**State Capitol Week in Review**

February 19, 2021

LITTLE ROCK – The deadline for legislators to file proposed constitutional amendments has passed, and the Senate and House Committees on State Agencies and Governmental Affairs will begin narrowing the list that will be placed on the next general election ballot.

In each regular session the General Assembly may refer up to three proposals to voters. A fourth proposed amendment is allowed if it affects legislative salaries.

Of the 42 proposed amendments that have been filed, many fall within the two major categories of tort reform and the ballot initiative process.

Generally, tort reform refers to efforts to limit the amount of punitive damages that may be awarded in civil lawsuits, especially in personal injury and wrongful death claims. Also, tort reform includes changes in courtroom procedures, such as rules of evidence

Some proposed amendments, if approved by voters, would authorize the legislature to limit punitive damages in civil suits and to restrict the filing of frivolous lawsuits

Attorneys and judges likely will oppose any attempt by legislators to limit their ability write their own rules for the courtroom. Traditionally, business groups have supported tort reform efforts in Arkansas and nationwide.

The Arkansas Constitution also allows citizens to change laws, through initiated acts, and to amend the Constitution, through amendments. Supporters gather signatures for ballot measures, and after it is verified that the signatures belong to registered voters, the proposals are placed on the ballot.

It requires more signatures to place a proposed amendment on the ballot than an initiated act.

There has been growing concern among policy makers that out-of-state special interests can abuse our ballot initiative process by paying canvassers to gather signatures and then by flooding the state with deceptive commercials.

Legislators have filed proposed amendments to prevent abuse and fraud, while still protecting the rights of citizens to change the Constitution.

One proposed amendment that will be considered in the next few weeks would require measures placed on the ballot by citizens’ groups to gain 60 percent of the votes for approval.

Another proposed amendment would allow the legislature to call itself into special session. Now, only the governor has the constitutional power to call a special session. That gives the governor’s office added influence in setting the agenda for special sessions

During a special session, the legislature may consider only those items that the governor has included in the call for special session.

Some legislators have voiced frustration this year because they believed the legislature was excluded from important decisions about how to best respond to the Covid-19 pandemic. That frustration partly accounts for the number of proposed amendments that would shift the balance of power between the governor, the head of the executive branch, and the General Assembly, the legislative branch.

Another proposed amendment would allow lottery scholarships to be awarded to students in technical institutes and vo-tech schools. Another would provide for maintenance of libraries; another would allow voters to recall elected officials; another would change the powers of the Highway Commission. Others would affect the setting of rates and the collection of property taxes

Other amendments would establish a fundamental right for citizens to bear arms and to exercise their religious freedom.