

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

State of Arkansas
89th General Assembly
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SJR 6

By: Senators E. Williams, Bledsoe, Caldwell, J. Dismang, J. English, Hester, Hickey, Irvin, J. Key, G. Stubblefield, Rapert

By: Representatives Wardlaw, Wren

SENATE JOINT RESOLUTION

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

Subtitle

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

BE IT RESOLVED BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS AND BY 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 Compensation Laws—Actions for personal injuries~~
Claims for compensation or damages – Workers' compensation laws.

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

(b) The General Assembly shall have power to may 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 may~~ provide the means, methods, and forum for adjudicating claims arising under said laws, and for securing payment of same. Provided, that otherwise ~~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. ~~{As amended by Const. Amend. 26.}~~

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

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

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

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

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

(c) Rules of pleading, practice, and procedure in effect on January 1, 2015, shall 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~~ the General Assembly.

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 Concerning Arkansas Courts and Administrative Agencies".

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