

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 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S3/7/01

A Bill

Act 1625 of 2001
SENATE BILL 469

5 By: Senator Everett
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 19-10-204 TO
10 PROVIDE THAT THE STATE CLAIMS COMMISSION DOES NOT
11 HAVE JURISDICTION OVER CLAIMS WHICH MAY BE
12 BROUGHT IN STATE OR FEDERAL COURT AGAINST A STATE
13 AGENCY OR CLAIMS WHICH ARE NOT COGNIZABLE IN LAW
14 OR EQUITY; AND FOR OTHER PURPOSES.
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Subtitle

16 AN ACT TO AMEND ARKANSAS CODE 19-10-204
17 REGARDING THE STATE CLAIMS COMMISSION.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1. Arkansas Code 19-10-204 is amended to read as follows:*
24 *19-10-204. Jurisdiction.*

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

30 *(b)(1) The commission shall have no jurisdiction of, or authority with*
31 *respect to, claims arising under the Workers' Compensation Law, § 11-9-101 et*
32 *seq., the Employment Security Law, § 11-10-101 et seq., the Arkansas Teacher*
33 *Retirement System Act, § 24-7-201 et seq., the Arkansas Public Employees'*
34 *Retirement System Act, § 24-4-101 et seq., the State Police Retirement System*
35 *Act, § 24-6-201 et seq., or under laws providing for old age assistance*
36 *grants, child welfare grants, blind pensions, or any laws of a similar nature.*

1 Additionally, the commission shall have no jurisdiction over claims against
2 the state for repayment of child support, except in cases where the underlying
3 support order is set aside as void ab initio by the court and the child
4 support paid was retained by the state as reimbursement for public assistance
5 paid on behalf of a child. Claims solely addressing the receipting,
6 processing, and reissuance of child support payments through the Arkansas
7 Child Support Clearinghouse shall remain within the jurisdiction of the
8 commission.

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

12 (B) The commission shall have no jurisdiction over claims
13 for state tax refunds under § 26-18-507, claims challenging tax assessments
14 under § 26-18-406, and claims challenging tax laws under Article 16, Section
15 13, Constitution of the State of Arkansas.

16 (3) The commission shall make no award for any claim which, as a
17 matter of law, would be dismissed from a court of law or equity for reasons
18 other than sovereign immunity. Specifically, if the facts of a given claim
19 would cause the claim to be dismissed as a matter of law from a court of
20 general jurisdiction, then the commission shall make no award on the claim

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

25 /s/ Everett

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28 APPROVED: 4/16/2001
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