

By: Senator(s) Little, Burton

To: Appropriations

SENATE BILL NO. 2997

1 AN ACT TO AMEND SECTION 71-3-17, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT PROFESSIONAL FIRE FIGHTERS AND LAW ENFORCEMENT
3 OFFICERS WHO ARE INJURED DUE TO THEIR EMPLOYMENT SHALL RECEIVE A
4 CERTAIN INCREASED AMOUNT OF WORKERS' COMPENSATION BENEFITS FOR A
5 PERIOD OF UP TO ONE YEAR FROM THE DATE THESE BENEFITS FOR SUCH
6 INJURY BEGIN; TO PROVIDE THAT SUCH BENEFITS ARE SUBORDINATE TO
7 OTHER DISABILITY COMPENSATION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 71-3-17, Mississippi Code of 1972, is
10 amended as follows:

11 71-3-17. Compensation for disability shall be paid to the
12 employee as follows:

13 (a) Permanent total disability: In case of total
14 disability adjudged to be permanent, sixty-six and two-thirds
15 percent (66-2/3%) of the average weekly wages of the injured
16 employee, subject to the maximum limitations as to weekly benefits
17 as set up in this chapter, shall be paid to the employee not to
18 exceed four hundred fifty (450) weeks or an amount greater than
19 the multiple of four hundred fifty (450) weeks times sixty-six and
20 two-thirds percent (66-2/3%) of the average weekly wage for the
21 state. Loss of both hands, or both arms, or both feet, or both
22 legs, or both eyes, or of any two (2) thereof shall constitute
23 permanent total disability. In all other cases permanent total
24 disability shall be determined in accordance with the facts.

25 (b) Temporary total disability: In case of disability,
26 total in character but temporary in quality, sixty-six and
27 two-thirds percent (66-2/3%) of the average weekly wages of the
28 injured employee, subject to the maximum limitations as to weekly
29 benefits as set up in this chapter, shall be paid to the employee

30 during the continuance of such disability not to exceed four
 31 hundred fifty (450) weeks or an amount greater than the multiple
 32 of four hundred fifty (450) weeks times sixty-six and two-thirds
 33 percent (66-2/3%) of the average weekly wage for the state.
 34 Provided, however, if there arises a conflict in medical opinions
 35 of whether or not the claimant has reached maximum medical
 36 recovery and the claimant's benefits have terminated by the
 37 carrier, then the claimant may demand an immediate hearing before
 38 the commissioner upon five (5) days' notice to the carrier for a
 39 determination by the commission of whether or not in fact the
 40 claimant has reached maximum recovery.

41 (c) Permanent partial disability: In case of
 42 disability partial in character but permanent in quality, the
 43 compensation shall be sixty-six and two-thirds percent (66-2/3%)
 44 of the average weekly wages of the injured employee, subject to
 45 the maximum limitations as to weekly benefits as set up in this
 46 chapter, which shall be paid following compensation for temporary
 47 total disability paid in accordance with subsection (b) of this
 48 section, and shall be paid to the employee as follows:

49	Member Lost	Number Weeks Compensation
50	<u>(i)</u> Arm	200
51	<u>(ii)</u> Leg	175
52	<u>(iii)</u> Hand	150
53	<u>(iv)</u> Foot	125
54	<u>(v)</u> Eye	100
55	<u>(vi)</u> Thumb	60
56	<u>(vii)</u> First finger	35
57	<u>(viii)</u> Great toe	30
58	<u>(ix)</u> Second finger	30
59	<u>(x)</u> Third finger	20
60	<u>(xi)</u> Toe other than great toe	10
61	<u>(xii)</u> Fourth finger	15
62	<u>(xiii)</u> Testicle, one	50

63 (xiv) Testicle, both 150

64 (xv) Breast, female, one 50

65 (xvi) Breast, female, both 150

66 (xvii) Loss of hearing: Compensation for loss of

67 hearing of one (1) ear, forty (40) weeks. Compensation for loss

68 of hearing of both ears, one hundred fifty (150) weeks.

