

Regular Session, 2003

HOUSE BILL NO. 601

BY REPRESENTATIVES BOWLER, BRUNEAU, LANCASTER, PITRE,
SNEED, AND WALSWORTH

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:

1 ARTICLE V. JUDICIAL BRANCH

2 §16. District Courts; Jurisdiction

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

20 * * *

21 Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of
22 the members elected to each house concurring, that there shall be submitted to
23 the electors of the state of Louisiana, for their approval or rejection in the
24 manner provided by law, a proposal to add Article XII, Section 15 of the
25 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 Section 3. Be it further resolved that this proposed amendment shall be
14 submitted to the electors of the state of Louisiana at the gubernatorial primary
15 election to be held in 2003.

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

20 To authorize the legislature to create a system of administrative
21 law to commence and handle all administrative adjudications, to
22 provide for the employment, qualifications, and authority of
23 administrative law judges, and to provide with respect to access
24 to the courts by a governmental agency or public official seeking
25 judicial review of an administrative agency determination and
26 a district court's jurisdiction over administrative agency

1 determinations. (Amends Article V, Section 16(A); Adds
 2 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.

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)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Removes provision of proposed constitutional amendment that specified that the legislature may enact such laws notwithstanding any other provision of the constitution.