

Bill No. SJR 1234

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Dudley moved the following amendment:

**Senate Amendment**

Delete everything after the resolving clause

and insert:

That the following amendment to Section 2 of Article V of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE V

JUDICIARY

SECTION 2. Administration; practice and procedure.--

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought.

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1 These rules may be repealed by general law enacted by  
2 three-fifths ~~two-thirds~~ vote of the membership of each house  
3 of the legislature. Any rule or provision of a rule of civil  
4 or criminal procedure adopted by the supreme court may be  
5 repealed by general law enacted by a three-fifths vote of the  
6 membership of each house of the legislature. Notwithstanding  
7 any other provision of this constitution, the legislature may,  
8 by a three-fifths vote of the membership of each house of the  
9 legislature, enact a law relating to civil or criminal  
10 procedure. A rule of civil or criminal procedure or a  
11 provision of such a rule prevails over any conflicting law.

12 (b) The chief justice of the supreme court shall be  
13 chosen by a majority of the members of the court. He shall be  
14 the chief administrative officer of the judicial system. He  
15 shall have the power to assign justices or judges, including  
16 consenting retired justices or judges, to temporary duty in  
17 any court for which the judge is qualified and to delegate to  
18 a chief judge of a judicial circuit the power to assign judges  
19 for duty in his respective circuit.

20 (c) A chief judge for each district court of appeal  
21 shall be chosen by a majority of the judges thereof or, if  
22 there is no majority, by the chief justice. The chief judge  
23 shall be responsible for the administrative supervision of the  
24 court.

25 (d) A chief judge in each circuit shall be chosen from  
26 among the circuit judges as provided by supreme court rule.  
27 The chief judge shall be responsible for the administrative  
28 supervision of the circuit courts and county courts in his  
29 circuit.

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31 BE IT FURTHER RESOLVED that the following statement be placed

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1 on the ballot:

2                                   CONSTITUTIONAL AMENDMENT

3                                   ARTICLE V, SECTION 2

4                   RULES OF PROCEDURE.--Proposing an amendment to the  
5 State Constitution to allow the Legislature to repeal, by  
6 general law enacted by a three-fifths vote of the membership  
7 of each house, rules of civil or criminal procedure adopted by  
8 the State Supreme Court and to enact a law relating to civil  
9 or criminal procedure. Provides that a rule of civil or  
10 criminal procedure prevails over any conflicting law relating  
11 to civil or criminal procedure.

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