

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 86th General Assembly  
3 Regular Session, 2007

# A Bill

SENATE BILL 197

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, 2009; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15  
16 AN ACT FOR THE WORKERS' COMPENSATION  
17 COMMISSION APPROPRIATION FOR THE  
18 2007-2009 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 2007-2009 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	2007-2008	2008-2009
3	(1)	9997	WK CMP COMMISSION CHAIRMAN	1	\$110,918	\$113,136
4	(2)	9991	WK CMP COMMISSIONER	2	\$109,130	\$111,312
5	(3)	9912	WRKS COMP CHIEF EXEC OFFICER	1	\$108,608	\$110,780
6	(4)	9134	WCC HEALTH & SAFETY ADMINISTRATOR	1	\$98,394	\$100,361
7	(5)	8921	WCC ASST CHIEF ADMIN OFFICER	1	\$98,394	\$100,361
8	(6)	8919	WCC SELF INSURED ADMINISTRATOR	1	\$98,394	\$100,361
9	(7)	9808	WCC CHIEF ADMIN LAW JUDGE	1	\$98,393	\$100,360
10	(8)	9750	ADMINISTRATIVE LAW JUDGE	13	\$91,138	\$92,960
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 2007-2009 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 2009, the following:

22

23	ITEM		FISCAL YEARS	
24	<u>NO.</u>		<u>2007-2008</u>	<u>2008-2009</u>
25	(01)	REGULAR SALARIES	\$ 7,153,093	\$ 7,296,480
26	(02)	EXTRA HELP	100,000	100,000
27	(03)	PERSONAL SERVICES MATCHING	2,098,675	2,128,400
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	685,500	685,500
36	(07)	COMPUTER SOFTWARE/HARDWARE	<u>103,000</u>	<u>103,000</u>

1 TOTAL AMOUNT APPROPRIATED \$ 12,200,437 \$ 12,373,549

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, 2009, the following:

9

10 ITEM	FISCAL YEARS	
11 NO.	2007-2008	2008-2009
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, 2009, the  
 19 following:

20

21 ITEM	FISCAL YEARS	
22 NO.	2007-2008	2008-2009
23 (01) REFUND/REIMBURSEMENTS - DEATH AND		
24 TOTAL DISABILITY	\$ 750,000	\$ 750,000
25 (02) CLAIMS - DEATH AND TOTAL DISABILITY	<u>19,000,000</u>	<u>19,000,000</u>
26 TOTAL AMOUNT APPROPRIATED	\$ <u>19,750,000</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, 2009, the following:

33

34 ITEM	FISCAL YEARS	
35 NO.	2007-2008	2008-2009
36 (01) REFUND/REIMBURSEMENTS - SECOND INJURY \$	250,000	\$ 250,000

1	(02) CLAIMS - SECOND INJURY	<u>9,000,000</u>	<u>9,000,000</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 9,250,000</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 2009, the following:

11	ITEM	FISCAL YEARS	
12	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
13	(01) MAINT. & GEN. OPERATION		
14	(A) OPER. EXPENSE	\$ 85,000	\$ 85,000
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>40,000</u>	<u>40,000</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, ~~2006~~ 2008,  
 27 shall be carried forward and made available for the same purpose for the  
 28 fiscal year ending June 30, ~~2007~~ 2009 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 Any carry forward of unexpended balance of appropriation and/or funding as  
11 authorized herein, may be carried forward under the following conditions:

12 (1) Prior to June 30, 2008 the Agency shall by written statement set  
13 forth its reason(s) for the need to carry forward said appropriation and/or  
14 funding to the Department of Finance and Administration Office of Budget;

15 (2) The Department of Finance and Administration Office of Budget shall  
16 report to the Arkansas Legislative Council all amounts carried forward from  
17 the first fiscal year of the biennium to the second fiscal year of the  
18 biennium by the September Arkansas Legislative Council or Joint Budget  
19 Committee meeting in the second fiscal year of the biennial period which  
20 report shall include the name of the Agency, Board, Commission or Institution  
21 and the amount of the appropriation and/or funding carried forward from the  
22 first fiscal year to the second fiscal year, the program name or line item,  
23 the funding source of that appropriation and a copy of the written request  
24 set forth in (1) above;

25 (3) Each Agency, Board, Commission or Institution shall provide a written  
26 report to the Arkansas Legislative Council or Joint Budget Committee  
27 containing all information set forth in item (2) above, along with a written  
28 statement as to the current status of the project, contract, purpose etc. for  
29 which the carry forward was originally requested no later than thirty (30)  
30 days prior to the time the Agency, Board, Commission or Institution presents  
31 its budget request to the Arkansas Legislative Council/Joint Budget  
32 Committee; and

33 (4) Thereupon, the Department of Finance and Administration shall include  
34 all information obtained in item (3) above in the biennial budget manuals  
35 and/or a statement of non-compliance by the Agency, Board, Commission or  
36 Institution.

1 The provisions of this section shall be in effect only from July 1, 2005  
2 2007 through June 30, ~~2007~~ 2009.

3  
4 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. QUARTERLY  
6 REPORTS. Due to the critical role of the Health and Safety and Medical Cost  
7 Containment Programs to the overall programs of the Workers' Compensation  
8 Commission (WCC), the WCC shall provide quarterly reports to the Arkansas  
9 Legislative Council and to the House and Senate Committees on Public Health,  
10 Welfare, and Labor on the progress of the Health and Safety Program and the  
11 Medical Cost Containment Program, in such detail as may be required by either  
12 body. These reports shall be posted on the agency's web page.

13 The provisions of this section shall be in effect only from July 1, 2005  
14 2007 through June 30, ~~2007~~ 2009.

15  
16 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
18 EXPENDITURES. Any expenditure from the Workers' Compensation Commission  
19 Building appropriation in this act in an amount exceeding ten thousand  
20 dollars (\$10,000) or any combination of expenditures exceeding ten thousand  
21 dollars (\$10,000) shall require approval from the Legislative Council. The  
22 requirement of approval by the Legislative Council is not a severable part of  
23 this section. If the requirement of approval by the Legislative Council is  
24 ruled unconstitutional by a court of competent jurisdiction, this entire  
25 section is void.

26 The provisions of this section shall be in effect only from July 1, 2005  
27 2007 through June 30, ~~2007~~ 2009.

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

1 strictly complied with in disbursement of said funds.

2  
 3 SECTION 12. LEGISLATIVE INTENT. It is the intent of the General Assembly  
 4 that any funds disbursed under the authority of the appropriations contained  
 5 in this act shall be in compliance with the stated reasons for which this act  
 6 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
 7 and Legislative Recommendations contained in the budget manuals prepared by  
 8 the Department of Finance and Administration, letters, or summarized oral  
 9 testimony in the official minutes of the Arkansas Legislative Council or  
 10 Joint Budget Committee which relate to its passage and adoption.

11  
 12 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the General  
 13 Assembly, that the Constitution of the State of Arkansas prohibits the  
 14 appropriation of funds for more than a two (2) year period; that the  
 15 effectiveness of this Act on July 1, 2007 is essential to the operation of  
 16 the agency for which the appropriations in this Act are provided, and that in  
 17 the event of an extension of the Regular Session, the delay in the effective  
 18 date of this Act beyond July 1, 2007 could work irreparable harm upon the  
 19 proper administration and provision of essential governmental programs.  
 20 Therefore, an emergency is hereby declared to exist and this Act being  
 21 necessary for the immediate preservation of the public peace, health and  
 22 safety shall be in full force and effect from and after July 1, 2007.