

By: Representative Watson

To: Insurance

HOUSE BILL NO. 726

1 AN ACT TO AMEND SECTION 71-3-51, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT APPEALS FROM THE WORKERS' COMPENSATION COMMISSION  
3 SHALL BE TO THE COURT OF APPEALS; TO AMEND SECTION 9-4-3,  
4 MISSISSIPPI CODE OF 1972, INCONFORMITY THERETO; AND FOR RELATED  
5 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 Court of  
22 Appeals shall review all questions of law and of fact. If no  
23 prejudicial error be found, the matter shall be affirmed and  
24 remanded to the commission for enforcement. If prejudicial error  
25 be found, the same shall be reversed and the Court of Appeals  
26 shall enter such judgment or award as the commission should have  
27 entered. Appeals may be taken from the Court of Appeals to the  
28 Supreme Court in the manner as now required by law. An appeal

29 from the commission to the Court of Appeals shall not act as a  
30 supersedeas unless the court to which such appeal is directed  
31 shall so direct, and then upon such terms as such court shall  
32 direct.

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

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

39 **SECTION 2.** Section 9-4-3, Mississippi Code of 1972, is  
40 amended as follows:

41 9-4-3. (1) The Court of Appeals shall have the power to  
42 determine or otherwise dispose of any appeal or other proceeding  
43 assigned to it by the Supreme Court.

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

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

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

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

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

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

77 **SECTION 3.** This act shall take effect and be in force from  
78 and after July 1, 2005.