

Regular Session, 2010

SENATE BILL NO. 42

BY SENATOR MURRAY

COURTS. Constitutional Amendment to require reargument before a 5-judge panel prior to reversal or modification of judgments rendered by office of workers' compensation when one judge of the original 3-judge panel dissents. (2/3-CA13s1(A))

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A JOINT RESOLUTION

Proposing to amend Article V, Section 8(B) of the Constitution of Louisiana, relative to the judicial branch; to provide relative to courts of appeal; to require reargument before a five-judge panel when an appellate judge dissents from a majority decision to modify or reverse a judgment rendered by the office of workers' compensation; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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, for their approval or rejection in the manner provided by law, a proposal to amend Article V, Section 8(B) of the Constitution of Louisiana, to read as follows:

§8. Courts of Appeal; Circuits; Panels; Judgments; Terms

Section 8.                   \*       \*       \*

(B) Judgments. A majority of the judges sitting in a case must concur to render judgment. However, in civil matters only, when a judgment of a district court **or an administrative agency determination in a worker's compensation claim** is to be modified or reversed and one judge dissents, the case shall be reargued

1 before a panel of at least five judges prior to rendition of judgment, and a majority  
2 must concur to render judgment.

3 \* \* \*

4 Section 2. Be it further resolved that this proposed amendment shall be submitted  
5 to the electors of the state of Louisiana at the statewide election to be held on November 2,  
6 2010.

7 Section 3. Be it further resolved that on the official ballot to be used at said election  
8 there shall be printed a proposition, upon which the electors of the state shall be permitted  
9 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall  
10 read as follows:

11 To provide that, in civil matters only, when an administrative agency  
12 determination in a worker's compensation claim is to be modified or reversed  
13 and one judge dissents, the case shall be reargued before a panel of at least  
14 five judges prior to rendition of judgment, and a majority must concur to  
15 render judgment. (Amends Article V, Section 8(B))

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Camille Sebastien Perry.

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#### DIGEST

Murray (SB 42)

Present constitution provides that a majority of the judges sitting in a case must concur to render judgment, but in civil matters only, when a judgment of a district court is to be modified or reversed and one judge dissents, the case shall be reargued before a panel of at least five judges prior to rendition of judgment, and a majority must concur to render judgment.

Proposed constitutional amendment retains present constitution and additionally provides that when an administrative agency determination in a worker's compensation claim is to be modified or reversed and one judge dissents, the case shall be reargued before a panel of at least five judges prior to rendition of judgment, and a majority must concur to render judgment.

Specifies submission of the amendment to the voters at the statewide election to be held on November 2, 2010.

(Amends Const. Article V, Section 8(B))