

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
4

As Engrossed: S2/24/05 S3/14/05

A Bill

SENATE BILL 82

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, 2007; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE WORKERS' COMPENSATION
16 COMMISSION APPROPRIATION FOR THE
17 2005-2007 BIENNIUM.
18
19
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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.
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35 Maximum Annual
36 Maximum Salary Rate



Item	Class		No. of Employees	Fiscal Years	
	No.	Code Title		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	

SECTION 2. EXTRA HELP. There is hereby authorized, for the Workers' Compensation Commission for the 2005-2007 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: two (2) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - ADMINISTRATION. There is hereby appropriated, to the Workers' Compensation Commission, to be payable from the Workers' Compensation Fund, for personal services and operating expenses of the Workers' Compensation Commission for the biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) REGULAR SALARIES	\$ 6,924,177	\$ 7,118,320
(02) EXTRA HELP	100,000	100,000
(03) PERSONAL SERVICES MATCHING	1,893,418	1,929,590
(04) OVERTIME	10,000	10,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	1,645,609	1,645,609
(B) CONF. & TRAVEL	96,096	96,096
(C) PROF. FEES	268,464	268,464
(D) CAP. OUTLAY	30,000	30,000
(E) DATA PROC.	10,000	10,000
(06) REFUND/REIMBURSEMENTS - ADMIN	750,000	750,000
(07) COMPUTER SOFTWARE/HARDWARE	<u>174,830</u>	<u>159,160</u>

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

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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:

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10 ITEM	FISCAL YEARS	
11 NO.	2005-2006	2006-2007
12 (01) PURCHASE ANNUITIES	\$ <u>4,000,000</u>	\$ <u>4,000,000</u>

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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:

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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>

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 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. APPROPRIATION - WORKERS' COMPENSATION COMMISSION BUILDING.
 23 *There is hereby appropriated, to the Workers' Compensation Commission, to be*
 24 *payable from the Workers' Compensation Fund, the following:*

25 (A) *For Various Maintenance, Renovation, Equipping, Construction,*
 26 *Improvement, Upgrade, & Repair Projects for the Workers' Compensation*
 27 *Commission Building, the sum of\$300,000.*

28
 29 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 31 FORWARD. Any unexpended balance of appropriation approved for the purchase
 32 of computer software and hardware by Item (07) in Section 3 of this Act,
 33 which remains at the close of the fiscal year ending June 30, ~~2004~~ 2006,
 34 shall be carried forward and made available for the same purpose for the
 35 fiscal year ending June 30, ~~2005~~ 2007 after having received prior approval by
 36 the Arkansas Legislative Council or Joint Budget Committee.

1 Determining the maximum number of employees and the maximum amount of
2 appropriation and general revenue funding for a state agency each fiscal year
3 is the prerogative of the General Assembly. This is usually accomplished by
4 delineating such maximums in the appropriation act(s) for a state agency and
5 the general revenue allocations authorized for each fund and fund account by
6 amendment to the Revenue Stabilization law. Further, the General Assembly
7 has determined that the Workers' Compensation Commission may operate more
8 efficiently if some flexibility is provided to the Workers' Compensation
9 Commission authorizing broad powers under this Section. Therefore, it is both
10 necessary and appropriate that the General Assembly maintain oversight by
11 requiring prior approval of the Legislative Council or Joint Budget Committee
12 as provided by this section. The requirement of approval by the Legislative
13 Council or Joint Budget Committee is not a severable part of this section.
14 If the requirement of approval by the Legislative Council or Joint Budget
15 Committee is ruled unconstitutional by a court of competent jurisdiction,
16 this entire section is void.

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

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

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

31

32 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
34 BALANCES – WORKERS' COMPENSATION FUND, DEATH AND PERMANENT TOTAL DISABILITY
35 TRUST FUND AND SECOND INJURY TRUST FUND. (A) For all appropriations as
36 provided in this Act, the agency disbursing officer shall monitor the level

1 of fund balances in relation to expenditures on a monthly basis. If any
2 proposed expenditures would cause the Workers' Compensation Fund to decline
3 below ~~four million twenty five thousand five hundred ninety one dollars~~
4 ~~(\$4,025,591)~~ three million four hundred forty four thousand two hundred
5 dollars (\$3,440,200), the Death and Permanent Total Disability Trust Fund to
6 decline below ~~sixty eight million, six thousand five hundred fifty one~~
7 ~~dollars (\$68,006,551)~~ sixty nine million, nine hundred forty nine thousand
8 seven hundred forty dollars (\$69,949,740) or the Second Injury Trust Fund to
9 decline below ~~five million four hundred nine thousand six hundred six dollars~~
10 ~~(\$5,409,606)~~ three million two hundred twenty nine thousand eight hundred
11 forty one dollars (\$3,229,841), the disbursing officer shall immediately
12 notify the executive head of the agency. Prior to any obligations being made
13 under these circumstances, the agency head shall file written documentation
14 with the Chief Fiscal Officer of the State requesting approval of the
15 expenditures. Such documentation shall provide sufficient financial data to
16 justify the expenditures and shall include the following:

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

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

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

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32 *SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
33 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*

34 EXPENDITURES. Any expenditure from the Workers' Compensation Commission
35 Building appropriation in this act in an amount exceeding ten thousand
36 dollars (\$10,000) or any combination of expenditures exceeding ten thousand

1 dollars (\$10,000) shall require approval from the Legislative Council. The
2 requirement of approval by the Legislative Council is not a severable part of
3 this section. If the requirement of approval by the Legislative Council is
4 ruled unconstitutional by a court of competent jurisdiction, this entire
5 section is void.

6 The provisions of this section shall be in effect only from July 1, 2005
7 through June 30, 2007.

8
9 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
10 by this act shall be limited to the appropriation for such agency and funds
11 made available by law for the support of such appropriations; and the
12 restrictions of the State Procurement Law, the General Accounting and
13 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
14 Procedures and Restrictions Act, or their successors, and other fiscal
15 control laws of this State, where applicable, and regulations promulgated by
16 the Department of Finance and Administration, as authorized by law, shall be
17 strictly complied with in disbursement of said funds.

18
19 SECTION 14. LEGISLATIVE INTENT. It is the intent of the General Assembly
20 that any funds disbursed under the authority of the appropriations contained
21 in this act shall be in compliance with the stated reasons for which this act
22 was adopted, as evidenced by the Agency Requests, Executive Recommendations
23 and Legislative Recommendations contained in the budget manuals prepared by
24 the Department of Finance and Administration, letters, or summarized oral
25 testimony in the official minutes of the Arkansas Legislative Council or
26 Joint Budget Committee which relate to its passage and adoption.

27
28 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General
29 Assembly, that the Constitution of the State of Arkansas prohibits the
30 appropriation of funds for more than a two (2) year period; that the
31 effectiveness of this Act on July 1, 2005 is essential to the operation of
32 the agency for which the appropriations in this Act are provided, and that in
33 the event of an extension of the Regular Session, the delay in the effective
34 date of this Act beyond July 1, 2005 could work irreparable harm upon the
35 proper administration and provision of essential governmental programs.
36 Therefore, an emergency is hereby declared to exist and this Act being

1 necessary for the immediate preservation of the public peace, health and
2 safety shall be in full force and effect from and after July 1, 2005.

3
4 */s/ Joint Budget Committee*
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