

ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of Senate Joint Resolution No. 5

PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING CIVIL CLAIMS
AND COURT PROCEDURES.

Amendment No. 1 to Senate Joint Resolution No. 5

Amend Senate Joint Resolution No. 5 as originally introduced:

Page 1, delete lines 8 and 9 and substitute the following:

"PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL DELEGATE NONEXCLUSIVE AUTHORITY TO THE SUPREME COURT TO ADOPT RULES OF PLEADING, PRACTICE, PROCEDURE, AND EVIDENCE FOR COURTS; TO PROVIDE THAT THE GENERAL ASSEMBLY MAY ENACT LAWS THAT SUPERSEDE SUCH RULES, NOTWITHSTANDING THE DELEGATION OF RULEMAKING AUTHORITY TO THE SUPREME COURT; AND TO AUTHORIZE THE GENERAL ASSEMBLY TO SET RIGHTS OF APPEAL AND TO REGULATE BY GENERAL LAWS THE COMPENSATION OR DAMAGES AWARDED BY COURTS AND ADMINISTRATIVE AGENCIES."

AND

Page 1, delete lines 31 through 33 and substitute the following:

"SECTION 1. Section 32 of Article 5 of the Arkansas Constitution is amended to read as follows:

§ 32. ~~Workmen's~~ Workers' Compensation Laws - ~~Actions for personal injuries~~ Claims for compensation or damages.

(a) The General Assembly shall ~~have power to~~ enact laws prescribing the remedies to be provided and 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 ~~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 to persons or property~~ the right of action shall survive, and the General Assembly shall prescribe for whose benefit such action shall be prosecuted.

(b) The General Assembly may enact general laws regulating the compensation or damages that may be awarded by courts and administrative agencies, including without limitation noneconomic damages and punitive damages.



SECTION 2. Section 3 of Amendment 80 to the Arkansas Constitution is amended to read as follows:

§ 3. Rules of pleading, practice and procedure.

(a)(1) The General Assembly shall delegate nonexclusive authority to the Supreme Court shall to prescribe the rules of pleading, practice and procedure and the rules of evidence 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.

(2) Except as expressly delegated by the General Assembly, the Supreme Court has no authority to prescribe rules of pleading, practice, and procedure and rules of evidence for courts.

(b) Notwithstanding the delegation of rulemaking authority, the General Assembly may enact laws that supersede the rules of pleading, practice, and procedure and the rules of evidence for courts.

(c) Rules of pleading, practice, and procedure and rules of evidence in effect on January 1, 2015, continue in effect until amended, superseded, or repealed.

SECTION 3. Section 11 of Amendment 80 to the Arkansas Constitution is amended to read as follows:

§ 11. Right of appeal.

There shall be a right of appeal to an appellate court from the Circuit Courts and other rights of appeal as may be provided by ~~Supreme Court rule or~~ by law.

SECTION 4. BALLOT TITLE. (a) The title of this Senate Joint Resolution shall be the ballot title when the proposed amendment is submitted to the electors of the state on the general election ballot.

(b) When presented on the general election ballot, the popular name for this proposed amendment shall be "An Amendment to the Arkansas Constitution Concerning Civil Claims and Court Procedures".

SECTION 5. EFFECTIVE DATE. This amendment is effective on January 1, 2015."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator E. Williams

MBM/CDS - 03-19-2013 10:24:39

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Secretary