

Hall of the House of Representatives

90th General Assembly - Regular Session, 2015

Amendment Form

Subtitle of House Joint Resolution No. 1016

AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING THE JUDICIAL BRANCH OF
STATE GOVERNMENT.

Amendment No. 1 to House Joint Resolution No. 1016

Amend House Joint Resolution No. 1016 as originally introduced:

Delete Representative Dotson as the sponsor of the bill and substitute
Representative Davis as the sponsor of the bill

AND

Add Representatives Bell, Dotson, M. Gray, Lundstrum, Tosh, Vaught as
cosponsors of the bill

AND

Page 1, delete lines 8 through 14, and substitute the following:
"AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING THE JUDICIAL BRANCH OF
STATE GOVERNMENT; TO PROVIDE THAT THE GENERAL ASSEMBLY MAY ENACT "LOSER PAYS"
LAWS CONCERNING THE AWARD OF COSTS AND ATTORNEY'S FEES TO A PARTY AGAINST
WHOM A FRIVOLOUS CLAIM IS DISMISSED; TO PROVIDE THAT THE GENERAL ASSEMBLY MAY
ENACT LAWS REGULATING THE AWARD OF NONECONOMIC DAMAGES AND PUNITIVE DAMAGES
IN CIVIL CASES; AND TO PROVIDE THAT THE GENERAL ASSEMBLY MAY BY LAW AMEND OR
ANNUL RULES PROMULGATED BY THE SUPREME COURT."

AND

Page 1, delete lines 34 through 36, and substitute the following:

"SECTION 1. Arkansas Constitution Article 5, § 32, is amended to read
as follows:

§ 32. Workmen's Compensation Laws – Actions for personal injuries.

(a) The General Assembly shall have power to enact laws prescribing
the amount of compensation to be paid by employers for injuries to or death
of employees, and to whom said payment shall be made. It shall have power to
provide the means, methods, and forum for adjudicating claims arising under
said laws, and for securing payment of same. Provided, that otherwise,
except as provided in subsection (b) of this section, no law shall be enacted
limiting the amount to be recovered for injuries resulting in death or for



injuries to persons or property; and in case of death from such injuries the right of action shall survive, and the General Assembly shall prescribe for whose benefit such action shall be prosecuted.

(b)(1) By a vote of not less than a majority of the members of each house, the General Assembly may enact laws regulating the award of:

(A) Noneconomic damages in civil cases; and

(B) Punitive damages in civil cases.

(2) After laws regulating the award of noneconomic damages, punitive damages, or both are enacted by not less than a majority of the members of each house, the General Assembly may amend the laws regulating the award of noneconomic damages, punitive damages, or both, by a vote of not less than two-thirds (2/3) of the members of each house.

SECTION 2. Arkansas Constitution, Amendment 80, § 3, is amended to read as follows:

§ 3. Rules of pleading, practice, and procedure.

(a) The Except as provided in this Constitution, the Supreme Court shall prescribe the rules of pleading, practice and procedure for all courts; provided these rules shall not abridge, enlarge or modify any substantive right and shall preserve the right of trial by jury as declared in this Constitution.

(b)(1) The General Assembly may enact "loser pays" laws requiring a court to award costs, attorney's fees, or both to a party or parties against whom a claim is dismissed if the court determines that the dismissed claim was frivolous.

(2) Laws enacted to implement subdivision (b)(1) of this section may include definitions of terms used in subdivision (b)(1) of this section, including without limitation a definition of "frivolous".

SECTION 3. Arkansas Constitution, Amendment 80, § 9, is amended to read as follows:

§ 9. Annulment or amendment of rules.

(a) Any rules promulgated by the Supreme Court pursuant to Sections 5, 6(B), 7(B), 7(D), or 8 of this Amendment may be annulled or amended, in whole or in part, by a two-thirds (2/3) vote of the membership of each house of the General Assembly.

(b) The Supreme Court shall not annul or amend a rule annulled or amended by the General Assembly under subsection (a) of this section in a manner that:

(1) Negates an action of the General Assembly under subsection (a) of this section; or

(2) Is inconsistent with the policy and purposes of an annulment or amendment by the General Assembly under subsection (a) of this section.

SECTION 4. (a) This amendment becomes effective on January 1, 2017.

(b) Upon the effective date of this amendment, revisions to rules of the Supreme Court promulgated after January 1, 2015, shall be negated and the rules shall read as they existed on January 1, 2015, until amended by the Supreme Court or the General Assembly.

SECTION 5. This amendment does not supersede or amend the right of trial by jury as declared in this Constitution.

SECTION 6. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

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

(2) The popular name shall be "A Constitutional Amendment Concerning the Judicial Branch of State Government and Authorizing the General Assembly to Enact "Loser Pays" Laws Concerning the Award of Costs and Attorney's Fees to a Party Against Whom a Frivolous Claim is Dismissed, Laws Concerning the Award of Punitive and Noneconomic Damages in Civil Cases, and Laws Amending or Annuling Rules promulgated by the Supreme Court"."

AND

Page 2, delete lines 1 through 3

The Amendment was read _____
By: Representative Dotson
MBM/KFW - 03-04-2015 15:56:50
MBM133 _____
Chief Clerk