

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H3/13/15 H3/25/15*

2 90th General Assembly

A Bill

3 Regular Session, 2015

HOUSE BILL 1689

4

5 By: Representatives Ballinger, Gossage

6 By: Senator G. Stubblefield

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For An Act To Be Entitled

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AN ACT CONCERNING THE AWARD OF ATTORNEY'S FEES IN

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ILLEGAL EXACTION LAWSUITS; AND FOR OTHER PURPOSES.

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Subtitle

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TO AMEND THE LAW CONCERNING THE AWARD OF

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ATTORNEY'S FEES IN ILLEGAL EXACTION

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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 SECTION 2. DO NOT CODIFY. Applicability.

34 This act applies only to causes of action that accrue on or after the
35 effective date of this act.

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/s/Ballinger