

State of Arkansas *As Engrossed: S3/20/13 S3/25/13*
89th General Assembly
Regular Session, 2013

SJR 5

By: Senator E. Williams

SENATE JOINT RESOLUTION

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
AWARD OF NONECONOMIC AND PUNITIVE DAMAGES.

Subtitle

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

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

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



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

3 *§ 32. ~~Workmen's~~ Workers' Compensation Laws - Actions for personal*
4 *injuries.*

5 *(a) The General Assembly shall ~~have power to~~ enact laws prescribing*
6 *the remedies to be provided and the amount of compensation to be paid by*
7 *employers for injuries to or death of employees, and to whom said payment*
8 *shall be made. It shall ~~have power to~~ provide the means, methods, and forum*
9 *for adjudicating claims arising under said laws, and for securing payment of*
10 *same. ~~Provided, that otherwise, except as provided in subsection (b) of this~~*
11 *section, no law shall be enacted limiting the amount to be recovered for*
12 *injuries resulting in death or for injuries to persons or property; and in*
13 *case of death from such injuries the right of action shall survive, and the*
14 *General Assembly shall prescribe for whose benefit such action shall be*
15 *prosecuted.*

16 *(b) The General Assembly may enact general laws regulating the award*
17 *of noneconomic damages and punitive damages.*

18
19 *SECTION 2. Section 3 of Amendment 80 to the Arkansas Constitution is*
20 *amended to read as follows:*

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

22 *(a)(1) The General Assembly shall delegate nonexclusive authority to*
23 *the Supreme Court ~~shall~~ to prescribe the rules of pleading, practice and*
24 *procedure and the rules of evidence for all courts; provided these rules*
25 *shall not abridge, enlarge or modify any substantive right and shall preserve*
26 *the right of trial by jury as declared in this Constitution.*

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

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

33 *(c) Rules of pleading, practice, and procedure and rules of evidence*
34 *in effect on January 1, 2015, continue in effect until amended, superseded,*
35 *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.

/s/E. Williams