4)	9134	WCC HEALTH & SAFETY ADMINISTRATOR	1	\$94,143	\$96,465
7	(5)	8921	WCC ASST CHIEF ADMIN OFFICER	1	\$94,143	\$96,465
8	(6)	8919	WCC SELF INSURED ADMINISTRATOR	1	\$94,143	\$96,465
9	(7)	9808	WCC CHIEF ADMIN LAW JUDGE	1	\$94,142	\$96,464
10	(8)	9750	ADMINISTRATIVE LAW JUDGE	13	\$87,146	\$89,351
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)	R356	INDUSTRIAL CONSULTANT	6		GRADE 21
20	(18)	A116	RATE ANALYST III	1		GRADE 21
21	(19)	A251	SR AUDITOR	2		GRADE 21
22	(20)	M116	UTILIZATION REVIEW NURSE	2		GRADE 20
23	(21)	R266	MANAGEMENT PROJECT ANALYST II	3		GRADE 20
24	(22)	R133	AGENCY DIRECTOR RESEARCH & STATS	1		GRADE 20
25	(23)	D121	USER SUPPORT ANALYST	2		GRADE 20
26	(24)	A006	ACCOUNTING SUPERVISOR I	1		GRADE 20
27	(25)	X323	WRKS COMP COMPLIANCE OFFICER	1		GRADE 20
28	(26)	K043	HEARING REPORTER	3		GRADE 19
29	(27)	R264	MANAGEMENT PROJECT ANALYST I	2		GRADE 18
30	(28)	A111	ACCOUNTANT	1		GRADE 18
31	(29)	X361	INSURANCE INVESTIGATOR	6		GRADE 18
32	(30)	R162	STATISTICIAN/STATISTICIAN II	2		GRADE 17
33	(31)	R010	ADMINISTRATIVE ASSISTANT II	29		GRADE 17
34	(32)	R009	ADMINISTRATIVE ASSISTANT I	11		GRADE 15
35	(33)	D005	COMPUTER OPERATOR II	1		GRADE 15
36	(34)	V051	STOREROOM SUPV/STORE SUPV	1		GRADE 15

1	(35)	K011	ADMINISTRATIVE OFFICE SUPERVISOR	1	GRADE 15
2	(36)	K028	CLAIMS DATA SPECIALIST II	4	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 2005-2007 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 Workers'  
 19 Compensation Fund, for personal services and operating expenses of the  
 20 Workers' Compensation Commission for the biennial period ending June 30,  
 21 2007, the following:

22

23	ITEM		FISCAL YEARS	
24	<u>NO.</u>		<u>2005-2006</u>	<u>2006-2007</u>
25	(01)	REGULAR SALARIES	\$ 6,924,177	\$ 7,118,320
26	(02)	EXTRA HELP	100,000	100,000
27	(03)	PERSONAL SERVICES MATCHING	1,893,418	1,929,590
28	(04)	OVERTIME	10,000	10,000
29	(05)	MAINT. & GEN. OPERATION		
30	(A)	OPER. EXPENSE	1,645,609	1,645,609
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)	REFUND/REIMBURSEMENTS - ADMIN	750,000	750,000
36	(07)	COMPUTER SOFTWARE/HARDWARE	<u>174,830</u>	<u>159,160</u>

1 TOTAL AMOUNT APPROPRIATED \$ 11,902,594 \$ 12,117,239

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, 2007, the following:

9

10 ITEM	FISCAL YEARS	
11 NO.	2005-2006	2006-2007
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, 2007, the  
 19 following:

20

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

33

34 ITEM	FISCAL YEARS	
35 NO.	2005-2006	2006-2007
36 (01) REFUND/REIMBURSEMENTS - SECOND INJURY \$	250,000	\$ 250,000

1	(02) CLAIMS - SECOND INJURY	<u>8,000,000</u>	<u>9,000,000</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 8,250,000</u>	<u>\$ 9,250,000</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 2007, the following:

11	ITEM	FISCAL YEARS	
12	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</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. CARRY  
 24 FORWARD. Any unexpended balance of appropriation approved for the purchase  
 25 of computer software and hardware by Item (07) in Section 3 of this Act,  
 26 which remains at the close of the fiscal year ending June 30, ~~2004~~ 2006,  
 27 shall be carried forward and made available for the same purpose for the  
 28 fiscal year ending June 30, ~~2005~~ 2007 after having received prior approval by  
 29 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, ~~2003~~ 2005  
 11 through June 30, ~~2005~~ 2007.

