

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

SENATE BILL 182

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5 By: Senator Bisbee
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For An Act To Be Entitled

9 AN ACT TO PRECLUDE THE ARKANSAS STATE CLAIMS
10 COMMISSION FROM HEARING CLAIMS AGAINST THE STATE
11 MILITARY DEPARTMENT OR THE ARKANSAS MILITIA BASED
12 ON ACTIVE DUTY SERVICE; AND FOR OTHER PURPOSES.
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Subtitle

14 AN ACT TO PRECLUDE THE ARKANSAS STATE
15 CLAIMS COMMISSION FROM HEARING CLAIMS
16 AGAINST THE STATE MILITARY DEPARTMENT OR
17 THE ARKANSAS MILITIA BASED ON ACTIVE
18 DUTY SERVICE.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 19-10-204, is amended to read as follows:
25 19-10-204. Jurisdiction.

26 (a) Except as otherwise provided by law, the Arkansas State Claims
27 Commission shall have exclusive jurisdiction over all claims against the
28 State of Arkansas and its several agencies, departments, and institutions but
29 shall have no jurisdiction of claims against municipalities, counties, school
30 districts, or any other political subdivisions of the state.

31 (b)(1)(A)(i) The commission shall have no jurisdiction of, or
32 authority with respect to, claims arising under the Workers' Compensation
33 Law, § 11-9-101 et seq., the Arkansas Employment Security Law, § 11-10-101 et
34 seq., the Arkansas Teacher Retirement System Act, § 24-7-201 et seq., the
35 Arkansas Public Employees' Retirement System Act, § 24-4-101 et seq., the
36 State Police Retirement System Act, § 24-6-201 et seq., or under laws



1 providing for old age assistance grants, child welfare grants, blind
 2 pensions, or any laws of a similar nature.

3 (ii) Additionally, the commission shall have no
 4 jurisdiction over claims against the state for repayment of child support,
 5 except in cases where the underlying support order is set aside as void ab
 6 initio by the court and the child support paid was retained by the state as
 7 reimbursement for public assistance paid on behalf of a child.

8 (iii) The commission shall have no jurisdiction over
 9 claims against the State Military Department, the State Militia, or their
 10 subdivisions, if the claim is based on active duty served under federal or
 11 state order.

12 (B) Claims solely addressing the receipting, processing,
 13 and reissuance of child support payments through the Arkansas Child Support
 14 Clearinghouse shall remain within the jurisdiction of the commission.

15 (2)(A) The commission shall have jurisdiction only over those
 16 claims which are barred by the doctrine of sovereign immunity from being
 17 litigated in a court of general jurisdiction.

18 (B) The commission shall have no jurisdiction over claims
 19 for state tax refunds under § 26-18-507, claims challenging tax assessments
 20 under § 26-18-406, and claims challenging tax laws under Arkansas
 21 Constitution, Art. 16, § 13.

22 (3)(A) The commission shall make no award for any claim which,
 23 as a matter of law, would be dismissed from a court of law or equity for
 24 reasons other than sovereign immunity.

25 (B) Specifically, if the facts of a given claim would
 26 cause the claim to be dismissed as a matter of law from a court of general
 27 jurisdiction, then the commission shall make no award on the claim.

28 (c) The commission shall have jurisdiction over actions to contest
 29 eligibility, qualification, or election to serve as a member of the House of
 30 Representatives of the General Assembly, for the purpose of making a
 31 nonbinding recommendation thereon to that chamber of the General Assembly.

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