

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

SJR 6

4
5 By: Senators E. Williams, Bledsoe, Caldwell, J. Dismang, J. English, Hester, Hickey, Irvin, J. Key, G.
6 Stubblefield, Rapert
7 By: Representatives Wardlaw, Wren

8
9 **SENATE JOINT RESOLUTION**

10 PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION
11 TO AUTHORIZE THE GENERAL ASSEMBLY TO ADOPT RULES OF
12 PLEADING, PRACTICE, AND PROCEDURE FOR COURTS, TO SET
13 RIGHTS OF APPEAL, AND TO REGULATE BY GENERAL LAWS THE
14 COMPENSATION OR DAMAGES AWARDED BY COURTS AND
15 ADMINISTRATIVE AGENCIES.

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18 **Subtitle**

19 AN AMENDMENT TO CHANGE THE POWERS OF THE
20 GENERAL ASSEMBLY AND THE COURTS REGARDING
21 RULES OF PLEADING, PRACTICE, AND
22 PROCEDURE FOR COURTS, APPEAL RIGHTS, AND
23 COMPENSATION OR DAMAGES AWARDED BY COURTS
24 AND ADMINISTRATIVE AGENCIES.

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26
27 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE
28 STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
29 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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31 THAT the following is proposed as an amendment to the Constitution of
32 the State of Arkansas, and upon being submitted to the electors of the state
33 for approval or rejection at the next general election for Representatives
34 and Senators, if a majority of the electors voting thereon at the election
35 adopt the amendment, the amendment shall become a part of the Constitution of
36 the State of Arkansas, to wit:



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

4 § 32. ~~Workmen's Compensation Laws—Actions for personal injuries~~
 5 Claims for compensation or damages – Workers' compensation laws.

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

9 (b) The General Assembly ~~shall have power to~~ may enact laws
 10 prescribing the remedies to be provided and the amount of compensation to be
 11 paid by employers for injuries to or death of employees, and to whom said
 12 payment shall be made. It ~~shall have power to~~ may provide the means, methods,
 13 and forum for adjudicating claims arising under said laws, and for securing
 14 payment of same. Provided, that otherwise ~~no law shall be enacted limiting~~
 15 ~~the amount to be recovered for injuries resulting in death or for injuries to~~
 16 ~~persons or property; and in case of death from such injuries the right of~~
 17 action shall survive, and the General Assembly shall prescribe for whose
 18 benefit such action shall be prosecuted. ~~{As amended by Const. Amend. 26.}~~

19
 20 SECTION 2. Section 3 of Amendment 80 of the Arkansas Constitution is
 21 amended to read as follows:

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

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

28 (b)(1) The General Assembly may delegate authority to the Supreme
 29 Court to adopt rules of pleading, practice, and procedure for courts to the
 30 extent, and upon such terms, as provided by law.

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

34 (c) Rules of pleading, practice, and procedure in effect on January 1,
 35 2015, shall continue in effect until amended, superseded, or repealed.

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

3 § 11. Right of appeal.

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

7
8 SECTION 4. BALLOT TITLE. (a) The title of this Senate Joint
9 Resolution shall be the ballot title when the proposed amendment is submitted
10 to the electors of the state on the general election ballot.

11 (b) When presented on the general election ballot, the popular name
12 for this proposed amendment shall be "An Amendment Concerning Arkansas Courts
13 and Administrative Agencies".

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15 SECTION 5. EFFECTIVE DATE. This amendment is effective on January 1,
16 2015.