

Original sponsor: Rules Committee
by request of the Governor

Offered: 2/28/77
Referred: Judiciary

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 83

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to commercial fisheries entry and
7 interim-use permits."

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

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

10 (g) An entry permit may not be:

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

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

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

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

17 (h) Upon the death of an entry permit holder, the permit belongs
18 to the surviving spouse by right of survivorship unless a contrary
19 intent is manifested. When no spouse survives, the rights of the dece-
20 dent pass as part of his estate.

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

22 (a) Entry permits and interim-use permits are [AN ENTRY PERMIT IS]
23 transferable only through the commission as provided in this section and
24 sec. 180 of this chapter and under regulations adopted by the commis-
25 sion.

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

27 (b) Except as provided in (c) [AND (d)] of this section, the
28 holder of an entry permit may transfer his permit to another person or
29 to the commission upon 60 days notice of intent to transfer under

1 regulations adopted by the commission. No sooner than 60 days nor later
2 than 12 months from the date of notice to the commission, the holder of
3 an entry permit may transfer his permit. If the proposed transferee,
4 other than the commission, can establish present ability to participate
5 actively in the fishery, the commission shall approve the transfer and
6 reissue the entry permit to the transferee.

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

8 (a) The commission shall adopt regulations providing for the
9 temporary transfer of entry permits and interim-use permits to alleviate
10 hardship caused by illness, disability, or death of a permit holder so
11 that another person may operate the transferor's vessel and gear, or
12 another vessel and other gear if the transferor's has been destroyed or
13 seriously damaged, for the remainder of the season, or in the case of
14 illness or disability, for the duration of the illness or disability if
15 that is shorter than the remainder of the season. Interim-use permits
16 are otherwise nontransferable [AN ENTRY PERMIT WHEN SICKNESS, INJURY, OR
17 OTHER UNAVOIDABLE HARDSHIP PREVENTS THE PERMITTEE FROM PARTICIPATING IN
18 THE FISHERY].

19 * Sec. 6. AS 16.43.360 is amended by adding a new subsection to read:

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

25 * Sec. 7. AS 16.43.170(d) and 16.43.220(b) are repealed.