SLS 14RS-532 ORIGINAL

Regular Session, 2014

SENATE BILL NO. 226

BY SENATOR MURRAY

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WORKERS' COMPENSATION. Constitutional amendment to provide for original jurisdiction for district courts regarding workers' compensation matters. (2/3 - CA13s1(A))

## A JOINT RESOLUTION

Proposing to amend Article V, Section 10(A) and (B) and Section 16(A) of the Constitution of Louisiana, relative to the jurisdiction of courts; to provide for appellant review of district court judgments of workers' compensation cases; to provide that district courts shall have original jurisdiction over workers' compensation matters; 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 10(A) and (B) and Section 16(A) of the Constitution of Louisiana to read as follows:

§10. Courts of Appeal; Jurisdiction

Section 10.(A) Jurisdiction. Except as otherwise provided by this constitution, a court of appeal has appellate jurisdiction of (1) all civil matters, including direct review of administrative agency determinations in worker's compensation matters as heretofore or hereafter provided by law, (2) all matters

appealed from family and juvenile courts, and (3) all criminal cases triable by a jury,

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except as provided in Section 5, Paragraph (D)(2) of this Article. It has supervisory jurisdiction over cases which arise within its circuit.

(B) Scope of Review. Except as limited to questions of law by this constitution, or as provided by law in the review of administrative agency determinations, appellate jurisdiction of a court of appeal extends to law and facts. In the review of an administrative agency determination a district court judgment in a worker's compensation matter, a court of appeal may render judgment as provided by law, or, in the interest of justice, remand the matter to the administrative agency district court for further proceedings. In criminal cases its appellate jurisdiction extends only to questions of law.

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## §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 worker's compensation matters, a district court shall have original jurisdiction of all civil matters, including workers' compensation matters, 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 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 4, 2014.

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 YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment to provide that the trials of workers' compensation cases are to be heard and decided by the district courts, rather than administrative hearing officers, and that appellant courts hear the appeals of a workers' compensation judgments rendered by the district courts?

(Amends Article V, Section 10(A) and (B) and Section 16(A))

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

## **DIGEST**

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<u>Present constitution</u> provides that an administrative agency has original jurisdiction to hear workers' compensation matters.

<u>Proposed constitutional amendment</u> provides that the district court has original jurisdiction to hear workers' compensation cases.

<u>Present constitution</u> provides that appellant courts shall have jurisdiction to review an administrative agency determination in a workers' compensation matter. <u>Present constitution</u> provides that a court of appeal may render judgment as provided by law, or, in the interest of justice, remand the matter to the administrative agency for further proceedings.

<u>Proposed constitutional amendment</u> provides that appellant court has jurisdiction to review a trial court's judgment in a workers' compensation matter.

<u>Proposed constitutional amendment</u> provides that a court of appeal may render judgment, as provided by law, or may remand the matter to the district court for further proceedings.

Specifies submission of the amendment to the voters at the statewide election to be held on November 4, 2014.

(Amends Art. V, Sec. 10(A) and (B) and Sec. 16(A))