

**Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.**

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

HJR 1007

By: Representative Love

**HOUSE JOINT RESOLUTION**

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CREATE THE CITIZENS COMMISSION ON THE MINIMUM WAGE, WITH THE SOLE AUTHORITY TO IMPLEMENT INCREASES TO THE MINIMUM WAGE.

**Subtitle**

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CREATE THE CITIZENS COMMISSION ON THE MINIMUM WAGE, WITH THE SOLE AUTHORITY TO IMPLEMENT INCREASES TO THE MINIMUM WAGE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

That the following is proposed as an amendment to the Constitution of the State of Arkansas, and upon being submitted to the electors of the state for approval or rejection at the next general election for Representatives and Senators, if a majority of the electors voting thereon at the election adopt the amendment, the amendment shall become a part of the Constitution of the State of Arkansas, to wit:

SECTION 1. Arkansas Constitution, Article 19, is amended to add an additional section to read as follows:

§ 32. Citizens Commission on the Minimum Wage.

(a) As provided in this section:

(1) The General Assembly shall have no authority to establish or



amend minimum wages for workers; and

(2) The Citizens Commission on the Minimum Wage shall have sole authority to implement increases to minimum wages for workers in order to safeguard their health, efficiency, and general well-being and to protect workers as well as their employers from the effects of serious and unfair competition resulting from wage levels detrimental to their health, efficiency, and well-being.

(b)(1) There is created the Citizens Commission on the Minimum Wage for the purpose of proposing and implementing increases in the minimum wage for workers when deemed necessary by the Citizens Commission on the Minimum Wage.

(2)(A) Each member of the Citizens Commission on the Minimum Wage shall serve a term of four (4) years.

(B) A person shall not serve more than two (2) terms on the Citizens Commission on the Minimum Wage.

(3) The Citizens Commission on the Minimum Wage shall consist of seven (7) members as follows:

(A) Two (2) members appointed by the Governor;

(B) Two (2) members appointed by the President Pro Tempore of the Senate;

(C) Two (2) members appointed by the Speaker of the House of Representatives; and

(D) One (1) member appointed by the Chief Justice of the Supreme Court.

(4)(A) Vacancies on the Citizens Commission on the Minimum Wage shall be filled in the manner of the original appointment.

(B) An individual who fills a vacancy on the commission shall serve the remainder of the unexpired term resulting from the vacancy.

(5) The Citizens Commission on the Minimum Wage shall elect from its membership:

(A) A chair; and

(B) Other officers deemed necessary by the commission.

(6) Four (4) members of the Citizens Commission on the Minimum Wage shall constitute a quorum for the purpose of transacting business.

(7) A majority vote of the total membership of the Citizens Commission on the Minimum Wage is required for any action of the commission.

(8) The Division of Labor of the Department of Labor and Licensing, or its successor agency, shall provide staff assistance as may be requested by the Citizens Commission on the Minimum Wage.

(c)(1) In making appointments to the Citizens Commission on the Minimum Wage, the appointing authority shall consider racial, gender, and geographical diversity.

(2) A member of the Citizens Commission on the Minimum Wage shall be:

(A) A citizen of the United States;

(B) A resident of the State of Arkansas for at least two (2) years preceding his or her appointment;

(C) A qualified elector; and

(D) At least twenty-five (25) years of age.

(3) The following persons shall not serve on the Citizens Commission on the Minimum Wage:

(A) A person holding civil office;

(B) An employee of the State of Arkansas;

(C) A person required by law to register as a lobbyist; or

(D)(i) An immediate family member of:

(a) A person holding civil office;

(b) An employee of the State of Arkansas; or

(c) A person required by law to register as a lobbyist.

(ii) As used in subdivision (c)(3)(D)(i) of this section, "immediate family member" means a person's spouse, a child of the person or spouse, a child's spouse, a parent of the person or the spouse, a brother or sister of the person or the spouse, anyone living or residing in the same residence or household with the person or the spouse, or anyone acting or serving as an agent of the person.

(d) The Citizens Commission on the Minimum Wage shall conduct biennial reviews of the minimum wage for workers in the State of Arkansas and increase the minimum wage as it deems necessary.

(e)(1)(A) If the Citizens Commission on the Minimum Wage proposes to increase the minimum wage for workers in the State of Arkansas, the Citizens Commission on the Minimum Wage shall:

(i) Provide notice to the public of the proposed

increase to the minimum wage;

(ii) Make available to the public any data reviewed by the Citizens Commission on the Minimum Wage in determining the proposed increase to the minimum wage; and

(iii)(a) Afford the public a reasonable opportunity to provide public comment on the proposed increase to the minimum wage.

(b) The opportunity for public comment under subdivision (e)(1)(A)(iii)(a) of this section shall not exceed forty-five (45) days.

(B) A proposed increase to the minimum wage by the Citizens Commission on the Minimum Wage shall not be considered a rule under the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(2) Upon satisfying subdivision (e)(1)(A)(i)-(iii) of this section, the Citizens Commission on the Minimum Wage may file the increased minimum wage with the Secretary of State.

(3) An increase to the minimum wage shall be effective on the date specified by the commission.

(4) When considering whether or not to increase the minimum wage for workers under subsection (d) of this section, the Citizens Commission on the Minimum Wage shall include in its considerations the overall economic condition of the state at that time.

