

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4
5 By: Representative Love

HJR 1007

6
7 **HOUSE JOINT RESOLUTION**

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CREATE
9 THE CITIZENS COMMISSION ON THE MINIMUM WAGE, WITH THE
10 SOLE AUTHORITY TO IMPLEMENT INCREASES TO THE MINIMUM
11 WAGE.

12
13
14 **Subtitle**

15 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
16 TO CREATE THE CITIZENS COMMISSION ON THE
17 MINIMUM WAGE, WITH THE SOLE AUTHORITY TO
18 IMPLEMENT INCREASES TO THE MINIMUM WAGE.

19
20
21 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL
22 ASSEMBLY OF THE STATE OF ARKANSAS, AND BY THE SENATE, A MAJORITY OF ALL
23 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

24
25 That the following is proposed as an amendment to the Constitution of
26 the State of Arkansas, and upon being submitted to the electors of the state
27 for approval or rejection at the next general election for Representatives
28 and Senators, if a majority of the electors voting thereon at the election
29 adopt the amendment, the amendment shall become a part of the Constitution of
30 the State of Arkansas, to wit:

31
32 SECTION 1. Arkansas Constitution, Article 19, is amended to add an
33 additional section to read as follows:

34 § 32. Citizens Commission on the Minimum Wage.

35 (a) As provided in this section:

36 (1) The General Assembly shall have no authority to establish or



1 amend minimum wages for workers; and

2 (2) The Citizens Commission on the Minimum Wage shall have sole
3 authority to implement increases to minimum wages for workers in order to
4 safeguard their health, efficiency, and general well-being and to protect
5 workers as well as their employers from the effects of serious and unfair
6 competition resulting from wage levels detrimental to their health,
7 efficiency, and well-being.

8 (b)(1) There is created the Citizens Commission on the Minimum Wage
9 for the purpose of proposing and implementing increases in the minimum wage
10 for workers when deemed necessary by the Citizens Commission on the Minimum
11 Wage.

12 (2)(A) Each member of the Citizens Commission on the Minimum
13 Wage shall serve a term of four (4) years.

14 (B) A person shall not serve more than two (2) terms on
15 the Citizens Commission on the Minimum Wage.

16 (3) The Citizens Commission on the Minimum Wage shall consist of
17 seven (7) members as follows:

18 (A) Two (2) members appointed by the Governor;

19 (B) Two (2) members appointed by the President Pro Tempore
20 of the Senate;

21 (C) Two (2) members appointed by the Speaker of the House
22 of Representatives; and

23 (D) One (1) member appointed by the Chief Justice of the
24 Supreme Court.

25 (4)(A) Vacancies on the Citizens Commission on the Minimum Wage
26 shall be filled in the manner of the original appointment.

27 (B) An individual who fills a vacancy on the commission
28 shall serve the remainder of the unexpired term resulting from the vacancy.

29 (5) The Citizens Commission on the Minimum Wage shall elect from
30 its membership:

31 (A) A chair; and

32 (B) Other officers deemed necessary by the commission.

33 (6) Four (4) members of the Citizens Commission on the Minimum
34 Wage shall constitute a quorum for the purpose of transacting business.

35 (7) A majority vote of the total membership of the Citizens
36 Commission on the Minimum Wage is required for any action of the commission.

1 (8) The Division of Labor of the Department of Labor and
2 Licensing, or its successor agency, shall provide staff assistance as may be
3 requested by the Citizens Commission on the Minimum Wage.

4 (c)(1) In making appointments to the Citizens Commission on the
5 Minimum Wage, the appointing authority shall consider racial, gender, and
6 geographical diversity.

7 (2) A member of the Citizens Commission on the Minimum Wage
8 shall be:

9 (A) A citizen of the United States;

10 (B) A resident of the State of Arkansas for at least two
11 (2) years preceding his or her appointment;

12 (C) A qualified elector; and

13 (D) At least twenty-five (25) years of age.

14 (3) The following persons shall not serve on the Citizens
15 Commission on the Minimum Wage:

16 (A) A person holding civil office;

17 (B) An employee of the State of Arkansas;

18 (C) A person required by law to register as a lobbyist; or

19 (D)(i) An immediate family member of:

20 (a) A person holding civil office;

21 (b) An employee of the State of Arkansas; or

22 (c) A person required by law to register as a
23 lobbyist.

