

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/23/11

A Bill

HOUSE BILL 1606

5 By: Representative Love
6

For An Act To Be Entitled

8 AN ACT TO ALLOW ATTORNEYS' FEES IN CERTAIN ACTIONS;
9 AND FOR OTHER PURPOSES.
10
11

Subtitle

12 TO ALLOW ATTORNEYS' FEES IN CERTAIN
13 ACTIONS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 14-51-308(e), concerning the right of
20 appeal, is amended to read as follows:

21 (e)(1)(A) A right of appeal by the city or employee is given from any
22 decision of the commission to the circuit court within the jurisdiction of
23 which the commission is situated.

24 (B)(i) The appeal shall be taken by filing with the
25 commission, within thirty (30) days from the date of the decision, a notice
26 of appeal. The responsibility of filing an appeal shall be borne by the party
27 desiring to appeal the commission's decision and paying for the transcript of
28 the proceedings before the municipal civil service commission shall be ~~borne~~
29 borne by the ~~party desiring to appeal the commission's decision~~ municipality.

30 (ii) ~~The commission will upon~~ Upon receiving notice
31 of an appeal, the commission will prepare a written order containing its
32 decision and ensure that the transcript and evidence be made available for
33 filing in the circuit court ~~once the appealing party has paid the cost of~~
34 ~~preparing the transcript~~.

35 (iii) However, if the court determines that the
36 ~~party appealing the commission's decision took the appeal in good faith and~~



1 ~~with reasonable cause to believe he or she would prevail, the commission~~
2 ~~shall reimburse the appealing party for the cost of the transcript employee~~
3 ~~was disciplined for just cause and the appealing party did not take the~~
4 ~~commission's decision in good faith and with reasonable cause to believe that~~
5 ~~he or she would prevail, the court may charge the cost of the transcript~~
6 ~~against the appealing party. If the employee prevails in the appeal, the~~
7 ~~circuit court may award the employee reasonable attorney's fees for the~~
8 ~~proceedings in circuit court.~~

9 (C)(i) The court shall review the commission's decision on
10 the record and may, in addition, hear testimony or allow the introduction of
11 any further evidence upon the request of either the city or the employee.

12 (ii) The testimony or evidence must be competent and
13 otherwise admissible.

14 (2)(A) A right of appeal is also given from any action from the
15 circuit court to the ~~Arkansas~~ Supreme Court.

16 (B) The appeal shall be governed by the rules of procedure
17 provided by law for appeals from the circuit court to the ~~Arkansas~~ Supreme
18 Court.

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20 /s/Love
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