

PROPOSED RULE (MARK-UP)

Capitol Zoning General Standards, Section 1-102 *Authority* (page 4)

A. By Act 267 of 1975, as amended, the Seventieth General Assembly of the State of Arkansas created a Capitol Zoning District and a Capitol Zoning District Commission to supervise zoning within the district, to develop a Capitol Zoning District Master Plan and for other purposes. By the Transformation and Efficiencies Act of 2019, the Ninety-Second General Assembly made the Capitol Zoning District Commission an agency of the Department of Parks, Heritage, and Tourism.

Capitol Zoning General Standards, Section 2-102 *Administration* (page 5)

C. The Capitol Zoning District Commission shall employ a director in consultation with the Secretary of the Department of Parks, Heritage and Tourism ~~and staff~~ to establish procedures for coordinating with the City of Little Rock and administration of this Master Plan ...

Capitol Zoning General Standards, Section 2-109 *Appeals* (page 20)

C. Any person aggrieved by any rule, regulation, order or decision of the Capitol Zoning District Commission, or of any decision by staff that the Commission has declined to review, made on or after July 1, 2016⁶² may appeal the action to the ~~Director~~ Secretary of the Department of ~~Arkansas-Parks, Heritage, and Tourism~~ as set forth in A.C.A. 22-3-310, as amended. The appeal shall be made in writing within 30 days of the action in question and shall state the reason for the appeal. All appeals should be mailed via certified mail to: ~~Director~~ Secretary, Department of ~~Arkansas-Parks, Heritage and Tourism~~, 1100 North Street, Little Rock, AR 72201.

1. The ~~Director~~ Secretary of the Department of ~~Arkansas-Parks, Heritage, and Tourism~~ shall notify the Commission within 10 business days of such an appeal.
2. Within 10 business days from receipt of such notice, the Director of the Capitol Zoning District Commission shall provide a record of all proceedings concerning the action including a copy of all materials constituting the administrative record to the ~~Director~~ Secretary of the Department of ~~Arkansas-Parks, Heritage, and Tourism~~.
3. The ~~Director~~ Secretary of the Department of ~~Arkansas-Parks, Heritage, and Tourism~~ shall overturn the decision of the Commission upon a finding that the Commission's decision is clearly erroneous.
4. Within 60 days of receipt of the record, the ~~Director~~ Secretary of the Department of ~~Arkansas-Parks, Heritage, and Tourism~~ shall notify in writing the appellant and the Commission of his or her decision.

D. The decision of the ~~Director~~ Secretary of the Department of ~~Arkansas-Parks, Heritage, and Tourism~~ may be appealed to the Circuit Court of Pulaski County, under the procedures established by the Arkansas Administrative Procedures Act. The Circuit Court shall review the appeal of the ~~Director's~~ Secretary's decision *de novo*.

PROPOSED RULE (CLEAN)

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3. The Secretary of the Department of Parks, Heritage, and Tourism shall overturn the decision of the Commission upon a finding that the Commission's decision is clearly erroneous.
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D. The decision of the Secretary of the Department of Parks, Heritage, and Tourism may be appealed to the Circuit Court of Pulaski County, under the procedures established by the Arkansas Administrative Procedures Act. The Circuit Court shall review the appeal of the Secretary's decision *de novo*.