

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Senator Dowd

SENATE BILL 37

"AN ACT TO AMEND SECTION 1 OF ACT 822 OF 1977 [ARK. STAT. 84-4601] TO AUTHORIZE CIRCUIT AND CHANCERY COURTS TO AWARD ATTORNEY'S FEES IN ILLEGAL EXACTION SUITS; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 1 of Act 822 of 1977, the same being Arkansas Statute 84-4601, is hereby amended to read as follows:

"Section 1. It is hereby declared to be the public policy of this State that circuit and chancery courts may, in meritorious litigation brought under Article 16, Section 13 of the Constitution of the State of Arkansas, in which the court orders the State, any political subdivision or any public official thereof to refund or return to taxpayers moneys illegally exacted by the State, any political subdivision or any public official thereof, apportion a reasonable part of the recovery to attorneys of record and order the return or refund of the balance to the members of the class represented."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. Emergency. It is hereby found and determined by the General Assembly that litigation pending in the circuit and chancery courts of this State may, upon final judgment, return or refund moneys to taxpayers which were illegally exacted by the State, a subdivision or public official thereof and that the courts in which suits are pending need statutory authority to award a portion of the recovery to attorneys of record. Therefore, an emergency is hereby declared to exist and this Act being 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.