

WORKING DRAFT

HOUSE JOINT RESOLUTION NO. _____

Noneconomic damage awards-constitutional amendment.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 A JOINT RESOLUTION proposing to amend the Wyoming
2 Constitution to modify the prohibition against the
3 legislature limiting the amount of damages that may be
4 recovered for causing personal injury or death of any
5 person.

6
7 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*
8 *two-thirds of all the members of the two houses, voting*
9 *separately, concurring therein:*

10

11 **Section 1.** The following proposal to amend Wyoming
12 Constitution, Article 10, Section 4 is proposed for
13 submission to the electors of the State of Wyoming at the
14 next general election for approval or rejection to become

1 valid as a part of the Constitution if ratified by a
2 majority of the electors at the election:

3

4 **Article 10, Section 4. Damages for personal injuries**
5 **or death; worker's compensation.**

6

7 No law shall be enacted limiting the amount of actual
8 economic damages to be recovered for causing the injury or
9 death of any person. The legislature may enact laws to
10 limit the amount of noneconomic damages to be recovered for
11 causing the injury or death of any person. Any contract or
12 agreement with any employee waiving any right to recover
13 damages for causing the death or injury of any employee
14 shall be void. As to all extrahazardous employments the
15 legislature shall provide by law for the accumulation and
16 maintenance of a fund or funds out of which shall be paid
17 compensation as may be fixed by law according to proper
18 classifications to each person injured in such employment
19 or to the dependent families of such as die as the result
20 of such injuries, except in case of injuries due solely to
21 the culpable negligence of the injured employee. The fund
22 or funds shall be accumulated, paid into the state treasury
23 and maintained in such manner as may be provided by law.
24 Monies in the fund shall be expended only for compensation

1 authorized by this section, for administration and
2 management of the Workers' Compensation Act, debt service
3 related to the fund and for workplace safety programs
4 conducted by the state as authorized by law. The right of
5 each employee to compensation from the fund shall be in
6 lieu of and shall take the place of any and all rights of
7 action against any employer contributing as required by law
8 to the fund in favor of any person or persons by reason of
9 the injuries or death. Subject to conditions specified by
10 law, the legislature may allow employments not designated
11 extrahazardous to be covered by the state fund at the
12 option of the employer. To the extent an employer elects
13 to be covered by the state fund and contributes to the fund
14 as required by law, the employer shall enjoy the same
15 immunity as provided for extrahazardous employments.

16

17 **Section 2.** That the Secretary of State shall endorse
18 the following statement on the proposed amendment:

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20 This amendment would allow the Wyoming legislature to
21 enact laws to limit the amount of noneconomic damages that
22 may be recovered for injury or death of any person.

23

24

(END)