

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

State of Arkansas

93rd General Assembly

Regular Session, 2021

SJR 9

By: Senators B. Ballinger, Irvin, Beckham, Bledsoe, B. Davis, J. Dismang, L. Eads, J. English, Flippo, T. Garner, Gilmore, Hester, Hill, B. Johnson, Rapert, D. Wallace

By: Representatives Dotson, L. Johnson, Beaty Jr., Beck, Bentley, Brooks, Cavanaugh, Cloud, Coleman, Eubanks, Evans, Gonzales, Hawks, Lynch, McCollum, Pilkington, Ray, Rye, Speaks, Underwood

SENATE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO ENSURE THAT SUFFICIENT CHECKS AND BALANCES EXIST BETWEEN THE POWERS OF THE LEGISLATIVE AND JUDICIAL BRANCHES OF GOVERNMENT BY PROVIDING THAT THE GENERAL ASSEMBLY MAY ENACT LAWS PRESCRIBING RULES OF PLEADING, PRACTICE, PROCEDURE, AND EVIDENCE IN ALL COURTS THAT SUPERSEDE RULES OF PLEADING, PRACTICE, PROCEDURE, AND EVIDENCE PRESCRIBED BY THE ARKANSAS SUPREME COURT.

Subtitle

A CONSTITUTIONAL AMENDMENT TO PERMIT LEGISLATIVE ENACTMENT OF RULES OF PLEADING, PRACTICE, PROCEDURE, AND EVIDENCE FOR COURTS.

BE IT RESOLVED BY THE SENATE OF THE NINETY-THIRD 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. The General Assembly finds that this amendment is necessary to ensure that sufficient checks and balances exist between the powers of the legislative and judicial branches by allowing legislative input on the rules of pleading, practice, procedure, and evidence for all courts.

SECTION 2. Arkansas Constitution, Amendment 80, § 3, is amended to read as follows:

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

(a) The Supreme Court shall prescribe the rules of pleading, practice, and procedure, and evidence for all courts.

(b)(1) By a three-fifths vote of each house, the General Assembly may prescribe rules of pleading, practice, procedure, and evidence for all courts.

(2) Rules prescribed by the General Assembly under subdivision (b)(1) of this section shall supersede any conflicting rules of pleading, practice, procedure, or evidence prescribed by the Supreme Court.

(c) ~~provided these rules~~ Rules prescribed under this section shall not abridge, enlarge or modify any substantive right and shall preserve the right of trial by jury as declared in this Constitution.

SECTION 3. SEVERABILITY. The provisions of this amendment to the Arkansas Constitution are severable and, if any should be held invalid, the remainder shall stand.

SECTION 4. EFFECTIVE DATE. This amendment to the Arkansas Constitution is effective on and after January 1, 2023.

SECTION 5. BALLOT TITLE AND POPULAR NAME. When this proposed amendment to the Arkansas Constitution is submitted to the electors of this state on the general election ballot:

(1) The popular name for the proposed amendment shall be "A Constitutional Amendment to Permit Legislative Enactment of Rules of Pleading, Practice, Procedure, and Evidence for Courts for the Purpose of Ensuring that Sufficient Checks and Balances Exist Between the Legislative

and Judicial Branches of Government."; and

(2) The ballot title shall be "A Proposed Amendment to the Arkansas Constitution to Ensure that Sufficient Checks and Balances Exist Between the Legislative and Judicial Branches of Government by Providing that the General Assembly May Enact Laws Prescribing Rules of Pleading, Practice, Procedure, and Evidence in All Courts that Supersede Rules of Pleading, Practice, Procedure, and Evidence Prescribed by the Arkansas Supreme Court."