

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 352

5 By: Senator Irvin
6

For An Act To Be Entitled

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

14 TO AMEND THE LAW CONCERNING THE CAPITOL
15 ZONING DISTRICT COMMISSION; AND
16 CONCERNING THE APPEAL PROCESS OF A
17 CAPITOL ZONING DISTRICT COMMISSION
18 ACTION.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 22-3-303(a), concerning the Capitol Zoning
25 District Commission, is amended to read as follows:

26 (a) There is created ~~and established at the seat of government a~~
27 ~~commission to be known as~~ within the Division of Arkansas Heritage of the
28 Department of Parks, Heritage, and Tourism the "Capitol Zoning District
29 Commission".
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31 SECTION 2. Arkansas Code § 22-3-310(a), concerning an appeal of a
32 Capitol Zoning District Commission action, is amended to read as follows:

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



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

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

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

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

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

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17 **APPROVED: 4/1/21**
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