

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

As Engrossed: H3/13/15

# A Bill

HOUSE BILL 1689

5 By: Representatives Ballinger, Gossage  
6 By: Senator G. Stubblefield  
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## For An Act To Be Entitled

9 AN ACT CONCERNING THE AWARD OF ATTORNEY'S FEES IN  
10 ILLEGAL EXACTION LAWSUITS; AND FOR OTHER PURPOSES.  
11

### Subtitle

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13 TO AMEND THE LAW CONCERNING THE AWARD OF  
14 ATTORNEY'S FEES IN ILLEGAL EXACTION  
15 LAWSUITS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 26-35-902(a), concerning the award of  
22 attorney's fees in illegal exaction actions, is amended to read as follows:

23 (a) It is the public policy of this state that circuit courts ~~may~~, in  
24 meritorious litigation brought under Arkansas Constitution, Article 16, § 13,  
25 in which the circuit court orders ~~any~~ a county, city, or town to refund or  
26 return to taxpayers moneys illegally exacted by the county, city, or town,  
27 shall apportion a reasonable part of the total recovery of the class members,  
28 commonly referred to as the "Common Fund", regardless of the administrative  
29 costs of the refund process or the amount actually refunded to or claimed by  
30 the class members, to attorneys of record and order the return or refund of  
31 the balance to the members of the class represented.  
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33 /s/Ballinger  
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