

By: Watson

To: Insurance

HOUSE BILL NO. 486
(As Passed the House)

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.

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

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

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

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

41 This section shall stand repealed on July 1, 2003.

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

44 9-4-3. (1) The Court of Appeals shall have the power to
45 determine or otherwise dispose of any appeal or other proceeding
46 assigned to it by the Supreme Court.

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

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

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

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

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

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

80 (6) This section shall stand repealed on July 1, 2003.

81 SECTION 3. This act shall take effect and be in force from
82 and after July 1, 2000.