

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Hoofman**

A Bill

ACT 279 OF 1993
SENATE BILL 419

For An Act To Be Entitled

8 "AN ACT TO CLARIFY THE DISPOSITION OF RESIDUAL FUNDS AFTER
9 LITIGATION UNDER ARTICLE 16, SECTION 13 OF THE ARKANSAS
10 CONSTITUTION; AND FOR OTHER PURPOSES."

Subtitle

13 "TO CLARIFY THE DISPOSITION OF RESIDUAL FUNDS AFTER
14 LITIGATION UNDER ARTICLE 16, SECTION 13 OF THE ARKANSAS
15 CONSTITUTION."

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

19 SECTION 1. Arkansas Code Annotated 26-35-902 is amended to read as
20 follows:

21 "26-35-902. Award of attorney's fees and disposition of residual funds.

22 (a) It is the public policy of this state that circuit and chancery
23 courts may, in meritorious litigation brought under Arkansas Constitution,
24 Article 16, Section 13, in which the court orders any county, city, or town to
25 refund or return to taxpayers moneys illegally exacted by the county, city, or
26 town, apportion a reasonable part of the recovery of the class members to
27 attorneys of record and order the return or refund of the balance to the
28 members of the class represented.

29 (b) If after expiration of a reasonable period of time for the filing
30 of claims for the illegally exacted moneys as ordered by the court, residual
31 funds exist, said residual funds shall be deemed abandoned and escheat to the
32 county, city, or town which exacted same."

34 SECTION 2. All provisions of this act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
36 Revision Commission shall incorporate the same in the Code.

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SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 5. EMERGENCY. It is hereby found and determined by the General Assembly that significant confusion among the courts of the state exists concerning the disposition of residual funds of illegal exaction cases and in order to protect the interests of the State of Arkansas and the residents thereof, an emergency is hereby declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval.

APPROVED: 02/26/93

