



STEVE CLARK
ATTORNEY GENERAL

STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

#106
(501) 371-2007

December 6, 1985

OPINION NO. 85-218

Ms. Shereen Arent
Youngdahl, Youngdahl and Wright
2101 Main Street
P.O. Box 6030
Little Rock, AR 72216

Dear Ms. Arent:

I hereby acknowledge receipt of the proposed "Act to Amend the Arkansas Workers' Compensation Law" which you have submitted for our approval pursuant to Ark. Stat. Ann. §2-208(Supp. 1985). We have previously approved your submission of a substantially similar proposal on November 20, 1985. The principles we relied on for that approval are applicable to this submission as well.

As you point out in your cover letter of December 3, 1985, this submission only varies from the previous in a few ways. Those changes are:

- (1) The phrase "provided each election must be made prior to a decision of the Commission under this Act" has been added to Section 2, (b) (2) of the proposed Act after the word "death".

This change is adequately reflected in the ballot title.

- (2) The reference to an "intentional" act of the employee has been removed from Section 2(b) (2) of the proposed Act.

This change is adequately reflected in the ballot title.

- (3) Minor typographical errors have been corrected.

- (4) The substitution made by us in our prior approval letter has been incorporated.

You have, therefore, submitted the Popular Name and Ballot Title as follows:

Ms. Shereen Arent
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Popular Name:

AN ACT TO AMEND THE ARKANSAS WORKERS' COMPENSATION LAW

Ballot Title:

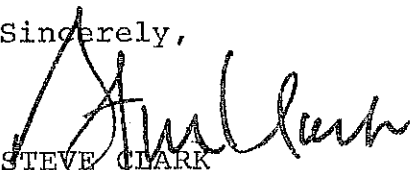
An Act to amend Arkansas Statutes Annotated §§ 81-1301 through 81-1367; to establish administrative procedures for determining the average weekly wage of the State of Arkansas on an annual basis; to provide, as an additional exception to the exclusive remedy provision, that if an employee is injured as a result of the willful or wanton negligence of the employer an injured employee, or his representative in case death results from the injury, may elect, prior to a decision of the Commission, to claim workers' compensation benefits or to maintain a legal action in court for damages on account of such injury or death; to raise the minimum weekly disability or death benefit to \$20.00; to raise the maximum weekly disability or death benefit to \$175 effective January 1, 1987, to \$189 effective July 1, 1987, to 75% of the average weekly wage in the State of Arkansas effective January 1, 1988, and to 90% of the average weekly wage in the State of Arkansas effective January 1, 1989; to raise the maximum total benefits for temporary or permanent partial disability to \$78,500 effective January 1, 1987, to \$85,050 effective July 1, 1987, to 450 times 75% of the applicable average weekly wage in the State of Arkansas effective January 1, 1988, and to 450 times 90% of the applicable average weekly wage in the State of Arkansas effective January 1, 1989; to give the injured employee an initial right to select a physician or to change from the physician selected by the employer, subject to the right of the employer to apply to the Commission for a change; to require the Workers' Compensation Commission to consider wage earning loss as well as functional loss in fixing the loss or loss of use of a member; to raise the maximum funeral expense to \$3,000; to provide that if the employer does not begin payment of compensation by the fifteenth day after notice of the injury or death, and continue payments when due unless relieved of such responsibility by Commission order, it shall be presumed that the claim is controverted; and for other purposes.

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I hereby approve the foregoing Popular Name and Ballot Title.

Again, I direct your attention to Ark. Stat. Ann. §2-205 (Repl. 1976) which requires that a full and correct copy of the measure to be voted on must be attached to every petition. Please find attached Instructions to Canvassers and Signers for an Initiated Act over my signature.

Sincerely,



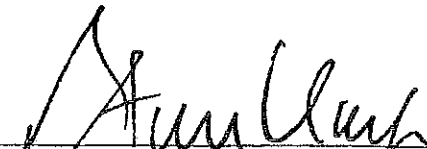
STEVE CLARK
Attorney General

JSC/RBF/mo
encls.

INSTRUCTIONS TO CANVASSERS SIGNERS

1. Amendment No. 7 gives to the people of the State of Arkansas the power to initiate acts. The petition must be signed by eight percent (8%) of the legal voters. The proposed law must be submitted to the legal voters of the State at a regular election, and if a majority of the votes are cast in its favor, it is adopted.
2. Only legal voters may sign. Names, residences, post offices, and voting precincts must be given. This petition should contain only the signature of voters residing in the same county.
3. All signatures must be affixed by the signers in their own handwriting in the presence of the persons circulating the Petition.
4. The signatures should be made with ink or indelible pencil.
5. Do not paste additional sheets to this petition by place as many names as possible on the Petition.
6. To sign any name other than your own or knowingly to sign your name when you are not legally entitled to sign it, or knowingly and falsely to misrepresent the purpose and effect of this Petition for the purpose of causing anyone to sign it shall constitute a misdemeanor and subject the offender to a fine of not less than \$50 nor more than \$1,000 for each violation.

The Attorney General is by law required to certify the sufficiency of the popular name and ballot title of all initiative or referendum petitions. This certification does not necessarily indicate the approval or disapproval of the contents thereof.



ATTORNEY GENERAL OF THE
STATE OF ARKANSAS