69 (xviii) Phalanges: Compensation for loss of more

70 than one (1) phalange of a digit shall be the same as for loss of

71 the entire digit. Compensation for loss of the first phalange

72 shall be one-half (1/2) of the compensation for loss of the entire

73 digit.

74 (xix) Amputated arm or leg: Compensation for an

75 arm or leg, if amputated at or above wrist or ankle, shall be for

76 the loss of the arm or leg.

77 (xx) Binocular vision or percent of vision:

78 Compensation for loss of binocular vision or for eighty percent

79 (80%) or more of the vision of an eye shall be the same as for

80 loss of the eye.

81 (xxi) Two (2) or more digits: Compensation for

82 loss of two (2) or more digits, or one (1) or more phalanges of

83 two (2) or more digits, of a hand or foot may be proportioned to

84 the loss of the use of the hand or foot occasioned thereby, but

85 shall not exceed the compensation for loss of a hand or foot.

86 (xxii) Total loss of use: Compensation for

87 permanent total loss of use of a member shall be the same as for

88 loss of the member.

89 (xxiii) Partial loss or partial loss of use:

90 Compensation for permanent partial loss or loss of use of a member

91 may be for proportionate loss or loss of use of the member.

92 (xxiv) Disfigurement: The commission, in its

93 discretion, is authorized to award proper and equitable

94 compensation for serious facial or head disfigurements not to

95 exceed Two Thousand Dollars (\$2,000.00). No such award shall be

96 made until a lapse of one (1) year from the date of the injury
97 resulting in such disfigurement.

98 (xv) Other cases: In all other cases in this
99 class of disability, the compensation shall be sixty-six and
100 two-thirds percent (66-2/3%) of the difference between his average
101 weekly wages, subject to the maximum limitations as to weekly
102 benefits as set up in this chapter, and his wage-earning capacity
103 thereafter in the same employment or otherwise, payable during the
104 continuance of such partial disability, but subject to
105 reconsideration of the degree of such impairment by the commission
106 on its own motion or upon application of any party in interest.
107 Such payments shall in no case be made for a longer period than
108 four hundred fifty (450) weeks.

109 (xxvi) In any case in which there shall be a loss
110 of, or loss of use of, more than one (1) member or parts of more
111 than one (1) member set forth in subparagraphs (i) to (xxiii) of
112 this paragraph (c), not amounting to permanent total disability,
113 the award of compensation shall be for the loss of, or loss of use
114 of, each such member or parts thereof, which awards shall run
115 consecutively, except that where the injury affects only two (2)
116 or more digits of the same hand or foot, subparagraph (xxi) of
117 this paragraph (c) shall apply.

118 (d) In consideration of the extremely hazardous duties
119 of law enforcement officers and fire fighters while engaged in
120 protecting the lives and property of the citizens of this state:

121 A sworn law enforcement officer employed by this state or any
122 county or municipality therein who becomes physically disabled,
123 but not permanently disabled, as a result of physical injury
124 incurred in the line of official duty caused by a willful act of
125 violence or unlawful act of another or which injury occurs while
126 in the conduct of a law enforcement or public safety action, or a
127 fire fighter so employed who becomes physically disabled, but not
128 permanently disabled, as a result of a physical injury incurred in

129 the line of duty caused by a willful act of violence or unlawful
130 act of another or while engaged in fighting a fire or other public
131 safety action shall be entitled to receive monthly compensation
132 equal to one hundred percent (100%) of their regular base salary
133 in effect at the time of such injury for the period of time the
134 law enforcement officer or fire fighter is physically unable to
135 perform the duties of his or her employment, not to exceed twelve
136 (12) months from the date such compensation begins. Benefits made
137 available under this section shall be subordinate to other
138 workers' compensation disability or other insurance benefits of
139 any type and shall be limited to the difference between the amount
140 of such workers' compensation, disability or other insurance
141 benefits of any type, or trust fund and the amount of the law
142 enforcement officer's or fire fighter's regular base salary. Such
143 compensation shall not be awarded where a penal violation
144 committed by the disabled law enforcement officer or fire fighter
145 caused the disability.

146 **SECTION 2.** This act shall take effect and be in force from
147 and after July 1, 2004.