

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Wilson**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE §§23-3-312, 23-3-313 AND
9 23-3-314, TO PROVIDE FOR REHEARING AND JUDICIAL REVIEW
10 PURSUANT TO ARKANSAS CODE §§23-2-422 AND 23-2-423; AND FOR
11 OTHER PURPOSES."

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

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15 SECTION 1. Arkansas Code §23-3-312 is hereby amended to read as
16 follows:

17 "23-3-312. Rehearing.

18 Any party to a proceeding before the commission aggrieved by an order
19 issued by the commission pursuant to this subchapter may apply for a rehearing
20 pursuant to the provisions of §23-2-422, as amended."

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22 SECTION 2. Arkansas Code §23-3-313 is hereby amended to read as
23 follows:

24 "23-3-313. Judicial review.

25 Any party to a proceeding before the commission aggrieved by an order
26 issued by the commission in the proceeding may obtain a review of the order in
27 the Court of Appeals of Arkansas pursuant to the provisions of §23-2-423, as
28 amended."

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30 SECTION 3. Arkansas Code §23-3-314 is hereby amended to read as
31 follows:

32 "23-3-314. Stay of order pending review.

33 (a) The filing of an application for rehearing under §23-3-312 shall
34 not, unless specifically ordered by the commission, operate as a stay of the
35 commission's order.

1 (b) The commencement of proceedings under 23-3-313(a) shall not, unless
2 specifically ordered by the Court of Appeals, operate as a stay of the
3 commission's order.

4 (c) The Court of Appeals may enter an order suspending or staying the
5 operation of an order of the commission pending review of the order provided
6 the other parties are adequately secured against loss due to the delay in the
7 enforcement of the order, in case the order involved is affirmed. The
8 security shall take such form as shall be directed by the court."

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10 SECTION 4. All provisions of this act of a general and permanent
11 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
12 Code Revision Commission shall incorporate the same in the Code.

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14 SECTION 5. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

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20 SECTION 6. All laws and parts of laws in conflict with this act are
21 hereby repealed.

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