

Regular Session, 2003

HOUSE BILL NO. 601

BY REPRESENTATIVE BOWLER

ADMINISTRATIVE PROCEDURE: (Constitutional Amendment) Provides with respect to administrative law, administrative law judges, and judicial review of administrative agency determinations

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A JOINT RESOLUTION

Proposing an amendment to the Constitution of Louisiana, to amend Article V, Section 16(A) and to add Article XII, Section 15, all relative to administrative law; to authorize the legislature to provide by law for the creation, duties, and powers of a system of administrative law, for the employment, qualifications, and authority of administrative law judges, with respect to appeals by governmental agencies seeking review of administrative decisions, and with respect to jurisdiction of the district courts in administrative agency determinations; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article V, Section 16(A) of the Constitution of Louisiana, to read as follows:

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ARTICLE V. JUDICIAL BRANCH

§16. District Courts; Jurisdiction

Section 16. (A) Original Jurisdiction. (1) Except as otherwise authorized by this constitution or except as heretofore or hereafter provided by law for administrative agency determinations in workers' compensation matters and other matters, a district court shall have original jurisdiction of all civil and criminal matters. (2) It shall have exclusive original jurisdiction of felony cases and of cases involving title to immovable property, except as provided in (3) below; the right to office or other public position; civil or political right; probate and succession matters; except for administrative agency determination provided for in (1) above, the state, a political corporation, or political subdivisions, or a succession, as a defendant; and the appointment of receivers or liquidators for corporations or partnerships. (3) The legislature may provide by law that a family court has jurisdiction of cases involving title to movable and immovable property when those cases relate to the partition of community property and the settlement of claims arising from matrimonial regimes when such action arises as a result of divorce or annulment of marriage.

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Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to add Article XII, Section 15 of the Constitution of Louisiana, to read as follows:

1 ARTICLE XII. GENERAL PROVISIONS

2 §15. Administrative Law

3 Section 15.(A) Authorization. The legislature may provide by
4 law for the creation of a system of administrative law to commence and
5 handle all adjudications in the manner required by the Administrative
6 Procedure Act.

7 (B) Administrative Law Judges. The legislature may provide
8 by law for the employment, qualifications, and authority of
9 administrative law judges.

10 (C) Appeals. The legislature may provide by law for access to
11 courts by a governmental agency or public official seeking judicial
12 review of an administrative agency determination.

13 (D) Other Provisions. The legislature may enact such laws
14 notwithstanding any other provision of this constitution.

15 Section 3. Be it further resolved that this proposed amendment shall be
16 submitted to the electors of the state of Louisiana at the gubernatorial primary
17 election to be held in 2003.

18 Section 4. Be it further resolved that on the official ballot to be used at
19 said election there shall be printed a proposition, upon which the electors of
20 the state shall be permitted to vote FOR or AGAINST, to amend the
21 Constitution of Louisiana, which proposition shall read as follows:

22 To authorize legislation creating a system of administrative law
23 to commence and handle all administrative adjudications,
24 providing for the employment, qualifications, and authority of
25 administrative law judges, and providing with respect to access
26 to the courts by a governmental agency or public official seeking

1 judicial review of an administrative agency determination and
 2 a district court’s jurisdiction over administrative agency
 3 determinations. (Amends Article V, Section 16(A); Adds
 4 Article XII, Section 15)

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Bowler

HB No. 601

Abstract: Authorizes the legislature to create a system of administrative law, to provide for administrative law judges and for judicial review of administrative agency determinations.

Proposed constitutional amendment authorizes the legislature to create a system of administrative law to commence and handle all adjudications in the manner required by the Administrative Procedure Act, provide for the employment, qualifications, and authority of administrative law judges, and provide relative to access to the courts by a governmental agency or public official seeking judicial review of an administrative agency determination.

Present constitution delineates original jurisdiction of the district courts of this state including jurisdiction of all civil matters. Present constitution excepts from this general provision jurisdiction over administrative agency determinations in workers’ compensation matters as provided by law. Proposed constitutional amendment retains present constitution but broadens the exception to include administrative agency determinations in all matters.

Proposed constitutional amendment specifies that the legislature may enact such laws notwithstanding any other provision of the constitution.

Provides for submission of the proposed amendment to the voters at the gubernatorial primary election to be held in 2003.

(Amends Const. Art. V, §16(A); Adds Const. Art. XII, §15)