

Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

Amendment Form

Subtitle of Senate Joint Resolution No. 8

A CONSTITUTIONAL AMENDMENT LIMITING CONTINGENCY FEES AND AWARDS OF PUNITIVE AND NON-ECONOMIC DAMAGES; AND CHANGING THE POWERS OF THE GENERAL ASSEMBLY AND THE SUPREME COURT REGARDING RULES OF PLEADING, PRACTICE, AND PROCEDURE.

Amendment No. 1 to Senate Joint Resolution No. 8

Amend Senate Joint Resolution No. 8 as originally introduced:

Delete the title in its entirety and substitute the following:

"PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO LIMIT ATTORNEYS' CONTINGENCY FEES IN CIVIL ACTIONS TO THIRTY-THREE AND ONE-THIRD PERCENT (33 1/3 %) OF THE NET RECOVERY; TO LIMIT AWARDS OF PUNITIVE DAMAGES AND NON-ECONOMIC DAMAGES IN CIVIL ACTIONS; TO REQUIRE ADJUSTMENTS TO THE LIMITATIONS ON PUNITIVE AND NON-ECONOMIC DAMAGE AWARDS FOR INFLATION OR DEFLATION; AND TO PROVIDE THAT THE GENERAL ASSEMBLY MAY, BY A THREE-FIFTHS VOTE OF EACH HOUSE, AMEND OR REPEAL A RULE OF PLEADING, PRACTICE, OR PROCEDURE PRESCRIBED BY THE SUPREME COURT AND ADOPT A RULE OF PLEADING, PRACTICE, OR PROCEDURE."

AND

Page 3, delete line 7, and substitute the following:

"life or companionship, or visible result of injury; and"

AND

Page 3, line 24, delete "Two hundred fifty thousand dollars (\$250,000)" and substitute "Five hundred thousand dollars (\$500,000)"

AND

Page 4, line 7, delete "Two hundred fifty thousand dollars (\$250,000)" and substitute "Five hundred thousand dollars (\$500,000)"

AND

Page 5, delete lines 1 through 14, and substitute the following:

"(a) The Supreme Court shall prescribe the rules of pleading, practice, and procedure for all courts, subject to subsections (b)-(e) of this section; 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) By a three-fifths vote of each house, the General Assembly may enact laws:

(A) Amending or repealing a rule of pleading, practice, or procedure prescribed by the Supreme Court; and

(B) Adopting on its own initiative a rule of pleading, practice, or procedure."

AND

Page 6, delete lines 22 and 23, and substitute the following:

"injury, property damage, or wrongful death to the greater of (i) five hundred thousand dollars (\$500,000), or (ii) three (3) times the amount of"

AND

Page 6, line 33, delete "two hundred fifty thousand dollars (\$250,000)" and substitute "five hundred thousand dollars (\$500,000)"

AND

Page 7, delete lines 2 and 3, and substitute the following:

"distress, loss of life or companionship, or visible result of injury; providing that the General Assembly may not decrease the"

AND

Page 7, delete lines 9 through 11, and substitute the following:

"rules of pleading, practice, and procedure for courts is subject to the provisions of this amendment; providing that the General Assembly, by a three-fifths vote of each house, may amend or repeal a rule prescribed by the Supreme Court and may"

AND

Page 7, delete lines 13 through 17, and substitute the following:

"providing that rules of pleading, practice, and procedure in effect on January 1, 2019, shall continue in effect until amended, superseded, or repealed under the provisions of this amendment; providing that a rule of"

The Amendment was read _____

By: Representative Ballinger

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Chief Clerk