

Regular Session, 2014

SENATE BILL NO. 226

BY SENATOR MURRAY

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

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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,

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

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

11 * * *

12 §16. District Courts; Jurisdiction

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

28 * * *

29 Section 2. Be it further resolved that this proposed amendment shall be submitted

1 to the electors of the state of Louisiana at the statewide election to be held on November 4,
2 2014.

3 Section 3. Be it further resolved that on the official ballot to be used at said election
4 there shall be printed a proposition, upon which the electors of the state shall be permitted
5 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
6 follows:

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

12 (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

Murray (SB 226)

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

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

Present constitution provides that appellate courts shall have jurisdiction to review an administrative agency determination in a workers' compensation matter. Present constitution 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.

Proposed constitutional amendment provides that appellate court has jurisdiction to review a trial court's judgment in a workers' compensation matter.

Proposed constitutional amendment 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))