



836040

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/29/2011	.	
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The Committee on Judiciary (Simmons) recommended the following:

Senate Amendment (with ballot and title amendments)

Delete lines 30 - 32
and insert:
opinion. Rules of court may be repealed by general law enacted
by a three-fifths ~~two-thirds~~ vote of the membership of each
house of the legislature. The supreme court may not readopt a
rule within

=====**B A L L O T S T A T E M E N T A M E N D M E N T**=====

And the ballot statement is amended as follows:

Delete lines 53 - 133
and insert:



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CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTION 2

REVISING REQUIREMENTS RELATING TO THE REPEAL OF A SUPREME COURT RULE BY GENERAL LAW.—The State Constitution authorizes the Supreme Court to adopt rules for the practice and procedure in all courts. The constitution further provides that a rule of court may be repealed by a general law enacted by a two-thirds vote of the membership of each house of the Legislature. This proposed constitutional amendment reduces the vote required to enact a general law repealing a rule of court to a three-fifths vote of each house of the Legislature. The proposed amendment also prohibits the Supreme Court from readopting a rule within 3 years after the rule is repealed by a general law.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot if a court declares the preceding statement defective and the decision of the court is not reversed:

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTION 2

REPEAL OF SUPREME COURT RULES BY GENERAL LAW.—Under the State Constitution, the Supreme Court adopts rules governing practice and procedure in all courts in this state. The constitution empowers the Legislature to repeal a court rule by passing a general bill. The bill, however, must pass both the Senate and the House of Representatives by a vote of two-thirds of the membership of each respective chamber. If the bill becomes law, the rule is repealed. There is currently no prohibition in the State Constitution against the Supreme Court readopting the same rule at any time. This proposed



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43 constitutional amendment allows the Legislature to repeal a rule
44 of court by a general law enacted by a three-fifths vote of each
45 house. In addition, this amendment specifies that the Supreme
46 Court would have to wait at least 3 years before readopting the
47 rule.

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49 BE IT FURTHER RESOLVED that the following statement be
50 placed on the ballot if a court declares the preceding statement
51 defective and the decision of the court is not reversed:

52 CONSTITUTIONAL AMENDMENT

53 ARTICLE V, SECTION 2

54 MAKING IT EASIER TO REPEAL A SUPREME COURT RULE BY GENERAL
55 LAW.—Proposing an amendment to the State Constitution to reduce
56 the vote requirement that the Legislature needs in order to
57 repeal a rule adopted by the Supreme Court. Currently under the
58 State Constitution, the Legislature may enact a general bill
59 that repeals a rule of court adopted by the Supreme Court. The
60 bill must pass both the Senate and the House of Representatives
61 by vote at least equal to two-thirds of the membership of each
62 house of the Legislature. If this bill becomes law, it repeals
63 the rule of court. This proposed constitutional amendment would
64 make it easier for the Legislature to repeal a rule of court by
65 reducing the vote threshold to repeal a rule of court to a
66 three-fifths vote of each house. The proposed amendment also
67 adds a new provision to the constitution which prohibits the
68 Supreme Court from readopting a rule within 3 years after the
69 rule is repealed by a general law.

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71 BE IT FURTHER RESOLVED that the following statement be



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72 placed on the ballot if a court declares the preceding statement
73 defective and the decision of the court is not reversed:

74 CONSTITUTIONAL AMENDMENT

75 ARTICLE V, SECTION 2

76 REDUCING THE LEGISLATIVE VOTE NECESSARY TO REPEAL A RULE OF
77 COURT.—Proposing an amendment to the State Constitution to
78 eliminate the requirement for an extraordinary vote of each
79 house of the Legislature in order to repeal a rule of court by
80 general law. The Supreme Court adopts rules governing practice
81 and procedure in all state courts. Currently under the
82 constitution, the Legislature can repeal a rule of court by
83 passing a general bill, but the bill must pass by a vote of at
84 least two-thirds of the membership of each of the Senate and the
85 House of Representatives. The proposed constitutional amendment
86 reduces the vote required to enact a general law repealing a
87 rule of court to a three-fifths vote of each house of the
88 Legislature. Currently, the constitution does not prohibit the
89 Supreme Court from readopting a rule that is repealed by general
90 law. The proposed amendment adds new language specifying that
91 the Court may not readopt a rule within 3 years after the rule
92 is repealed in this manner.

93
94 ===== T I T L E A M E N D M E N T =====

95 And the title is amended as follows:

96 Delete lines 3 - 6

97 and insert:

98 of Article V of the State Constitution to reduce the
99 vote threshold required for the Legislature to enact a
100 law repealing a rule of court and to