

Department of Finance and Administration

Legislative Impact Statement

Bill: SJR5 **As Engrossed: 3/20/2013**
Bill Subtitle: PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING CIVIL CLAIMS AND COURT PROCEDURES.

Basic Change : (Comments Revised 3/25/13)

Sen. Williams,

SJR 5 proposes to amend the Arkansas Constitution to:

- Empower the General Assembly to enact laws regulating compensation and damages that may be awarded by courts and administrative agencies under the Workers' Compensation Laws;
- Provide that the General Assembly shall delegate nonexclusive authority to the Supreme Court to prescribe the rules of pleading, practice, and procedure, and the rules of evidence for all courts; and
- Provide that the General Assembly may enact laws to supersede the rules of pleading, practice and procedure and the rules of evidence for courts. The rules in effect on January 1, 2015 will continue until amended, superseded, or repealed.

Revenue Impact :

None

Taxpayer Impact :

None

Legal Analysis :

The authority for the Supreme Court to prescribe the rules of pleading, practice and procedure for all courts was enacted by Amendment 80 to the Arkansas Constitution, which was adopted at the November 2000 general election and became effective on July 1, 2001.

Prior to the adoption of Amendment 80, as evidenced in case law, there was not absolute certainty regarding the authority to prescribe rules of pleading, practice and procedure. *See Jackson v. Ozment*, 283 Ark. 100, 671 S.W.2d 736 (1984) (Sections 1 and 4 of Article 7 of the Arkansas Constitution "do not expressly or by implication confer on this Court exclusive authority to set rules of court procedure."). *See, e.g., Ricarte v. State*, 290 Ark. 100, 717 S.W.2d 488 (1986) (Arkansas' Constitution of 1874 confers general superintending control over inferior courts on the Supreme Court; In 1971 the Arkansas legislature authorized the Supreme Court to prescribe rules of pleading, practice, and procedure in criminal proceedings, and in civil proceedings in 1973; Supreme Court adopts the Uniform Rules of Evidence in this case).