

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 352

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE CAPITOL ZONING DISTRICT COMMISSION; CONCERNING THE APPEAL PROCESS OF A CAPITOL ZONING DISTRICT COMMISSION ACTION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE CAPITOL ZONING DISTRICT COMMISSION; AND CONCERNING THE APPEAL PROCESS OF A CAPITOL ZONING DISTRICT COMMISSION ACTION.

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

SECTION 1. Arkansas Code § 22-3-303(a), concerning the Capitol Zoning District Commission, is amended to read as follows:

(a) There is created ~~and established at the seat of government a commission to be known as~~ within the Division of Arkansas Heritage of the Department of Parks, Heritage, and Tourism the "Capitol Zoning District Commission".

SECTION 2. Arkansas Code § 22-3-310(a), concerning an appeal of a Capitol Zoning District Commission action, is amended to read as follows:

(a)~~(1)~~(A) ~~Any~~ A person aggrieved by ~~any~~ a rule, decision, or order of the Capitol Zoning District Commission may appeal the action to the ~~Secretary of the Department of Parks, Heritage, and Tourism~~ Pulaski County Circuit Court under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.



~~(B) The secretary shall overturn the decision of the commission upon a finding that the commission's decision is clearly erroneous.~~

~~(2)(A) The decision of the secretary may be appealed to the Pulaski County Circuit Court.~~

~~(B) The commission and the secretary shall provide the Pulaski County Circuit Court with a record of all proceedings concerning the action on appeal.~~

~~(C) The Pulaski County Circuit Court shall review the appeal of the secretary's decision de novo.~~

(b) The filing of an appeal shall in no respect suspend the operation of any rule, decision, or order, nor shall the ~~secretary~~ Secretary of the Department of Parks, Heritage, and Tourism or the Pulaski County Circuit Court order any suspension without a full hearing.

APPROVED: 4/1/21