

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

*As Engrossed: H3/15/13*  
**A Bill**

HOUSE BILL 1826

5 By: Representative D. Whitaker  
6 By: Senator U. Lindsey  
7

**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.  
12  
13

**Subtitle**

15 TO AMEND THE LAW CONCERNING APPEALS TO  
16 CIRCUIT COURT IN CERTAIN MUNICIPAL  
17 PLANNING MATTERS.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

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, and the decision shall be upheld unless it is arbitrary or capricious  
7 or lacking a rational basis.

8  
9 /s/D. Whitaker

10  
11  
12 **APPROVED: 04/04/2013**  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36