

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 H4/10/03

A Bill

SENATE BILL 183

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
11 *DEPARTMENT OF COMMUNITY CORRECTION FOR ACTS*
12 *COMMITTED BY PAROLEES AND PERSONS ON PROBATION;*
13 *TO PRECLUDE SIMILAR CLAIMS AGAINST THE DEPARTMENT*
14 *OF CORRECTION FOR ACTS COMMITTED BY INMATES WHILE*
15 *ON AUTHORIZED OR UNAUTHORIZED RELEASE; AND FOR*
16 *OTHER PURPOSES.*

Subtitle

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19 AN ACT TO PRECLUDE THE ARKANSAS STATE
20 CLAIMS COMMISSION FROM HEARING CLAIMS
21 AGAINST THE DEPARTMENT OF COMMUNITY
22 *CORRECTION FOR ACTS COMMITTED BY*
23 *PAROLEES AND PERSONS ON PROBATION AND TO*
24 *PRECLUDE SIMILAR CLAIMS.*

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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. Arkansas Code § 19-10-204 is amended to read as follows:
30 19-10-204. Jurisdiction.

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

36 (b)(1)(A)(i) The commission shall have no jurisdiction of, or



1 authority with respect to, claims arising under the Workers' Compensation
 2 Law, § 11-9-101 et seq., the Arkansas Employment Security Law, § 11-10-101 et
 3 seq., the Arkansas Teacher Retirement System Act, § 24-7-201 et seq., the
 4 Arkansas Public Employees' Retirement System Act, § 24-4-101 et seq., the
 5 State Police Retirement System Act, § 24-6-201 et seq., or under laws
 6 providing for old age assistance grants, child welfare grants, blind
 7 pensions, or any laws of a similar nature.

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

13 (iii) The commission shall have no jurisdiction
 14 over:

15 (a) Claims against the Department of Community
 16 Correction for acts committed by a person while that person is subject to
 17 conditions of parole or probation under Arkansas law; or

18 (b) Claims against the Department of
 19 Correction for acts committed by inmates while on authorized release from the
 20 Department of Correction.

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

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

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

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

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

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

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6 /s/ Bisbee
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