24 (ii) As used in subdivision (c)(3)(D)(i) of this
25 section, "immediate family member" means a person's spouse, a child of the
26 person or spouse, a child's spouse, a parent of the person or the spouse, a
27 brother or sister of the person or the spouse, anyone living or residing in
28 the same residence or household with the person or the spouse, or anyone
29 acting or serving as an agent of the person.

30 (d) The Citizens Commission on the Minimum Wage shall conduct biennial
31 reviews of the minimum wage for workers in the State of Arkansas and increase
32 the minimum wage as it deems necessary.

33 (e)(1)(A) If the Citizens Commission on the Minimum Wage proposes to
34 increase the minimum wage for workers in the State of Arkansas, the Citizens
35 Commission on the Minimum Wage shall:

36 (i) Provide notice to the public of the proposed

1 increase to the minimum wage;

2 (ii) Make available to the public any data reviewed
3 by the Citizens Commission on the Minimum Wage in determining the proposed
4 increase to the minimum wage; and

5 (iii)(a) Afford the public a reasonable opportunity
6 to provide public comment on the proposed increase to the minimum wage.

7 (b) The opportunity for public comment under
8 subdivision (e)(1)(A)(iii)(a) of this section shall not exceed forty-five
9 (45) days.

10 (B) A proposed increase to the minimum wage by the
11 Citizens Commission on the Minimum Wage shall not be considered a rule under
12 the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

13 (2) Upon satisfying subdivision (e)(1)(A)(i)-(iii) of this
14 section, the Citizens Commission on the Minimum Wage may file the increased
15 minimum wage with the Secretary of State.

16 (3) An increase to the minimum wage shall be effective on the
17 date specified by the commission.

18 (4) When considering whether or not to increase the minimum wage
19 for workers under subsection (d) of this section, the Citizens Commission on
20 the Minimum Wage shall include in its considerations the overall economic
21 condition of the state at that time.

22 (f)(1)(A) The Citizens Commission on the Minimum Wage, by a majority
23 vote of the total membership of the Citizens Commission on the Minimum Wage
24 cast during its first regularly scheduled meeting of each calendar year, may
25 authorize payment to its members of a stipend not to exceed eighty-five
26 dollars (\$85.00) per day for each meeting attended or for any day while
27 performing any proper business of the Citizens Commission on the Minimum
28 Wage.

29 (B) Stipends shall be paid by the Division of Labor of the
30 Department of Labor and Licensing, or its successor agency, from funds
31 available for that purpose.

32 (2) Members of the Citizens Commission on the Minimum Wage shall
33 receive no other compensation, expense reimbursement, or in-lieu-of payments
34 for their service on the Citizens Commission on the Minimum Wage.

35 (g)(1) The Citizens Commission on the Minimum Wage shall not propose
36 reductions to the minimum wage.

1 (2) The minimum wage for workers in the State of Arkansas shall
2 continue as existing on January 1, 2023, until increased by the Citizens
3 Commission on the Minimum Wage.

4 (h)(1) The Citizens Commission on the Minimum Wage shall:

5 (A) Complete an initial review of the state's minimum wage
6 no later than ninety (90) days after January 1, 2023; and

7 (B) File any increases to the minimum wage resulting from
8 the initial review with the Secretary of State upon satisfying subdivision
9 (e)(1)(A)(i)-(iii) of this section.

10 (2)(A) After completing the initial review under subdivision
11 (h)(1) of this section, the Citizens Commission on the Minimum Wage shall
12 conduct biennial reviews of the state's minimum wage.

13 (B) The commission may make necessary increases to the
14 minimum wage at each biennial review.

15 (i) The Citizens Commission on the Minimum Wage shall be subject to
16 the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

17 (j)(1) The General Assembly, in the same manner as required for
18 amendment of laws initiated by the people, may amend this section, so long as
19 such amendments are germane to this section and consistent with its policy
20 and purposes.

