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Chapter No. 389

11/HR40/R1566CS

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# ***HOUSE BILL NO. 1078***

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1078

AN ACT TO AMEND SECTION 71-3-51, MISSISSIPPI CODE OF 1972, TO REMOVE REVIEW OF WORKERS' COMPENSATION COMMISSION DECISIONS BY CIRCUIT COURTS; TO PROVIDE FOR DIRECT APPEAL TO THE MISSISSIPPI SUPREME COURT FROM THE WORKERS' COMPENSATION COMMISSION; AND FOR RELATED PURPOSES.

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

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

71-3-51. The final award of the commission shall be conclusive and binding unless either party to the controversy shall, within thirty (30) days from the date of its filing in the office of the commission and notification to the parties, appeal therefrom to the Supreme Court.

Such appeal may be taken by filing notice of appeal with the commission, whereupon the commission shall under its certificate transmit to the Supreme Court all documents and papers on file in the matter, together with a transcript of the evidence, the findings, and award, which shall thereupon become the record of the cause. Appeals shall be considered only upon the record as made before the commission. The Supreme Court shall always be deemed open for hearing of such appeals \* \* \*. The Supreme Court shall review all questions of law and of fact. If no prejudicial error be found, the matter shall be affirmed and remanded to the commission for enforcement. If prejudicial error be found, the same shall be reversed and the Supreme Court shall enter such judgment or award as the commission should have entered. \* \* \* An appeal from the commission to the Supreme Court shall not act as a

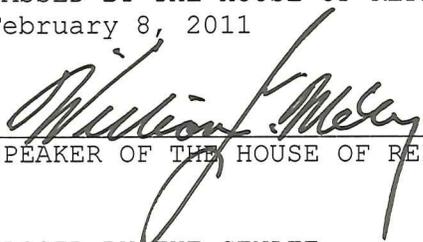
supersedeas unless the court \* \* \* shall so direct, and then upon such terms as such court shall direct.

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 \* \* \* Supreme Court shall bear the same interest and penalties as do other judgments awarded in \* \* \* circuit court.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2011.

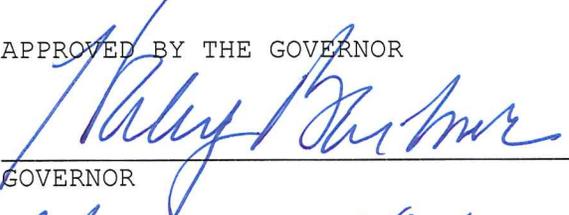
PASSED BY THE HOUSE OF REPRESENTATIVES  
February 8, 2011

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 2, 2011

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR