

1 State of Arkansas *As Engrossed: S3/20/13 S3/25/13 S4/3/13*
2 89th General Assembly
3 Regular Session, 2013

SJR 5

4
5 By: Senators E. Williams, *Bledsoe, J. Dismang, Hickey, J. English, J. Key, Irvin, Hester*
6 *By: Representatives Westerman, E. Armstrong*

7
8 **SENATE JOINT RESOLUTION**

9 PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION
10 *TO PROVIDE THAT THE SUPREME COURT SHALL PRESCRIBE*
11 *RULES OF EVIDENCE FOR COURTS, IN ADDITION TO RULES OF*
12 *PLEADING, PRACTICE, AND PROCEDURE; TO PROVIDE THAT*
13 *THE GENERAL ASSEMBLY MAY ENACT LAWS THAT SUPERSEDE*
14 *SUCH RULES; AND TO AUTHORIZE THE GENERAL ASSEMBLY TO*
15 *SET RIGHTS OF APPEAL AND TO REGULATE BY GENERAL LAWS*
16 *THE AWARD OF NONECONOMIC AND PUNITIVE DAMAGES.*

17
18
19 **Subtitle**

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

23
24
25 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE
26 STATE OF ARKANSAS AND BY THE THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
27 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

28
29 THAT the following is proposed as an amendment to the Constitution of
30 the State of Arkansas, and upon being submitted to the electors of the state
31 for approval or rejection at the next general election for Representatives
32 and Senators, if a majority of the electors voting thereon at the election
33 adopt the amendment, the amendment shall become a part of the Constitution of
34 the State of Arkansas, to wit:

35
36 *SECTION 1. Section 32 of Article 5 of the Arkansas Constitution is*



1 amended to read as follows:

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

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

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

17

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

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

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

25 (b) Notwithstanding subsection (a) of this section, the
26 General Assembly may enact laws that supersede the rules of pleading,
27 practice, and procedure and the rules of evidence for courts.

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

31

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

34 § 11. Right of appeal.

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

1 ~~by~~ law.

2

3 SECTION 4. This amendment shall not be construed to supersede or to
4 amend the right of trial by jury as declared in this Constitution.

5

6 SECTION 5. BALLOT TITLE. (a) The title of this Senate Joint
7 Resolution shall be the ballot title when the proposed amendment is submitted
8 to the electors of the state on the general election ballot.

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

12

13 SECTION 6. EFFECTIVE DATE. This amendment is effective on January 1,
14 2015.

15

16

/s/E. Williams

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36