

By: Senator(s) Hewes, Brown, King, Kirby,
Moffatt, Nunnelee, Michel, Gollott

To: Judiciary, Division A;
Constitution

SENATE CONCURRENT RESOLUTION NO. 517

1 A CONCURRENT RESOLUTION PROPOSING TO AMEND THE MISSISSIPPI
2 CONSTITUTION OF 1890 BY CREATING A NEW SECTION TO AUTHORIZE THE
3 LEGISLATURE TO DETERMINE LIMITATIONS ON ALL DAMAGES OTHER THAN
4 ECONOMIC DAMAGES IN CIVIL LAWSUITS; AND FOR RELATED PURPOSES.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
6 MISSISSIPPI, That the following amendment to the Mississippi
7 Constitution of 1890 is proposed to the qualified electors of the
8 state:

9 Amend the Mississippi Constitution of 1890 to create a new
10 Section ____ to read as follows:

11 Section ____. Notwithstanding any other provision of this
12 Constitution, the Legislature by statute may determine the limit
13 of liability for all damages and losses, however characterized,
14 other than economic damages, in any civil claim or cause of
15 action. This section applies without regard to whether the claim
16 or cause of action arises under or is derived from common law, a
17 statute, or other law, including any claim or cause of action
18 based or sounding in tort, contract, or any other theory or any
19 combination of theories of liability. This section applies to
20 laws enacted during the 2002 Third Extraordinary Session and
21 during any subsequent regular or special sessions of the
22 Legislature.

23 BE IT FURTHER RESOLVED, That this proposed amendment shall be
24 submitted by the Secretary of State to the qualified electors at
25 an election to be held on the first Tuesday after the first Monday
26 of November 2004, as provided by Section 273 of the Constitution
27 and by general law.

28 BE IT FURTHER RESOLVED, That the explanation of this proposed
29 amendment for the ballot shall read as follows: "This proposed
30 constitutional amendment authorizes the Legislature to determine
31 the limit of liability for all damages other than economic damages
32 in civil lawsuits."