

Offered: 3/26/84  
Referred: Rules

Original sponsor: Judiciary Committee

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 CS FOR SENATE CONCURRENT RESOLUTION NO. 38 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION  
5 Relating to out-of-court settlements by  
6 the state.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS out-of-court settlements by the state that result in increased  
9 costs or obligations on the part of the state may have the effect of estab-  
10 lishing state policy; and

11 WHEREAS the state should not be forced to make payments as a result of  
12 litigation without the knowledge of the legislature or a final judicial  
13 determination of the state's obligations; and

14 WHEREAS the out-of-court settlement in Cleary v. Smith, Superior Court  
15 No. 81-5274 (1983) is an example of the state being forced to make payments  
16 without a judicial determination of the state's legal obligations;

17 BE IT RESOLVED by the Alaska State Legislature that the governor is  
18 respectfully requested to advise and confer with the legislature before  
19 authorizing out-of-court settlements in major litigation that would result  
20 in increased costs and obligations on the part of the state.