

By: Watson

To: Insurance

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 486

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

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

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

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

This section shall stand repealed on July 1, 2003.

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

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

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

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

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