

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 1025

By: Representative Gazaway

HOUSE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO PROVIDE THAT THE SANCTITY OF LIFE IS PARAMOUNT TO ALL OTHER RIGHTS RECOGNIZED BY LAW; TO PROVIDE THAT CITIZENS OF THE STATE OF ARKANSAS, ACTING AS JURORS, HAVE THE SOLE AUTHORITY TO DETERMINE THE AMOUNT OF COMPENSATION OWED FOR, OR CIVIL PENALTY IMPOSED BECAUSE OF, INJURIES RESULTING IN DEATH, INJURIES RESULTING FROM ACTS OR OMISSIONS CREATING A SIGNIFICANT RISK TO LIFE, AND INJURIES TO OR DEPRIVATION OF PRIVATE PROPERTY; PROVIDING THAT WITH THE EXCEPTION OF LAWS CONCERNING PAYMENT OF COMPENSATION BY EMPLOYERS FOR INJURIES TO OR DEATH OF EMPLOYEES, NO LAW SHALL BE ENACTED LIMITING THE AMOUNT TO BE RECOVERED FOR INJURIES TO PERSONS OR PROPERTY; AND PROVIDING THAT PROPOSALS TO AMEND, REPEAL, OR SUPERSEDE ARKANSAS CONSTITUTION, ARTICLE 5, SECTION 32, SHALL REQUIRE A THREE-FOURTHS VOTE OF THE ELECTORS OF THE STATE VOTING UPON THE ISSUE AT A GENERAL ELECTION.

Subtitle

A CONSTITUTIONAL AMENDMENT CONCERNING THE AUTHORITY TO DETERMINE THE AMOUNT OF COMPENSATION OWED FOR, OR CIVIL PENALTY IMPOSED BECAUSE OF, INJURIES TO PERSONS OR PROPERTY.



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 5, § 32, is amended to read as follows:

§ 32. Compensation for injuries to persons and property – Workmen's Worker's Compensation Laws – Actions for personal injuries.

(a) The sanctity of life being paramount to all other rights recognized by this Constitution and the laws of the State of Arkansas, it is declared and established that the citizens of this state, acting as jurors, have the sole authority to determine the amount of compensation owed for, or civil penalty imposed because of:

(1) Injuries resulting in death; or

(2) Injuries resulting from acts or omissions creating a significant risk to life.

(b) The right to hold and possess private property being essential to freedom and a guard against oppression, it is declared and established that the citizens of this state, acting as jurors, have the sole authority to determine the amount of compensation owed for, or civil penalty imposed because of, injuries to or deprivation of private property.

(c)(1) The Notwithstanding subsections (a) and (b) of this section, the General Assembly shall have power to may enact laws prescribing the amount of compensation to be paid by employers for injuries to or death of employees, and to whom said payment shall be made. It shall have power to The General Assembly may provide the means, methods, and forum for adjudicating claims arising under said laws, and for securing payment of same.

(2) Provided, that otherwise Except as provided in subdivision (c)(1) of this section, no law shall be enacted limiting the amount to be

~~recovered for injuries resulting in death or for injuries to persons or property; and in case of death from such injuries the right of action shall survive, and the General Assembly shall prescribe for whose benefit such action shall be prosecuted.~~

(d) This section shall not be amended, repealed, or superseded except upon a three-fourths vote of the electors of the state voting upon the issue at a general election.

SECTION 2. EFFECTIVE DATE. This amendment shall be effective on and after January 1, 2023.

SECTION 3. 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 Concerning the Authority to Determine the Amount of Compensation Owed For, or Civil Penalty Imposed Because of, Injuries Resulting in Death, Injuries Resulting from Acts or Omissions Creating a Significant Risk to Life, and Injuries to or Deprivation of Private Property".