From:	Marian Clough
To:	House State Affairs; Rep. Laddie Shaw; Rep. Stanley Wright; Rep. Ben Carpenter; Rep. Craig Johnson; Rep. Jamie Allard; Rep. Jennie Armstrong; Rep. Andi Story
Subject:	HB61 Testimony for April 18 Packet
Date:	Monday, April 17, 2023 11:10:30 AM

Written Testimony for Tuesday, April 18, 2023 Alaska House State Affairs Committee

Dear Chair Shaw and Members of the Alaska House State Affairs Committee:

Thank you for considering my testimony in opposition to HB 61. I testified at your committee meeting on Tuesday, April 11 and in addition, have submitted two written letters which should be included in the documents for HB 61.

As I stated before, I support the Second Amendment, a citizen's right to bear arms. I am a gun owner and enjoy trap shooting.

I do not support HB 61 as it is written in regards to subparagraph (c) at page 2, starting at line 13, which allows civil action by "a membership organization consisting of two or more individuals" to bring suit if adversely affected. A prevailing plaintiff would recover punitive damages in the amount of three times their actual attorneys' fees.

Are there other Alaska state statutes that allow a prevailing party to recover three times the punitive damages? Is it common in the State of Alaska? The four examples of similar legislation from other states (Georgia, North Dakota, South Dakota, and West Virginia) are not similar at all regarding three times the punitive damages. Georgia allows actual damages or liquidated damages of three times plaintiff's attorney's fees and is the only state of the examples provided that mentions triple damages. North Dakota says "reasonable attorney's fees." South Dakota has the attorney general, not an individual or organization, litigate on Second Amendment rights; there is nothing about emergency declarations. West Virginia allows closure in a declared emergency and allows "reasonable" not three times attorney's fees.

There are already protections in the Alaska State Constitution and the U.S. Constitution protecting our right to bear arms. Is HB 61 really necessary?

If HB 61 was only about commercial parity with private businesses that would be one thing. Unfortunately, HB 61 goes much further to hamstring our state or municipal agencies to respond to disasters unencumbered by the political agendas of interest groups. Wouldn't it better to have the Alaska Department of Law, instead of special interest groups be enforcers of our laws thus avoiding expensive private party and interest group litigation? It would be nice to have less lawsuits not more.

I respectfully request you not pass HB 61.

Thank you for your continued public service.

Sincerely,

Marian Clough