

# Alaska State Legislature



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## Representative Gary Stevens District 6

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## **House Supports Outside Fishermen Fees** **Stevens' HB 194 Would Raise Permit Costs to Court-set Limit**

(JUNEAU) – The House today unanimously passed House Bill 194, which would allow the state to charge non-resident commercial fishermen as much as current and anticipated court decisions will allow for permits to fish in Alaska waters.

Rep. Gary Stevens (R-Kodiak) introduced the bill in response to the state's exposure to \$22.5 million in potential liability in a 1982 class-action lawsuit by non-resident fishermen, *Carlson v. Commercial Fisheries Entry Commission*.

"For the past 18 years, Alaska has been charging Outside fishermen three times more than Alaska fishermen for their permits," Stevens said. While federal case law does allow such differentials, he said, they must be based only on the cost for services that residents pay for in taxes or fees not paid by nonresidents.

"There is plenty of evidence to justify charging non-residents a significant premium to fish in waters off Alaska," he said. "We pay a tremendous amount more for services from the Department of Fish and Game, for fisheries research, for our hatcheries and for ports, harbors, roads and other state infrastructure."

However, in a June 2000 ruling on the Carlson case, the Alaska Superior Court disallowed four of six categories of expenditures the state had used in calculating its formula, leaving the state liable for paying up to \$22.5 million in "overcharges" to non-resident fishermen. The state is appealing that decision, and hopes to win approval of most or all of the remaining four categories.

HB 194 does not resolve the Carlson case, but does replace the 3-1 formula with language allowing the state to charge the maximum differential allowed by law, Stevens said. While that differential would be based initially on the two budget categories allowed by the court, it would increase if and when court approves the others.

"This bill will not only halt the growth of the state's liability in the Carlson case, but also puts into place a legally defensible formula that will make non-residents contribute their fair share toward the expenses the state incurs in supporting the nation's most vibrant commercial fishing industry."

HB 194 moves next to the Senate for consideration.

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**Broadcasters note:** Comments are available on the Majority Actuality Line 1-800-478-6540