

## SENATE JOINT RESOLUTION NO. SJ0008

Noneconomic damage awards-constitutional amendment-2.

Sponsored by: Senator(s) Devin, Anderson, J. and Scott and  
Representative(s) Cohee and Osborn

## 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  
15 valid as a part of the Constitution if ratified by a  
16 majority of the electors at the election:

1

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

4

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

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

14

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

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

21

22

(END)