21 (2)(A) If an act of the General Assembly amends this section,
22 the Arkansas Code Revision Commission may, by a majority vote of the Arkansas
23 Code Revision Commission, make the following revisions to the act so long as
24 the revisions do not change the substance or meaning of the act:

25 (i) Correct the spelling of words;

26 (ii) Change capitalization for the purpose of
27 uniformity;

28 (iii) Correct manifest typographical and grammatical
29 errors;

30 (iv) Correct manifest errors in references to laws
31 and other documents;

32 (v) Correct manifest errors in internal reference
33 numbers;

34 (vi) Number, renumber, redesignate, and rearrange
35 this section;

36 (vii) Change internal reference numbers to agree

1 with renumbered sections, subsections, subdivisions, or other provisions of
2 law;

3 (viii) Insert or delete hyphens in words to follow
4 correct grammatical usage;

5 (ix) Change numerals or symbols to words or vice
6 versa and add figures or words if they are merely repetitions of written
7 words or vice versa for purposes of uniformity and style;

8 (x) Change the form of nouns, pronouns, and verbs
9 for purposes of style and grammar;

10 (xi) Correct punctuation; and

11 (xii) Change gender-specific language to gender-
12 neutral language.

13 (B)(i) If more than one (1) act amending this section is
14 enacted by the General Assembly during the same session, the Arkansas Code
15 Revision Commission may, by a majority vote of the Arkansas Code Revision
16 Commission, revise this section as necessary so that all of the enactments
17 shall be given effect, including without limitation renumbering,
18 redesignating, and rearranging subsections and subdivisions of this section.

19 (ii) In the event that one (1) or more acts amending
20 this section result in an irreconcilable conflict with one (1) or more acts
21 amending this section enacted during the same session, the Arkansas Code
22 Revision Commission may, by a majority vote of the Arkansas Code Revision
23 Commission, revise this section so that the conflicting provision of the last
24 enactment prevails.

25 (3) If the Arkansas Code Revision Commission makes revisions
26 under subdivision (j)(2) of this section, the Arkansas Code Revision
27 Commission shall file a report with the Speaker of the House of
28 Representatives, the President Pro Tempore of the Senate, and the Governor
29 that:

30 (A) Explains the revisions made under subdivision (j)(2)
31 of this section; and

32 (B) Includes the text of this section as amended by the
33 revisions made under subdivision (j)(2) of this section.

34
35 SECTION 2. INITIAL PROCEEDINGS. (a) Initial members of the Citizens
36 Commission on the Minimum Wage shall be appointed within thirty (30) days of

1 January 1, 2023.

2 (b) The President Pro Tempore of the Senate shall call the first
3 meeting of the commission, which shall occur within forty-five (45) days of
4 January 1, 2023.

5 (c)(1) Initial appointees to the commission shall draw lots so that:

6 (A) One (1) member serves a term of one (1) year;

7 (B) Two (2) members serve a term of two (2) years;

8 (C) Two (2) members serve a term of three (3) years; and

9 (D) Two (2) members serve a term of four (4) years.

10 (2) Subsequent appointees to the commission shall serve a term
11 of four (4) years.

12
13 SECTION 3. (a) The minimum wage established by the commission under
14 this section shall supersede the minimum wage established by law by the
15 General Assembly, including without limitation the minimum wage under
16 Arkansas Code § 11-4-210.

17 (b) The establishment of the minimum wage by the commission under this
18 amendment does not supersede other laws concerning the regulation of wage and
19 hour laws, including without limitation Arkansas Code §§ 11-4-201 – 11-4-209
20 and §§ 11-4-211 – 11-4-222.

21
22 SECTION 4. EFFECTIVE DATE. This amendment shall be effective on and
23 after January 1, 2023.

24
25 SECTION 5. BALLOT TITLE AND POPULAR NAME. When this proposed
26 amendment is submitted to the electors of this state on the general election
27 ballot:

28 (1) The title of this Joint Resolution shall be the ballot
29 title; and

30 (2) The popular name shall be "A Constitutional Amendment to
31 Create the Citizens Commission on the Minimum Wage, With the Sole Authority
32 to Implement Increases to the Minimum Wage".

33
34
35
36