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, ~~2003~~  
 23 2005 through June 30, ~~2005~~ 2007.

24  
 25 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND  
 27 BALANCES – WORKERS' COMPENSATION FUND, DEATH AND PERMANENT TOTAL DISABILITY  
 28 TRUST FUND AND SECOND INJURY TRUST FUND. (A) For all appropriations as  
 29 provided in this Act, the agency disbursing officer shall monitor the level  
 30 of fund balances in relation to expenditures on a monthly basis. If any  
 31 proposed expenditures would cause the Workers' Compensation Fund to decline  
 32 below ~~four million twenty five thousand five hundred ninety one dollars~~  
 33 ~~(\$4,025,591)~~ three million four hundred forty four thousand two hundred  
 34 dollars (\$3,440,200), the Death and Permanent Total Disability Trust Fund to  
 35 decline below ~~sixty eight million, six thousand five hundred fifty one~~  
 36 ~~dollars (\$68,006,551)~~ sixty nine million, nine hundred forty nine thousand

1 seven hundred forty dollars (\$69,949,740) or the Second Injury Trust Fund to  
 2 decline below ~~five million four hundred nine thousand six hundred six dollars~~  
 3 ~~(\$5,409,606)~~ three million two hundred twenty nine thousand eight hundred  
 4 forty one dollars (\$3,229,841), the disbursing officer shall immediately  
 5 notify the executive head of the agency. Prior to any obligations being made  
 6 under these circumstances, the agency head shall file written documentation  
 7 with the Chief Fiscal Officer of the State requesting approval of the  
 8 expenditures. Such documentation shall provide sufficient financial data to  
 9 justify the expenditures and shall include the following:

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

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

22 The provisions of this section shall be in effect only from July 1, ~~2003~~  
 23 2005 through June 30, ~~2005~~ 2007.

24  
 25 SECTION 11. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
 26 by this act shall be limited to the appropriation for such agency and funds  
 27 made available by law for the support of such appropriations; and the  
 28 restrictions of the State Procurement Law, the General Accounting and  
 29 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
 30 Procedures and Restrictions Act, or their successors, and other fiscal  
 31 control laws of this State, where applicable, and regulations promulgated by  
 32 the Department of Finance and Administration, as authorized by law, shall be  
 33 strictly complied with in disbursement of said funds.

34  
 35 SECTION 12. LEGISLATIVE INTENT. It is the intent of the General Assembly  
 36 that any funds disbursed under the authority of the appropriations contained

1 in this act shall be in compliance with the stated reasons for which this act  
2 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
3 and Legislative Recommendations contained in the budget manuals prepared by  
4 the Department of Finance and Administration, letters, or summarized oral  
5 testimony in the official minutes of the Arkansas Legislative Council or  
6 Joint Budget Committee which relate to its passage and adoption.

7  
8 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the General  
9 Assembly, that the Constitution of the State of Arkansas prohibits the  
10 appropriation of funds for more than a two (2) year period; that the  
11 effectiveness of this Act on July 1, 2005 is essential to the operation of  
12 the agency for which the appropriations in this Act are provided, and that in  
13 the event of an extension of the Regular Session, the delay in the effective  
14 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
15 proper administration and provision of essential governmental programs.  
16 Therefore, an emergency is hereby declared to exist and this Act being  
17 necessary for the immediate preservation of the public peace, health and  
18 safety shall be in full force and effect from and after July 1, 2005.