

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
4

As Engrossed: S2/12/03

A Bill

SENATE BILL 182

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 PERFORMANCE OF A CLAIMANT'S MILITARY DUTY; AND
13 FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO PRECLUDE THE ARKANSAS STATE
16 CLAIMS COMMISSION FROM HEARING CLAIMS
17 AGAINST THE STATE MILITARY DEPARTMENT OR
18 THE ARKANSAS MILITIA BASED ON
19 PERFORMANCE OF A CLAIMANT'S MILITARY
20 DUTY.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 19-10-204, is amended to read as follows:
27 19-10-204. Jurisdiction.

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

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



1 Arkansas Public Employees' Retirement System Act, § 24-4-101 et seq., the
2 State Police Retirement System Act, § 24-6-201 et seq., or under laws
3 providing for old age assistance grants, child welfare grants, blind
4 pensions, or any laws of a similar nature.

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

10 (iii) The commission shall have no jurisdiction over
11 a claim by a member of the uniformed armed services against the State
12 Military Department, the State Militia, or any subdivision thereof, if the
13 claim arises out of the performance of the claimant's military duty.

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

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

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

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

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

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

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35 /s/ Bisbee
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