

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

A Bill

HOUSE BILL 1689

5 By: Representatives Ballinger, Gossage
6 By: Senator G. Stubblefield
7

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.
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Subtitle

12
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 may apportion a reasonable part of the total recovery of the class members,
28 regardless of the amount actually claimed by the class members, to attorneys
29 of record and order the return or refund of the balance to the members of the
30 class represented.
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