(f)(1)(A) The Citizens Commission on the Minimum Wage, by a majority vote of the total membership of the Citizens Commission on the Minimum Wage cast during its first regularly scheduled meeting of each calendar year, may authorize payment to its members of a stipend not to exceed eighty-five dollars (\$85.00) per day for each meeting attended or for any day while performing any proper business of the Citizens Commission on the Minimum Wage.

(B) Stipends shall be paid by the Division of Labor of the Department of Labor and Licensing, or its successor agency, from funds available for that purpose.

(2) Members of the Citizens Commission on the Minimum Wage shall receive no other compensation, expense reimbursement, or in-lieu-of payments for their service on the Citizens Commission on the Minimum Wage.

(g)(1) The Citizens Commission on the Minimum Wage shall not propose reductions to the minimum wage.

(2) The minimum wage for workers in the State of Arkansas shall continue as existing on January 1, 2023, until increased by the Citizens Commission on the Minimum Wage.

(h)(1) The Citizens Commission on the Minimum Wage shall:

(A) Complete an initial review of the state's minimum wage no later than ninety (90) days after January 1, 2023; and

(B) File any increases to the minimum wage resulting from the initial review with the Secretary of State upon satisfying subdivision (e)(1)(A)(i)-(iii) of this section.

(2)(A) After completing the initial review under subdivision (h)(1) of this section, the Citizens Commission on the Minimum Wage shall conduct biennial reviews of the state's minimum wage.

(B) The commission may make necessary increases to the minimum wage at each biennial review.

(i) The Citizens Commission on the Minimum Wage shall be subject to the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

(j)(1) The General Assembly, in the same manner as required for amendment of laws initiated by the people, may amend this section, so long as such amendments are germane to this section and consistent with its policy and purposes.

(2)(A) If an act of the General Assembly amends this section, the Arkansas Code Revision Commission may, by a majority vote of the Arkansas Code Revision Commission, make the following revisions to the act so long as the revisions do not change the substance or meaning of the act:

(i) Correct the spelling of words;

(ii) Change capitalization for the purpose of uniformity;

(iii) Correct manifest typographical and grammatical errors;

(iv) Correct manifest errors in references to laws and other documents;

(v) Correct manifest errors in internal reference numbers;

(vi) Number, renumber, redesignate, and rearrange this section;

(vii) Change internal reference numbers to agree

with renumbered sections, subsections, subdivisions, or other provisions of law;

(viii) Insert or delete hyphens in words to follow correct grammatical usage;

(ix) Change numerals or symbols to words or vice versa and add figures or words if they are merely repetitions of written words or vice versa for purposes of uniformity and style;

(x) Change the form of nouns, pronouns, and verbs for purposes of style and grammar;

(xi) Correct punctuation; and

(xii) Change gender-specific language to gender-neutral language.

(B)(i) If more than one (1) act amending this section is enacted by the General Assembly during the same session, the Arkansas Code Revision Commission may, by a majority vote of the Arkansas Code Revision Commission, revise this section as necessary so that all of the enactments shall be given effect, including without limitation renumbering, redesignating, and rearranging subsections and subdivisions of this section.

(ii) In the event that one (1) or more acts amending this section result in an irreconcilable conflict with one (1) or more acts amending this section enacted during the same session, the Arkansas Code Revision Commission may, by a majority vote of the Arkansas Code Revision Commission, revise this section so that the conflicting provision of the last enactment prevails.

(3) If the Arkansas Code Revision Commission makes revisions under subdivision (j)(2) of this section, the Arkansas Code Revision Commission shall file a report with the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor that:

(A) Explains the revisions made under subdivision (j)(2) of this section; and

(B) Includes the text of this section as amended by the revisions made under subdivision (j)(2) of this section.

SECTION 2. INITIAL PROCEEDINGS. (a) Initial members of the Citizens Commission on the Minimum Wage shall be appointed within thirty (30) days of

January 1, 2023.

(b) The President Pro Tempore of the Senate shall call the first meeting of the commission, which shall occur within forty-five (45) days of January 1, 2023.

(c)(1) Initial appointees to the commission shall draw lots so that:

(A) One (1) member serves a term of one (1) year;

(B) Two (2) members serve a term of two (2) years;

(C) Two (2) members serve a term of three (3) years; and

(D) Two (2) members serve a term of four (4) years.

(2) Subsequent appointees to the commission shall serve a term of four (4) years.

SECTION 3. (a) The minimum wage established by the commission under this section shall supersede the minimum wage established by law by the General Assembly, including without limitation the minimum wage under Arkansas Code § 11-4-210.

(b) The establishment of the minimum wage by the commission under this amendment does not supersede other laws concerning the regulation of wage and hour laws, including without limitation Arkansas Code §§ 11-4-201 – 11-4-209 and §§ 11-4-211 – 11-4-222.

SECTION 4. EFFECTIVE DATE. This amendment shall be effective on and after January 1, 2023.

SECTION 5. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

(1) The title of this Joint Resolution shall be the ballot title; and

(2) The popular name shall be "A Constitutional Amendment to Create the Citizens Commission on the Minimum Wage, With the Sole Authority to Implement Increases to the Minimum Wage".