

Regular Session, 2012

HOUSE BILL NO. 301

BY REPRESENTATIVE BROADWATER

PUBLIC OFFLS/EMPS: (Constitutional Amendment) Relative to workers' compensation judges, provides for civil service status and terms of service

## 1 A JOINT RESOLUTION

2 Proposing to add Article X, Section 2(C) of the Constitution of Louisiana, to provide relative  
3 to workers' compensation judges; to provide for terms of service for workers'  
4 compensation judges who are in the classified state service and that upon expiration  
5 of such a term of service, such a judge shall be in the unclassified service unless  
6 reappointed for a subsequent term; to provide for exceptions; to provide an effective  
7 date; to provide for submission of the proposed amendment to the electors; and to  
8 provide for related matters.

9 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
10 elected to each house concurring, that there shall be submitted to the electors of the state of  
11 Louisiana, for their approval or rejection in the manner provided by law, a proposal to add  
12 Article X, Section 2(C) of the Constitution of Louisiana, to read as follows:

13 §2. Classified and Unclassified Service

14 Section 2.

15 \* \* \*

16 (C) Terms of Service for Certain Classified Employees. Unless the position  
17 of workers' compensation judge is included in the unclassified service, a workers'  
18 compensation judge shall be in the classified state service but shall be appointed for  
19 a five-year term and, upon expiration of any such term, shall be in the unclassified  
20 service unless reappointed for a subsequent term, employed in another classified

1        position, or separated from state service. During his term, a workers' compensation  
2        judge shall be subject to removal for cause and as otherwise permitted for classified  
3        employees. The legislature may provide exceptions for workers' compensation  
4        judges employed on January 1, 2013.

5        Section 2. Be it further resolved that the provisions of the amendment contained in  
6        this Joint Resolution shall become effective on January 1, 2013, and shall apply only to  
7        workers' compensation judges appointed on or after January 1, 2013.

8        Section 3. Be it further resolved that this proposed amendment shall be submitted  
9        to the electors of the state of Louisiana at the statewide election to be held on November 6,  
10       2012.

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

15                    Do you support an amendment to provide that workers' compensation judges  
16                    appointed on or after January 1, 2013, who are in the classified state civil  
17                    service shall serve for a five-year term and, unless reappointed for another  
18                    term, thereafter shall be in the unclassified service? (Effective January 1,  
19                    2013) (Adds Article X, Section 2(C))

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Broadwater

HB No. 301

**Abstract:** Provides for terms of service for classified workers' compensation judges and that upon expiration of such a term, unless reappointed, such a judge shall be in the unclassified service.

Present constitution provides for state civil service and provides that persons not in the unclassified service are in the classified service. Present constitution specifies those officers and employees who are in the unclassified service, specifically elected officials and persons appointed to fill vacancies in elective offices; the heads of each principal executive department appointed by the governor; members of state boards, authorities, and commissions; one private secretary to the president of each college or university; one person holding a confidential position and one principal assistant or deputy to any officer, board,

commission, or authority so included in the unclassified service, except civil service departments; members of the military or naval forces; teaching and professional staffs, and administrative officers of schools, colleges, and universities of the state, and bona fide students of those institutions employed by any state, parochial, or municipal agency; employees, deputies, and officers of the legislature and of the offices of the governor, lieutenant governor, attorney general, and of all offices provided for in Const. Art. V except the offices of clerk of the municipal and traffic courts in New Orleans; commissioners of elections, watchers, and custodians and deputy custodians of voting machines; railroad employees whose working conditions and retirement benefits are regulated by federal agencies in accordance with federal law; and the director, deputy director, and all employees of the Governor's Office of Homeland Security and Emergency Preparedness. Present constitution provides that the state civil service commission, by commission rule, may add to the unclassified service and may revoke positions so added.

Proposed constitutional amendment retains present constitution but provides that, unless the position of workers' compensation judge is included in the unclassified service, a workers' compensation judge shall be in the classified state service but shall be appointed for a five-year term. Provides that, upon expiration of any such term, such a workers' compensation judge shall be in the unclassified service unless reappointed for a subsequent term, employed in another classified position, or separated from state service. Specifies that, during his term of service, a workers' compensation judge shall be subject to removal for cause and as otherwise permitted for classified employees. Authorizes the legislature to provide exceptions for workers' compensation judges employed on the effective date of proposed constitutional amendment.

Proposed constitutional amendment provides for application only to workers' compensation judges appointed on or after Jan. 1, 2013.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 6, 2012.

Effective Jan. 1, 2013.

(Adds Const. Art. X, §2(C))

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill.

1. Specified applicability to only judges appointed on or after Jan. 1, 2013.