

1 act and does not prevail over any provision of the act
2 of the General Assembly. I think that language is much
3 too broad.

4 THE CHAIRMAN: Mr. Sykes?

5 MR. SYKES: Mr. Chairman, in answer to
6 Dr. Burdette, I would like to make perfectly clear that
7 the Legislature under this draft is not precluded from
8 considering procedural matters. The Legislature, if it
9 disagrees with a rule of the Court of Appeals, may enact
10 a superseding law and the only way the Court of Appeals
11 can change it is to act upon it after the Legislative act
12 and, if the Legislature wants to pass another act accom-
13 plishing substantially the same thing or the same thing,
14 it may do so and there is a possibility that the Court of
15 Appeals may change that.

16 The only thing that the Court of Appeals can
17 supersede is a statute where the rule is adopted or
18 readopted after the enactment of the statutory provision,
19 in which case the rule should be paramount over the prior
20 act. That doesn't take away the power of the Legislature
21 to act again.