

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas *As Engrossed: S3/20/13 S3/25/13 S4/3/13 S4/5/13*
89th General Assembly
Regular Session, 2013

SJR 5

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

SENATE JOINT RESOLUTION

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.

Subtitle

PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING 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:

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.

(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, except as provided in subsections (b) and (c) of this section, 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 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, 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.

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

§ 3. Rules of pleading, practice, ~~and~~ procedure, and evidence.

(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)(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.

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

SECTION 5. *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 Claims and Court Procedures".

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

/s/E. Williams