1 State of Arkansas

2 89th General Assembly

A Bill

3 Regular Session, 2013   HOUSE BILL 1826

4

5 By: Representative D. Whitaker

6 By: Senator U. Lindsey

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8   **For An Act To Be Entitled**

9   AN ACT TO AMEND THE LAW CONCERNING APPEALS TO CIRCUIT

10   COURT IN CERTAIN MUNICIPAL PLANNING MATTERS; AND FOR

11   OTHER PURPOSES.

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14   **Subtitle**

15   TO AMEND THE LAW CONCERNING APPEALS TO

16   CIRCUIT COURT IN CERTAIN MUNICIPAL

17   PLANNING MATTERS.

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

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22   SECTION 1. Arkansas Code § 14-56-425 is amended to read as follows:

23   14-56-425. Appeals to circuit court.

24   In addition to any remedy provided by law, appeals from final action

25 taken by the administrative and quasi-judicial agencies concerned in the

26 administration of this subchapter may be taken to the circuit court of the

27 appropriate county where they shall be tried de novo according to the same

28 procedure which applies to appeals in civil actions from decisions of

29 inferior courts, including the right of trial by jury.

30   (a)(1) Appeals from the final administrative or quasi-judicial

31 decision by the municipal body administering this subchapter shall be taken

32 to circuit court of the appropriate county using the same procedure as for

33 administrative appeals of the District Court Rules of the Supreme Court.

34   (2) The final administrative or quasi-judicial decision shall be

35 tried de novo with the right to a trial by jury.

36   (b)(1) Appeals from the passage of legislative rezoning decisions by

1 the municipal governing body administering this subchapter shall be taken to

2 the circuit court of the county in which the rezoning was authorized using

3 the same procedure as for administrative appeals of the District Court Rules

4 of the Supreme Court.

5   (2) The legislative rezoning decision shall be reviewed by the

6 court using the arbitrary, capricious, or rational basis standard.

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