

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

SENATE BILL 685

4
5 By: Senators Webb and Boozman
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For An Act To Be Entitled

8
9 "AN ACT TO PROVIDE ATTORNEYS FEES AND COSTS TO CITIZEN
10 GROUPS WHICH SUCCESSFULLY SUE STATE AGENCIES; AND FOR
11 OTHER PURPOSES."

Subtitle

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14 "TO PROVIDE ATTORNEYS FEES AND COSTS TO
15 CITIZEN GROUPS WHICH SUCCESSFULLY SUE
16 STATE AGENCIES."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. For purposes of this act:

21 (a) "Citizens group" means an organization formed under the nonprofit
22 corporation laws of this state for the purposes of protecting the resources of
23 this state, the environment, or the citizens of this state;

24 (b) "Costs" mean attorneys fees, expert fees, court costs, travel
25 expenses, and other expenses incurred in pursuing legal action against an
26 agency of this state.
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28 SECTION 2. When a citizens group prevails in any legal action against
29 an agency of this state, the state agency shall reimburse the citizens group
30 for its costs provided that the finder of fact determines that the legal
31 action was based upon: (1) the state agency's failure to protect the public;
32 (2) the state agency's failure to follow state law, the agency's regulations,
33 or regulations of another agency if the regulations were applicable to the
34 defendant state agency; or (3) the state agency's failure to protect the
35 resources of this state according to state law or local ordinances or district
36 regulations which the agency, by law, is required to comply with or enforce.

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2 SECTION 3. If subsequent to the commencement of legal action described
3 in Section 2, the state agency reverses its decision that led to the legal
4 action, it shall reimburse the citizen group for the costs incurred by the
5 citizen group.

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7 SECTION 4. (a) The state agency shall reimburse the citizen group
8 within thirty (30) days after all appeals are final or the state agency
9 reverses its decision.

10 (b) If the state agency does not have adequate funds to reimburse the
11 citizen group, the citizen group may file a claim with the chief fiscal
12 officer of the state and he shall make payment to the citizen group from funds
13 appropriated to the Department of Finance and Administration for miscellaneous
14 claims and refunds.

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16 SECTION 5. This act also applies to litigation pending against a state
17 agency on the effective date of this act, and costs incurred by the plaintiff
18 citizen groups prior to the effective date of this act relating to the pending
19 litigation.

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21 SECTION 6. All provisions of this act of a general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.

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25 SECTION 7. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

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31 SECTION 8. All laws and parts of laws in conflict with this act are
32 hereby repealed.

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