

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1381

By: Representative John Miller

"AN ACT TO PROVIDE PAYMENT TO STATE OFFICERS AND EMPLOYEES FOR REASONABLE ATTORNEY FEES AND COURT COSTS INCURRED IN CERTAIN LAWSUITS BASED ON ACTS OR OMISSIONS OF THE OFFICER OR EMPLOYEE; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. For the purpose of this Act:

(a) "State officer" means elected State officials and members of commissions, boards or other governmental bodies of State agencies.

(b) "State agency" means any office, department, commission, council, board, bureau, committee, institution, legislative body, or other agency of this State.

SECTION 2. (a) Any State officer or State employee who has been subject to a lawsuit based on an act or omission of the officer or employee while acting within the course and scope of the office or employment and in performance of his other official duties shall be entitled to payment from the State for reasonable attorney fees and court costs incurred by the officer or employee in the action if: (1) the Attorney General declined to represent the officer or employee; and (2) the officer or employee acted without malice and in good faith.

(b) Claims for payment shall be filed with the Arkansas State Claims Commission and shall be governed by the laws pertaining to proceedings before the Arkansas Claims Commission.

(c) Awards made by the Arkansas State Claims Commission, pursuant to this Act, may be paid from the appropriation and supporting funds of the State agency from which the State officer or State employee is supported if the Chief Fiscal Officer of the State approves payment from the funds after deter-

mining that there is sufficient appropriation and funds available for paying the award. Awards not paid from the appropriation and funds of the state agency shall be paid pursuant to the laws governing payment of claims allowed by the Arkansas State Claims Commission.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

