

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4
5 By: Senator Dowd

A Bill

SENATE BILL 652

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 11-9-703 PERTAINING TO
10 PRELIMINARY CONFERENCE PROCEDURES BEFORE THE WORKERS
11 COMPENSATION COMMISSION; AND FOR OTHER PURPOSES."

Subtitle

14 "TO AMEND ARKANSAS CODE 11-9-703
15 PERTAINING TO PRELIMINARY CONFERENCE
16 PROCEDURES BEFORE THE WORKERS
17 COMPENSATION COMMISSION."

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

21 SECTION 1. Arkansas Code 11-9-703 is amended to read as follows:

22 "11-9-703. Preliminary conference procedure.

23 The Workers' Compensation Commission is authorized and directed to
24 promulgate appropriate rules and regulations to establish and
25 implement, for claims with respect to injuries occurring on or after
26 January 1, 1987, a preliminary conference procedure designed to
27 accomplish the following objectives:

28 (1) To provide the claimant an opportunity to confer with a legal
29 advisor on the staff of the commission to be advised of his rights
30 under this chapter and to ensure that the rights are protected. The
31 conference shall be held in the county where the accident occurred, if
32 the accident occurred in this state, unless otherwise agreed to
33 between the parties, or otherwise directed by the commission;

34 ~~(2) To provide an opportunity for, but not to compel, a binding~~
35 ~~settlement of some or all the issues present at the time; To compel a binding~~
36 ~~settlement of some or all the issues present at the time with a monetary value~~

1 of fifteen hundred dollars (\$1,500.00) or less;

2 (3) To provide an opportunity for, but not to compel, a binding
 3 settlement of some or all issues present at the time with a monetary value
 4 greater than fifteen hundred dollars (\$1,500.00);

5 ~~(3)~~ (4) To facilitate the resolution of issues without the expense of
 6 litigation or attorney's fees for either party;

7 ~~(4)~~ (5)(A)(i) To authorize the legal advisor to approve compromise
 8 settlements entered into at or as a result of the preliminary
 9 conference and those joint petition settlements entered into pursuant
 10 to § 11-9-805.

11 (ii) Provided, however, the same legal advisors shall not both
 12 advise the claimant and approve the joint petition.

13 (B) The purpose and intent of this section is to affirm the
 14 duty of the commission to provide legal assistance, thereby reducing
 15 litigation and workers' compensation cost."
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17 SECTION 2. All provisions of this act of a general and permanent nature
 18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 19 Revision Commission shall incorporate the same in the Code.
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21 SECTION 3. If any provision of this act or the application thereof to
 22 any person or circumstance is held invalid, such invalidity shall not affect
 23 other provisions or applications of the act which can be given effect without
 24 the invalid provision or application, and to this end the provisions of this
 25 act are declared to be severable.
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27 SECTION 4. All laws and parts of laws in conflict with this act are
 28 hereby repealed.
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