

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. 4 to Senate Joint Resolution No. 5

Amend Senate Joint Resolution No. 5 as engrossed, S4/3/13 (version: 04/03/2013 9:22:18 AM):

Page 1, delete lines 9 through 16 and substitute the following:

"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 ADOPT, AMEND, AFFECT, OR SUPERSEDE SUCH RULES, NOTWITHSTANDING THE DELEGATION OF RULEMAKING AUTHORITY TO THE SUPREME COURT; TO SET LIMITS ON THE AWARD OF PUNITIVE DAMAGES; AND TO AUTHORIZE THE GENERAL ASSEMBLY TO SET RIGHTS OF APPEAL AND TO REGULATE THE AWARD OF NONECONOMIC DAMAGES."

AND

Delete the subtitle in its entirety and substitute:

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

AND

Page 2, line 9, delete "subsection (b)" and substitute "subsections (b) and (c)"

AND

Page 2, delete lines 15 and 16 and substitute the following:

"(b) The General Assembly may, by a three-fifths vote of each house, enact laws regulating the award of noneconomic damages.

(c)(1) A punitive damages award against a defendant shall not exceed five (5) times the amount of compensatory damages allocated against the defendant.

(2) The General Assembly, by a two-thirds vote of each house, may amend the limitation under subdivision (c)(1) of this section."



AND

Page 2, line 20, delete "practice and procedure" and substitute "practice, ~~and procedure, and evidence~~"

AND

Page 2, delete lines 21 and 22 and substitute the following:

"(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"

AND

Page 2, delete lines 25 through 27 and substitute the following:

"(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)(1) Notwithstanding the delegation of rulemaking authority, the General Assembly may enact laws that adopt, amend, affect, or supersede rules of pleading, practice, and procedure and rules of evidence for courts.

(2) A law that expressly repeals a rule of pleading, practice, or procedure or a rule of evidence in effect on January 1, 2015, requires a three-fifths vote of each house of the General Assembly."

AND

Page 3, delete line 11 and substitute the following:

"Constitution Concerning Claims and Court Procedures"."

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator E. Williams
MBM/CDS - 04-04-2013 15:35:56
MBM263

Secretary