

SENATE BILL NO. 286

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Introduced: 2/28/00

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the duties and powers of the attorney general."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 44.23.020 is amended to read:

4 **Sec. 44.23.020. Duties; [AND] powers; waiver of immunity.** (a) The
5 attorney general is the legal advisor of the state, including the governor and other
6 state officers.

7 (b) The attorney general shall

8 (1) bring, prosecute, and defend all necessary and proper actions in the
9 name of the state for the collection of revenue;

10 (2) represent the state in all civil actions in which the state is a party;

11 (3) prosecute all cases involving violation of state law, and file
12 informations and prosecute all offenses against the revenue laws and other state laws
13 where there is no other provision for their prosecution;

14 (4) administer state legal services, including the furnishing of written
15 legal opinions to the governor, the legislature, and all state officers and departments

1 as the governor directs; and give legal advice on a law, proposed law, or proposed
 2 legislative measure upon request by the legislature or a member of the legislature;

3 (5) draft legal instruments for the state;

4 (6) make available a report to the legislature, through the governor, at
 5 each regular legislative session

6 (A) of the work and expenditures of the office; and

7 (B) on needed legislation or amendments to existing law;

8 (7) perform all other duties required by law [OR WHICH USUALLY
 9 PERTAIN TO THE OFFICE OF ATTORNEY GENERAL IN A STATE]; and

10 (8) prepare, publish, and revise as it becomes useful or necessary to do
 11 so an information pamphlet on landlord and tenant rights and the means of making
 12 complaints to appropriate public agencies concerning landlord and tenant rights; the
 13 contents of the pamphlet and any revision shall be approved by the Department of
 14 Law, division of consumer protection, before publication.

15 (c) **The attorney general may, subject to the power of the legislature to**
 16 **make appropriations, settle actions, cases, and offenses under (b) of this section**
 17 **in which the attorney general represents the state and in which the state is a**
 18 **party.**

19 (d) Before January 1, 1999, the attorney general may, in a case that involves
 20 the state's title to submerged lands, or in any case in which the state seeks to allocate
 21 fault to the federal government or a federal employee under AS 09.17.080, waive the
 22 state's immunity from suit in federal court provided under the Eleventh Amendment
 23 to the Constitution of the United States. The expiration on January 1, 1999, of the
 24 attorney general's authority to waive the state's Eleventh Amendment immunity does
 25 not affect existing waivers in ongoing cases.