

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1087

By: Representative Collier

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 11-9-804 TO REQUIRE THE WORKERS' COMPENSATION COMMISSION TO UTILIZE THE LIFE EXPECTANCY TABLE FOUND IN ARKANSAS CODE 18-2-105 FOR PURPOSES OF LUMP SUM AWARDS; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 11-9-804 is hereby amended to read as follows:

"11-9-804. Lump sum settlement. (a) (1) Whenever the Commission determines that it is for the best interest of the parties entitled to compensation, and after due notice to all parties in interest of a hearing, the liability of the employer for compensation may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at ten percent (10%) discount, compounded annually.

(2) Lump sum settlements shall not be allowed if the employer presents evidence which proves by a preponderance of the evidence that ordering the compensation discharged in such a manner would result in substantial adverse effect on the continuing economic viability of the employer.

(b) The probability of the death of the injured employee or other persons entitled to compensation before the expiration of the period during which they are entitled to compensation shall, in the absence of special circumstances making such course improper, be determined in accordance with the table contained in Arkansas Code 18-2-105 as now or hereafter amended.

(c) The probability of the happening of any other contingency affecting the amount or duration of compensation shall be disregarded, except the possibility of the remarriage of the widow which shall be determined in accordance with the Danish Annuity and Dutch Remarriage Table."

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.