

As Engrossed: 2/21/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representatives McCuiston, Collier, Jones, and Dietz**

A BILL ACT 244 OF 1991
HOUSE BILL 1187

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 14-51-308 TO PROVIDE THAT
9 FILING OF APPEAL AND PAYING FOR THE TRANSCRIPT OF
10 PROCEEDINGS BEFORE A MUNICIPAL CIVIL SERVICE COMMISSION
11 SHALL BE BORNE BY THE PARTY DESIRING THE APPEAL; AND FOR
12 OTHER PURPOSES."

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14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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16 SECTION 1. Arkansas Code Section 14-51-308(e)(1)(B) is hereby amended
17 to read as follows:

18 "(B) The appeal shall be taken by filing with the commission, within
19 thirty (30) days from the date of the decision, a notice of appeal. The
20 responsibility of filing an appeal and paying for the transcript of the
21 proceedings before the Municipal Civil Service Commission shall be borne by
22 the party desiring to appeal the commission's decision and the *commission will*
23 upon receiving notice of an appeal prepare a written order containing its
24 decision and ensure that the transcript and evidence be made available for
25 filing in the Circuit Court once the appealing party has paid the cost of
26 preparing the transcript. *Provided, however, if the court determines that the*
27 *party appealing the Commission's decision took the appeal in good faith and*
28 *with reasonable cause to believe he or she would prevail, the Commission shall*
29 *reimburse the appealing party for the cost of the transcript."*

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31 SECTION 2. All provisions of this act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 3. If any provision of this act or the application thereof to
36 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 4. All laws or parts of laws in conflict with this act are
6 hereby repealed.

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/s/ L. McCuiston et al

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APPROVED: 2-27-91

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