

CS FOR HOUSE BILL NO. 120(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/12/97

Referred: Rules

Sponsor(s): REPRESENTATIVES HUDSON, Green, Ogan, Croft

A BILL

FOR AN ACT ENTITLED

**1 "An Act relating to the power of the attorney general to waive immunity from
2 suit in federal court; and providing for an effective date."**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 44.23.020 is amended by adding a new subsection to read:

5 (c) Before January 1, 1999, the attorney general may, in a case that involves
**6 the state's title to submerged lands, or in any case in which the state seeks to allocate
7 fault to the federal government or a federal employee under AS 09.17.080, waive the
8 state's immunity from suit in federal court provided under the Eleventh Amendment
9 to the Constitution of the United States. The expiration on January 1, 1999, of the
10 attorney general's authority to waive the state's Eleventh Amendment immunity does
11 not affect existing waivers in ongoing cases.**

12 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).