

ARKANSAS SENATE
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of Senate Bill No. 469

"AN ACT TO AMEND ARKANSAS CODE 19-10-204 REGARDING THE STATE CLAIMS
COMMISSION."

Amendment No. 1 to Senate Bill No. 469.

Amend Senate Bill No. 469 as originally introduced:

Delete Section 1 and substitute

"SECTION 1. Arkansas Code 19-10-204 is amended to read as follows:
19-10-204. Jurisdiction.

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

(b)(1) The commission shall have no jurisdiction of, or authority with respect to, claims arising under the Workers' Compensation Law, § 11-9-101 et seq., the Employment Security Law, § 11-10-101 et seq., the Arkansas Teacher Retirement System Act, § 24-7-201 et seq., the Arkansas Public Employees' Retirement System Act, § 24-4-101 et seq., the State Police Retirement System Act, § 24-6-201 et seq., or under laws providing for old age assistance grants, child welfare grants, blind pensions, or any laws of a similar nature. Additionally, the commission shall have no jurisdiction over claims against the state for repayment of child support, except in cases where the underlying support order is set aside as void ab initio by the court and the child support paid was retained by the state as reimbursement for public assistance paid on behalf of a child. Claims solely addressing the receipting, processing, and reissuance of child support payments through the Arkansas Child Support Clearinghouse shall remain within the jurisdiction of the commission.

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

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

(3) The commission shall make no award for any claim which, as a matter of law, would be dismissed from a court of law or equity for reasons

other than sovereign immunity. Specifically, if the facts of a given claim would cause the claim to be dismissed as a matter of law from a court of general jurisdiction, then the commission shall make no award on the claim

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

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Everett

PBB/RCK

RCK975

Secretary