

SENATE BILL NO. 42

BY SENATOR MURRAY

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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~~ shall concur to render judgment. However, in civil matters only, when a judgment of a district court or an administrative agency determination in a workers' 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~~ shall concur to render judgment.

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

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

1 To provide that, in civil matters only, when a court of appeal is to modify or
2 reverse an administrative agency determination in a workers' compensation
3 claim and one judge dissents, the case shall be reargued before a panel of at
4 least five judges prior to rendition of judgment, and a majority shall concur
5 to render judgment. (Amends Article V, Section 8(B))

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES