

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1530

5 By: Representative Maddox  
6 By: Senator J. Boyd  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING ILLEGAL EXACTION  
10 CASES; TO ALLOW FOR THE AWARD OF ATTORNEY'S FEES IN  
11 ILLEGAL EXACTION CASES; TO CLARIFY THE DISPOSITION OF  
12 RESIDUAL FUNDS IN ILLEGAL EXACTION CASES; AND FOR  
13 OTHER PURPOSES.  
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## Subtitle

16 TO ALLOW FOR THE AWARD OF ATTORNEY'S FEES  
17 IN ILLEGAL EXACTION CASES; AND TO CLARIFY  
18 THE DISPOSITION OF RESIDUAL FUNDS IN  
19 ILLEGAL EXACTION CASES.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 26-35-902 is amended to read as follows:

26 26-35-902. Award of attorney's fees in illegal exaction cases -  
27 Disposition of residual funds.

28 (a) It is the public policy of this state that circuit courts may, in  
29 meritorious litigation brought under Arkansas Constitution, Article 16, § 13,  
30 ~~in which the circuit court orders any county, city, or town to refund or~~  
31 ~~return to taxpayers moneys illegally exacted by the county, city, or town,~~  
32 ~~apportion a reasonable part of the recovery of the class members to attorneys~~  
33 ~~of record and order the return or refund of the balance to the members of the~~  
34 ~~class represented~~ award the prevailing taxpayer reasonable attorney's fees,  
35 which, if awarded, shall be assessed by the court and collected as costs  
36 against the state, county, city, or other governmental entity against which



1 the taxpayer prevailed.

2 (b) If a circuit court orders repayment of moneys to claimants in  
3 litigation brought under Arkansas Constitution, Article 16, § 13, and, after  
4 expiration of a reasonable period of time for ~~the filing of claims for the~~  
5 ~~illegally exacted moneys as ordered by the circuit court,~~ residual funds  
6 exist, said residual funds shall be deemed abandoned and escheat to the  
7 state, county, city, or town which other governmental entity that exacted  
8 same.

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