



LAWS OF ALASKA

1977

Source

HCSSB 83(Judiciary)

Chapter No.

73

AN ACT

Relating to commercial fisheries entry and interim-use permits; granting a deduction under the Alaska Net Income Tax Act; and providing for an effective date.

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

* Section 1. AS 16.43.150(g) is amended to read:

(g) An entry permit may not be:

(1) pledged, mortgaged, leased, or encumbered in any way;

(2) transferred with any retained right of repossession or foreclosure; or

(3) attached, distrained, or sold on execution of judgment or under any other process or order of any court.

* Sec. 2. AS 16.43.150 is amended by adding a new subsection to read:

(h) Upon the death of an entry permit holder, the permanent permit shall be transferred by the commission directly to the surviving spouse by right of survivorship unless a contrary intent is manifested. When no spouse survives, the rights of the decedent pass as part of his estate.

* Sec. 3. AS 16.43.170(a) is amended to read:

(a) Entry permits and interim-use permits are transferable only through the commission as provided in this section and sec. 180 of this chapter and under regulations adopted by the commission.

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* Sec. 4. AS 16.43.170(b) is amended to read:

(b) Except as provided in (c) of this section, the holder of an entry permit may transfer his permit to another person or to the commission upon 60 days notice of intent to transfer under regulations adopted by the commission. No sooner than 60 days nor later than 12 months from the date of notice to the commission, the holder of an entry permit may transfer his permit. If the proposed transferee, other than the commission, can establish present ability to participate actively in the fishery, the commission shall approve the transfer and reissue the entry permit to the transferee.

* Sec. 5. AS 16.43.180(a) is amended to read:

(a) The commission shall adopt regulations providing for the temporary transfer of entry permits and interim-use permits to alleviate hardship caused by illness, disability, or death of a permit holder so that another person may operate the transferor's vessel and gear, or another vessel and other gear if the transferor's has been destroyed or seriously damaged, for the remainder of the season, or in the case of illness or disability, for the duration of the illness or disability if that is shorter than the remainder of the season. Interim-use permits are otherwise nontransferable.

* Sec. 6. AS 16.43 is amended by adding a new section to read:

Sec. 16.43.182. ENTRY PERMIT DEDUCTIBLE AS BUSINESS EXPENSE. An entry permit purchased under this chapter is deductible as a business expense as provided in AS 43.20.-031(h).

* Sec. 7. AS 16.43.360 is amended by adding a new subsection to read:

(d) If a permit holder is charged by the state with violating a provision of this chapter or a regulation adopted under this chapter, he may not transfer, under sec. 170 of this chapter, any interim-use or entry permit he may hold, until after the final adjudication or dismissal of the charges.

* Sec. 8. AS 43.20.031 is amended by adding a new subsection to read:

(h) A taxpayer who purchases an entry permit under AS 16.43 in carrying on a trade or business is entitled to a deduction of the amount of the price paid during the tax year as if it were allowable under sec. 162 of the Internal Revenue Code (26 U.S.C. sec. 162).

* Sec. 9. AS 16.43.170(d) and 16.43.220(b) are repealed.

* Sec. 10. Sections 6 and 8 of this Act are retroactive to taxable years beginning after December 31, 1976..

* Sec. 11. Sections 6 and 8 of this Act take effect immediately in accordance with AS 01.10.070(c).

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Approved by the Governor: May 28, 1977
Actual Effective Date: Sections 1 - 5, August 26, 1977; Section 7, August 26, 1977; Sections 6 and 8, May 29, 1977, retroactive to taxable years beginning after December 31, 1976.