

By: Representative Watson

To: Insurance

HOUSE BILL NO. 873

1 AN ACT TO AMEND SECTION 71-3-51, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT DECISIONS MADE BY THE WORKERS' COMPENSATION
3 COMMISSION MAY BE APPEALED DIRECTLY TO THE COURT OF APPEALS; TO
4 AMEND SECTION 9-4-3, MISSISSIPPI CODE OF 1972, IN CONFORMITY
5 THERETO; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 71-3-51, Mississippi Code of 1972, is
8 amended as follows:

9 71-3-51. The final award of the commission shall be
10 conclusive and binding unless either party to the controversy
11 shall, within thirty (30) days from the date of its filing in the
12 office of the commission and notification to the parties, appeal
13 therefrom to the Court of Appeals of the congressional district in
14 which the injury occurred.

15 Such appeal may be taken by filing notice of appeal with the
16 commission, whereupon the commission shall under its certificate
17 transmit to the Court of Appeals of the congressional district
18 where the injury occurred all documents and papers on file in the
19 matter, together with a transcript of the evidence, the findings,
20 and award, which shall thereupon become the record of the cause.
21 Appeals shall be considered only upon the record as made before
22 the commission. The Court of Appeals shall always be deemed open
23 for hearing of such appeals, the * * * judge may hear the same at
24 termtime or in vacation at any place in his district, and the same
25 shall have precedence over all civil cases except election
26 contests. The Court of Appeals shall review all questions of law
27 and of fact. If no prejudicial error be found, the matter shall

28 be affirmed and remanded to the commission for enforcement. If
29 prejudicial error be found, the same shall be reversed and the
30 Court of Appeals shall enter such judgment or award as the
31 commission should have entered. Appeals may be taken from the
32 Court of Appeals to the Supreme Court in the manner as now
33 required by law. An appeal from the commission to the Court of
34 Appeals shall not act as a supersedeas unless the court to which
35 such appeal is directed shall so direct, and then upon such terms
36 as such court shall direct.

37 No controversy shall be heard by the commission or an award
38 of compensation made therein while the same matter is pending
39 either before a federal court or in any court in this state.

40 Any award of compensation made by the Court of Appeals and
41 appealed to the Supreme Court shall bear the same interest and
42 penalties as do other judgments awarded in the Court of Appeals.

43 SECTION 2. Section 9-4-3, Mississippi Code of 1972, is
44 amended as follows:

45 9-4-3. (1) The Court of Appeals shall have the power to
46 determine or otherwise dispose of any appeal or other proceeding
47 assigned to it by the Supreme Court.

48 Except for appeals of decisions of the Workers' Compensation
49 Commission, the jurisdiction of the Court of Appeals is limited to
50 those matters which have been assigned to it by the Supreme Court.

51 The Supreme Court shall prescribe rules for the assignment of
52 matters to the Court of Appeals. These rules may provide for the
53 selective assignment of individual cases and may provide for the
54 assignment of cases according to subject matter or other general
55 criteria. However, the Supreme Court shall retain appeals in
56 cases imposing the death penalty, or cases involving utility
57 rates, annexations, bond issues, election contests, or a statute
58 held unconstitutional by the lower court.

59 (2) Decisions of the Court of Appeals are final and are not
60 subject to review by the Supreme Court, except by writ of
61 certiorari. The Supreme Court may grant certiorari review only by
62 the affirmative vote of four (4) of its members. At any time
63 before final decision by the Court of Appeals, the Supreme Court
64 may, by order, transfer to the Supreme Court any case pending

65 before the Court of Appeals.

66 (3) The Court of Appeals shall have jurisdiction to issue
67 writs of habeas corpus, mandamus, quo warranto, certiorari,
68 prohibition or any other process when this may be necessary in any
69 case assigned to it by the Supreme Court.

70 (4) The Court of Appeals shall issue a decision in every
71 case heard before the Court of Appeals within two hundred seventy
72 (270) days after the final briefs have been filed with the court.

73 (5) The Supreme Court shall issue a decision in every case
74 within its original jurisdiction, including all direct and
75 post-conviction collateral relief appeals or applications in cases
76 imposing the death penalty, within two hundred seventy (270) days
77 after the final briefs have been filed with the court. The
78 Supreme Court shall issue a decision in every case received on
79 certiorari from the Court of Appeals within one hundred eighty
80 (180) days after the final briefs have been filed with the court.

81 SECTION 3. This act shall take effect and be in force from
82 and after July 1, 1999.