

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE JOINT

RESOLUTION HJR1067:

Newport

AS INTRODUCED

An Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Section 7 of Article XXIII of the Constitution of the State of Oklahoma; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 49TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 7 of Article XXIII of the Constitution of the State of Oklahoma to read as follows:

Section 7. A. The right of action to recover damages for injuries resulting in death shall never be abrogated, and the amount recoverable shall not be subject to any statutory limitation, provided however, that the Legislature may provide an amount of compensation under the Workers' Compensation Law for death resulting from injuries suffered in employment covered by such law, in which case the compensation so provided shall be exclusive, ~~and~~ the Legislature may enact statutory limits on the amount recoverable in civil actions or claims against the state or any of its political subdivisions, and the Legislature may enact statutory limits on the amount recoverable for noneconomic damages in civil actions for injuries resulting in death.

B. As used in this section, "noneconomic damages" means all subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental anguish, emotional distress, loss

of enjoyment of life, loss of society and companionship, loss of consortium, injury to reputation and humiliation. Noneconomic damages do no include exemplary or punitive damages.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It amends the section that deals with a type of lawsuit. These are lawsuits for injuries that cause death. The Legislature cannot set limits on damages for these lawsuits. There are exceptions. The Legislature can set limits for Workers' Compensation cases. The Legislature can set limits for lawsuits against the state. The Legislature can set other limits. There are limits for lawsuits against counties, cities and school districts. This measure would let limits be set on a type of damages. They are noneconomic damages. The measure defines noneconomic damages. Examples include pain and suffering. Other examples are mental anguish and emotional distress. There are other examples. They do not include punitive damages.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.