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MEMORANDUM

February 8, 2023

SUBJECT: "Notwithstanding" definition
(HB 61; Work Order No. 33-LS0333\A)

TO: Representative Cathy Tilton
Attn: Steve St. Clair

FROM: Claire Radford
Legislative Counsel

You requested a legal memorandum relating to the use of "notwithstanding" in HB 61. When "notwithstanding" appears in statute, it means "regardless of" or "without regards to." Section 44.99.510(d) states that the provisions of subsection (d) relating to punitive damages are "[n]otwithstanding AS 09.17.020(f) - (h)" AS 09.17.020(f) - (h) establishes general statutory requirements for punitive damages. Because of the "notwithstanding" language, a prevailing plaintiff under sec. 44.99.510(c) will recover punitive damages under sec. 44.99.510(d) rather than under contrary provisions of AS 09.17.020(f) - (h).

If I may be of further assistance, please advise.

CER:mis
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