

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

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021

SJR 7

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

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

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**SENATE JOINT RESOLUTION**

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AN AMENDMENT TO THE ARKANSAS CONSTITUTION PROVIDING  
12 THAT THE GENERAL ASSEMBLY MAY ENACT LAWS PRESCRIBING  
13 RULES OF PLEADING, PRACTICE, PROCEDURE, AND EVIDENCE  
14 IN ALL COURTS THAT SUPERSEDE RULES OF PLEADING,  
15 PRACTICE, PROCEDURE, AND EVIDENCE PRESCRIBED BY THE  
16 ARKANSAS SUPREME COURT.

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**Subtitle**

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

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BE IT RESOLVED BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE  
27 STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL  
28 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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

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1 SECTION 1. Arkansas Constitution, Amendment 80, § 3, is amended to  
2 read as follows:

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

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

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

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

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

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16 SECTION 2. SEVERABILITY. The provisions of this amendment to the  
17 Arkansas Constitution are severable and, if any should be held invalid, the  
18 remainder shall stand.

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20 SECTION 3. EFFECTIVE DATE. This amendment to the Arkansas  
21 Constitution is effective on and after January 1, 2023.

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23 SECTION 4. BALLOT TITLE AND POPULAR NAME. When this proposed  
24 amendment to the Arkansas Constitution is submitted to the electors of this  
25 state on the general election ballot:

26 (1) The popular name for the proposed amendment shall be "A  
27 Constitutional Amendment to Permit Legislative Enactment of Rules of  
28 Pleading, Practice, Procedure, and Evidence for Courts."; and

29 (2) The ballot title shall be "A Proposed Amendment to the  
30 Arkansas Constitution Providing that the General Assembly May Enact Laws  
31 Prescribing Rules of Pleading, Practice, Procedure, and Evidence in All  
32 Courts that Supersede Rules of Pleading, Practice, Procedure, and Evidence  
33 Prescribed by the Arkansas Supreme Court."

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