

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

HJR 1025

4
5 By: Representative Gazaway

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7 **HOUSE JOINT RESOLUTION**

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO PROVIDE
9 THAT THE SANCTITY OF LIFE IS PARAMOUNT TO ALL OTHER
10 RIGHTS RECOGNIZED BY LAW; TO PROVIDE THAT CITIZENS OF
11 THE STATE OF ARKANSAS, ACTING AS JURORS, HAVE THE
12 SOLE AUTHORITY TO DETERMINE THE AMOUNT OF
13 COMPENSATION OWED FOR, OR CIVIL PENALTY IMPOSED
14 BECAUSE OF, INJURIES RESULTING IN DEATH, INJURIES
15 RESULTING FROM ACTS OR OMISSIONS CREATING A
16 SIGNIFICANT RISK TO LIFE, AND INJURIES TO OR
17 DEPRIVATION OF PRIVATE PROPERTY; PROVIDING THAT WITH
18 THE EXCEPTION OF LAWS CONCERNING PAYMENT OF
19 COMPENSATION BY EMPLOYERS FOR INJURIES TO OR DEATH OF
20 EMPLOYEES, NO LAW SHALL BE ENACTED LIMITING THE
21 AMOUNT TO BE RECOVERED FOR INJURIES TO PERSONS OR
22 PROPERTY; AND PROVIDING THAT PROPOSALS TO AMEND,
23 REPEAL, OR SUPERSEDE ARKANSAS CONSTITUTION, ARTICLE
24 5, SECTION 32, SHALL REQUIRE A THREE-FOURTHS VOTE OF
25 THE ELECTORS OF THE STATE VOTING UPON THE ISSUE AT A
26 GENERAL ELECTION.

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29 **Subtitle**

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



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

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

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 12 SECTION 1. Arkansas Constitution, Article 5, § 32, is amended to read
 13 as follows:

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

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

21 (1) Injuries resulting in death; or

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

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

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

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

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

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

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

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12 SECTION 3. BALLOT TITLE AND POPULAR NAME. When this proposed
13 amendment is submitted to the electors of this state on the general election
14 ballot:

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

17 (2) The popular name shall be "A Constitutional Amendment
18 Concerning the Authority to Determine the Amount of Compensation Owed For, or
19 Civil Penalty Imposed Because of, Injuries Resulting in Death, Injuries
20 Resulting from Acts or Omissions Creating a Significant Risk to Life, and
21 Injuries to or Deprivation of Private Property".

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