

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

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/13/15 H3/25/15
A Bill

HOUSE BILL 1689

By: Representatives Ballinger, Gossage

By: Senator G. Stubblefield

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAW CONCERNING THE AWARD OF
ATTORNEY'S FEES IN ILLEGAL EXACTION
LAWSUITS.

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

SECTION 1. Arkansas Code § 26-35-902(a), concerning the award of attorney's fees in illegal exaction actions, is amended to read as follows:

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

SECTION 2. DO NOT CODIFY. Applicability.

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



/s/Ballinger